

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 Commission receives an application that purports to be an application for an order granting development consent.

- (2) The Commission must, by the end of the period of 28 days beginning with the day after the day on which it receives the application, decide whether or not to accept the application.

- (3) The Commission may accept the application only if the Commission concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) that it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5),
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) that the application gives reasons for each respect in which any applicable guidance given under section 37(4) has not been followed in relation to it, and
 - (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).

- (4) The Commission, when deciding whether it 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 it 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(b) about a proposed application that has become the application, or
 - (b) the Greater London Authority if consulted under section 42(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.

- (6) If the Commission accepts the application, it must notify the applicant of the acceptance.

- (7) If the Commission is of the view that it cannot accept the application, it must -
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of its 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.

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the IPC Secretariat and Commissioner to complete. Completion or self assessment by the applicant does not hold weight at the acceptance stage.

NB: See CLG 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

EN010003: GALLOPER WIND FARM - Section 55 Application Checklist

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Commission must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	21 November 2011	20 December 2011	19 December 2011
Section 55(3) – the Commission may <u>only</u> accept an application if it concludes that:-		Secretariat Comments	Commissioner Note
1. it is an application for an order granting development consent (s55(3)(a))			
1.1 does the application state on the face of it that it is an application for a development consent order (DCO) under the 2008 Act, or equivalent words?	Yes. The application form (Doc 1.2) states that it is an “ <i>application for development consent for nationally significant infrastructure under the Planning Act 2008</i> ”. The covering letter (Doc 1.1) also states that it is “ <i>an application for an Order granting development consent pursuant to section 37 of the Planning Act 2008</i> ”. References to the relevant numbered documents submitted as part of the application are indicated throughout this document as ‘ Doc ’.	Agreed	
Commissioner summary - s55(3)(a)	The application as submitted states on the face of it that it is an application for a development consent order under the Planning Act 2008 (the Act).		
2. it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) (s55(3)(b))¹			
2.1 does the application specify the development to which it relates (i.e. which category or categories in sections 14-30 does the application scheme fall)?	Yes. The application form (Doc 1.2) makes no reference to the sections of the PA 2008 within which the application scheme falls. However, the Explanatory Memorandum (Doc 3.2, para 2.5 and 2.11) refers to sections 14(1)(a) and 15(3) of the PA 2008 (offshore generating station), as well as sections 14(1)(b) and 16 (electric lines). 1. The offshore generating station NSIP The covering letter (Doc 1.1 para 3) states that, “ <i>Development consent is required to the extent that development is or forms part of a</i>	Although the application form fails to specify the categories within sections 14-30 of the Act the form cross refers to the explanatory memorandum. The application as a whole does correctly include references to sections 14(1)(a) and 15(3) in relation to an offshore generating station and section 14(1)(b) and section 16 in relation to the installation of an electric line above ground in the explanatory memorandum, although misdirects in	

¹ Although the IPC has now decided not to set such standards.

	<p><i>NSIP pursuant to section 14(1)(a) and 15(2) of the 2008 Act. As the proposed wind farm is expected to be for up to 504MW it is an NSIP for the purposes of the 2008 Act”.</i></p> <p>It is noted that the second reference is inaccurate; an offshore generating station falls under s14(1)(a) and s15(3) of the PA 2008.</p> <p>2. Electric line NSIP</p> <p>The covering letter (Doc 1.1 para 4) states that, “<i>Development consent is also required to the extent that development is or forms part of a NSIP pursuant to section 14(1)(b) and 15(3) of the 2008 Act...the new electric downlines and sealing end compounds which will form part of the electrical connection between the wind farm and the existing onshore 400kV power line constitute an NSIP”.</i></p> <p>It is noted that the second reference is inaccurate; an electric line falls under s14(1)(b) and s16 of the PA 2008.</p>	<p>the covering letter to the application at paragraphs 3 and 4, all as set out in detail adjacent.</p>
<p>2.2 is it made in the prescribed form as set out in Schedule 2 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”)?</p> <p>and includes:</p> <p>a brief statement which explains why it falls within the remit of the Commission?</p> <p>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</p>	<p>Yes.</p> <p>Application form (Doc 1.2) is completed, signed and dated.</p> <p>Section 4 of the application form (Doc 1.2) includes a statement explaining why the application falls within the remit of the Commission, with reference to both an offshore generating station NSIP and an electric line NSIP under the PA 2008.</p> <p>Section 6 of the application form (Doc 1.2) describes the location of the application site. It states, “<i>The GWF generating station will be located approximately 27km, at its closest point, from the Suffolk coast. It will lie partly within English territorial waters and mostly within the adjacent Renewable Energy Zone. It will be adjacent to the Greater Gabbard Offshore Wind Farm (GGOWF), which is under construction.</i></p> <p><i>The export cables would be brought to shore at Sizewell, and a proposed substation would be approximately 1km inland on the Suffolk coast, close to the existing substation serving GGOWF”.</i></p> <p>Section 6 of the application form (Doc 1.2) also provides a grid reference which identifies the site location.</p>	<p>Agreed</p>
<p>2.3 is it accompanied by the consultation report?</p>	<p>Yes.</p> <p>Consultation report (Doc 6.2), together with ‘Consultation report: appendices A to Z’ (Doc 6.2.1) and ‘Consultation report: appendices AA to AV’ (Doc 6.2.2) received on 21 November 2011.</p>	<p>Agreed</p>
<p>2.4 is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below?:</p>		

<p>(a) where applicable, the environmental statement required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (“the EIA Regulations”) and any scoping or screening opinions or directions;</p>	<p>Yes.</p> <p>For the purpose of acceptance, the Environmental Statement (ES) provided as Docs 5.1- 5.4.6 meets the EIA Regulations as set out in Schedule 4 Part 2 of the EIA Regulations.</p> <p>At this stage the Commission has not considered the quality of the assessment, the type and relevance of baseline data, the methodology, the assessment or the proposed mitigation.</p> <p>It is noted that there are a number of errors and omissions within the ES and the Commission has not been able to identify a number of figures / montages that are referenced in the seascape assessment at Appendix 6 (Doc 5.4.5). There may be other examples and the applicant will need to ensure that all the figures are included.</p> <p>The Commission notes the use of the Rochdale Envelope approach. In order to seek to assess the worst case for each type of impact / receptor, the EIA has assessed a very large number of scenarios which include a wide range of permutations of what the proposed scheme may comprise. A preferred likely scheme is not identified.</p> <p>The ES Non-Technical Summary is provided as Doc 5.1 and refers in paragraph 1.6.5 to the Scoping Opinion issued by the IPC in June 2010, providing a web link to the document.</p>	<p>Agreed</p>
<p>(b) the draft proposed order;</p>	<p>Yes.</p> <p>Draft development consent order (including deemed marine licence) received on 21 November 2011 (Doc 3.1).</p>	<p>Agreed</p>
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order, including in particular any divergences from the model provisions (SI 2009 2265);</p>	<p>Yes.</p> <p>Explanatory memorandum received on 21 November 2011 (Doc 3.2).</p> <p>States at para. 1.2 that it “<i>highlights and explains the purpose and effect of any departures from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009</i>”.</p>	<p>An explanatory memorandum is provided as set out adjacent. Although there is a generic explanation of the departures from the model provisions and some explanation in relation to provisions that are taken for example from transport and works act provisions there is no detailed provision by provision explanation taken against the model provisions. The explanatory memorandum concentrates heavily on seeking to justify the Rochdale approach to the application as made.</p>

<p>(d) where applicable, the book of reference (where the application involves any compulsory acquisition);</p>	<p>Yes. The draft development consent order seeks powers to acquire land or rights compulsorily in accordance with section 120(4) of the 2008 Act. The book of reference is provided at Doc 4.3.1. It appears that the book of reference submitted complies with Regulation 7 of the APFP Regulations 2009.</p>	<p>As set out adjacent and: It is not clear in relation to Work no 12 how much of the proposed works are required and whether the works relate to GWF or the already consented Greater Gabbard Offshore Wind Farm. The cross referencing given in support does not assist with clarity on these matters.</p>
<p>(e) a copy of any flood risk assessment;</p>	<p>Yes. Flood Risk Assessment is provided as Doc 6.5. Technical Appendix 22.D of the Environmental Statement: Geology, Hydrogeology, Land Quality and Flood Risk - Flood Risk Assessment (Doc 5.4.6) An initial review indicates that these two documents have the same content.</p>	<p>Agreed</p>
<p>(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>	<p>Yes. A statement as to whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 has been provided as the Statement of Engagement (Doc 6.6)</p>	<p>Agreed</p>
<p>(g) any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ² applies, or any Ramsar site, which may be affected by the proposed development, together with sufficient information that will enable the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1)</p>	<p>Yes. The Habitats Regulation Assessment Report (Doc 6.3) is provided. The applicant has identified 9 European sites which may be affected by the proposed development. We note that to date the statutory nature conservation bodies (SNCB) do not appear to have identified any further European or Ramsar sites which may be affected. On the evidence available in this case it would be unreasonable to conclude at this stage that an appropriate assessment could not be carried out. Therefore, we consider that the report is adequate for application acceptance purposes. However, there is only evidence that the SNCB agree with the determination of no likely significant effect for 6 out of the 9 European sites assessed. No evidence has been provided that the SNCB agree with the determination of no LSE for the Minsmere to Walberswick Heath and Marshes SAC in relation to the Annex I interest feature of 'Annual vegetation and Drift lines', the Outer Thames Estuary SPA, in</p>	<p>Agreed</p>

² Now Regulation 61 of the [Conservation of Habitats and Species Regulations 2010 SI2010/490](#).

	<p>relation the Article 4.1 feature <i>Gavia Stellata</i> (red throated diver) and the Alde-Ore Estuary SPA in relation to the Article 4.2 feature <i>Larus Fuscus</i> (lesser black-backed gull).</p>	
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes. The application seeks powers to acquire land or rights compulsorily. A statement of reasons (Doc 4.1) and appendix (Doc 4.1.1) and a funding statement (Doc 4.2) are provided.</p>	<p>As set out adjacent the application includes compulsory acquisition and a Statement of Reasons and Funding Statement are provided.</p> <p>In relation to the Statement of Reasons Schedule 1 there are a number of inconsistencies, duplications and contradictions in particular relating to Plots 6, 10, 11, 12, 14, 17, 18 and 19. Although this is unhelpful and will need to be resolved it is considered that the information submitted is sufficient for application acceptance purposes.</p> <p>The applicant is required under the APFP Regulations to provide “<i>a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded</i>”. There is no qualitative standard to be met.</p> <p>The funding statement identifies that: “<i>GWFL has taken professional advice regarding the estimated cost of acquiring the land and interests required to deliver GWF and is satisfied that the funding is available to meet these costs</i>” (no supporting material is provided to support this statement); the statement refers expressly to the funding of land and claims for blight but makes no express reference to the funding of any other rights such as leases or private rights.</p> <p>Although there is limited information available in the Funding Statement and there is no means or mechanism for securing the funding identified in the documentation provided, it is considered that the information submitted is sufficient for application</p>

		acceptance purposes.
<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>Two plans constituting the land plan are provided, namely:</p> <p>Land Plan (1 of 2), (Doc 2.5) dated 16/11/11. Drawing Reference: Drawing No. 2.5 Rev.19. Scale 1:2,000 @ A1.</p> <p>Land Plan (2 of 2), (Doc 2.6) dated 17/11/11. Drawing Reference: Drawing No. 2.6 Rev. 6. Scale 1:200,000 @ A3.</p> <p>(i) Yes. Land Plan (1 of 2) (Doc 2.5) identifies the onshore land required for, or affected by, the proposed development with a red line.</p> <p>Land Plan (2 of 2) (Doc 2.6) identifies the offshore land required for, or affected by, the proposed development with a red line.</p> <p>We note that Land Plan (2 of 2) (Doc 2.6) does not identify the “<i>exclusion zone for wind turbine generators, offshore platforms and meteorological masts</i>” identified on Works Plan (2 of 2) (Doc 2.4). If the exclusion zone is to be classed as land not required for or affected by the proposed development, it is unclear why it is not identified on the offshore land plan in a way that is consistent with the grey land identified on the onshore land plan (Land Plan (1 of 2) (Doc 2.5)).</p> <p>Due to the scale used for Land Plan 2.2 (Doc 2.6), the red line boundary is such that the limits of the land required for, or affected by, the proposed development may not be shown with sufficient accuracy. For example, at a scale of 1:200,000, it appears that the red line identified equates to an area of land approximately 100m wide.</p> <p>(ii) Yes. Land Plan (1 of 2) (Doc 2.5) identifies in pink the onshore land or rights to use land proposed to be permanently compulsorily acquired. Land Plan (1 of 2) (Doc 2.5) identifies in light blue the onshore land or rights to use land proposed to be temporarily compulsorily acquired.</p> <p>Land Plan (2 of 2) (Doc 2.6) identifies in blue the offshore land (i.e. sea bed) in respect of which the Crown Estate has powers to grant a lease of rights and, land (i.e. sea bed) in the Crown Estate’s ownership is shown in pink.</p> <p>(iii) Land Plan (1 of 2) (Doc 2.5) No land in relation to which it is proposed to extinguish easements, servitudes and other private rights</p>	<p>As set out adjacent and:</p> <p>(iii) Although no land in relation to which it is proposed to extinguish easements, servitudes and other private rights has been separately identified on the Land Plan, the draft DCO at Article 20 sets out the powers being sought in relation to private rights. It is however noted that Article 20 provides that ‘<i>all private rights over land subject to compulsory acquisition under this order shall be extinguished</i>’ and this land is shown coloured pink on the land plan.</p> <p>It is unclear due to the scale differential if the land plans match and join up at the point of transition from offshore to onshore</p> <p>There are clarity issues relating to some affected or potentially affected properties outside the proposed Order Limits identified in Part 2 of the Book of Reference, some of which appear to be identified by a narrow red line on the Land Plan and other affected or potentially affected properties that appear to be outside the Land Plan notation.</p>

	<p>has been explicitly identified on the land plan.</p> <p>(iv) Not applicable.</p> <p>No special category land or replacement land has been identified as being included within the application.</p>	
<p>(j) 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>Yes.</p> <p>Three plans constituting the works plan are provided, namely:</p> <p>Works Plan (1 of 2) Omitting works 8, (Doc 2.3b) dated 17/11/11. Drawing Reference: Drawing No. 2.3a Rev.21. Scale 1:2,000 @ A1.</p> <p>Works Plan (1 of 2) Omitting works 7, (Doc 2.3a) dated 17/11/11. Drawing Reference: Drawing No. 2.3b Rev.17. Scale 1:2,000 @ A1.</p> <p>It is noted that these plans (Doc 2.3a and 2.3b) do not appear to show all of the “<i>areas not included in the Order Limits</i>” as referred to in the keys.</p> <p>Works Plan (2 of 2), (Doc 2.4) dated 17/11/11. Drawing Reference: Drawing No. 2.4 Rev.9. Scale 1:100,000 @ A1.</p> <p>The proposed development order limits are identified within a red line. The scale used for Works Plan (2 of 2), (Doc 2.4) is such that the limits within which the offshore elements of the proposed development may be carried out, including the route of the offshore export cable, may not be shown with sufficient accuracy. This is also the case in respect of the “<i>exclusion zone for wind turbine generators, offshore platforms and meteorological masts</i>” identified on Works Plan (2 of 2) (Doc 2.4).</p> <p>We note that the specific locations of works numbers 1, 2 and 3A, as described in Schedule 1 PART 1 of the Draft DCO, can not be identified from Works Plan (2 of 2) (Doc 2.4). We are satisfied that the general locations of works numbers 3B – 12 can be identified from Works Plan (1 of 2) Omitting works 7, (Doc 2.3a) and Works Plan (1 of 2) Omitting works 8, (Doc 2.3b).</p> <p>It is also noted that the applicant has submitted Order Limits Plans (Docs 2.1 and 2.2) for the proposed development both onshore and offshore under Regulation 5(2)(o) of the APFP Regulations.</p>	<p>As set out adjacent and:</p> <p>It is unclear due to the scale differential if the works plans match and join up at the point of transition from offshore to onshore.</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>Yes. Doc 2.21 is Extinguishment of Rights of Navigation Plan dated 14/11/11. Drawing Reference: Drawing No. 2.21 Rev.4. Scale 1:50,000 @ A3.</p>	<p>As set out adjacent and: Whilst it is noted that a separate plan under Regulation 5(2)(k) has not been submitted it would appear that the following Articles are relevant to the matters referred to in that regulation and the relevant land is shown as indicated below on the land plan. Draft Article 19(2) includes in the case of the Order land specified in column (1) of Schedule 3 (land in which only new rights etc, may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such new rights as may be required for the purpose specified in relation to that land in column (2) of that Schedule [New rights are also referenced in draft Article 27 of the draft DCO.] The only plan that could be said to relate to some of these provisions is: Land Plan (1 of 2) (Doc 2.5), dated 16/11/11, Drawing No. 2.5 Rev.19. Scale 1:2,000 @ A1. Draft Article 23 of the draft DCO sets out that the undertaker may enter on and appropriate so much of the subsoil of any street within the Order limits. The only plan that could be said to relate to elements of this provision is: Land Plan (1 of 2) (Doc 2.5), dated 16/11/11, Drawing No. 2.5 Rev.19. Scale 1:2,000 @ A1.</p>
<p>(l) where applicable, a plan with accompanying information identifying:- (i) any statutory/non-statutory sites/ 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</p>	<p>Yes. The Application form (Doc 1.2) section 16 refers to Doc 5.2.1, paragraph 1.6.10, which specifies that within the Environmental Statement, Chapters 8, 9, 11-14, 20, 22 & 23 identify the relevant plans with accompanying information. Specifically, plans are found in the following sections: (i) <i>Sites/features of geological importance:</i></p>	<p>Agreed</p>

<p>with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<ul style="list-style-type: none"> • Environmental Statement – Chapter 8: Nature Conservation Designations (Doc 5.2.8) (Figure 8.4). <p><i>Sites of landscape importance:</i></p> <ul style="list-style-type: none"> • Environmental Statement – Chapter 20: Seascape, Landscape and Visual Character (Doc 5.2.20) (Figure 20.1). • Environmental Statement, Technical Appendix 20.A: Landscape and Visual Character – Landscape and Visual Impact Assessment (Doc 5.4.5) and Technical Appendix 20.B: Seascape, Landscape and Visual Character – Seascape Visual Impact Assessment (Doc 5.4.5) <p><i>(ii) habitats of protected species and important habitats and other diversity features:</i></p> <ul style="list-style-type: none"> • Environmental Statement – Chapter 8: Nature Conservation Designations (Doc 5.2.8) (Figures 8.1-8.3) • Environmental Statement – Chapter 11: Offshore Ornithology (Doc 5.2.11) (Figure 11.6) and Technical Appendix 11.A: Offshore Ornithology – Ornithological Technical Report (Doc 5.4.2) • Environmental Statement – Chapter 12: Marine and Intertidal Ecology (Doc 5.2.12) and Technical Appendix 12.A: Marine and Intertidal Ecology – Benthic Survey Technical Report (Doc 5.4.2) • Environmental Statement – Chapter 14: Marine Mammals (Doc 5.2.14) • Environmental Statement – Chapter 23: Terrestrial Ecology (Doc 5.2.23) (Figures 23.2, 23.3) • Environmental Statement Technical Appendix 23.A: Terrestrial Ecology – Galloper Wind Farm Ecology Survey (2010) (Doc 5.4.3) • Environmental Statement Technical Appendix 23.B: Terrestrial Ecology – Galloper Wind Farm Ecology Survey (2011) (Doc 5.4.3) • Habitats Regulations Assessment Report (Doc 6.3) (Figures 4.1(a)(b), 4.2). <p><i>(iii) Water bodies in a river basin management plan (RBMP):</i> Information contained in Environmental Statement – Chapter 22: Geology, Hydrology, Land Quality and Flood Risk (Doc 5.2.22), however no assessment undertaken due to distance of project from</p>	
---	--	--

	river in RBMP.	
(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>Yes.</p> <p>Section 17 of the Application form (Doc 1.2) refers to Doc 5.2.1, paragraph 1.6.11, which specifies that within the Environmental Statement, Chapter 19 identifies the relevant plans with accompanying information.</p> <p>Specifically:</p> <ul style="list-style-type: none"> • Environmental Statement – Chapter 19: Archaeology and Cultural Heritage (Doc 5.2.19) (Figure 19.2-19.12) • Technical Appendix 19.A: Archaeological Desk Based Assessment (onshore works) (Doc 5.4.4) • Technical Appendix 19.B: Archaeological Evaluation Report (onshore works) (Doc 5.4.4) • Technical Appendix 19.C: Marine Archaeology Study (Doc 5.4.4) • Technical Appendix 19.D: Heritage Statement (onshore) (Doc 5.4.4). 	As set out adjacent and: There is also generic referencing to conservation and listed building matters in the supporting Planning Statement (Doc 8.1)
(n) where applicable, a plan with any accompanying information identifying any Crown land;	<p>Yes, where applicable.</p> <p>Onshore, there appears to be no Crown Land identified:</p> <p>Land Plan (1 of 2), (Doc 2.5) dated 16/11/11, includes a note that “<i>there is no Crown Land required to be shown under Regulation 5(2)(n)</i>”.</p> <p>Offshore, land in the Crown Estate’s ownership (within the 12 mile UK territorial limits) is shown in pink and land over which the Crown Estate has power to grant a lease of rights (within the Renewable Energy Zone) in shown in blue, on Land Plan (2 of 2) (Doc 2.6).</p>	Agreed
(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;	<p>Yes.</p> <p>Paragraph 23 of the application form (Doc 1.2) refers to the following:</p> <p>Order Limits (1 of 2), (Doc 2.1) dated 15/11/11. Drawing Reference: Drawing No. 2.1 Rev. 3, Scale 1:2,000 @ A1</p> <p>Order Limits (2 of 2), (Doc 2.2) dated 15/11/11. Drawing Reference: Drawing No. 2.2 Rev. 4, Scale 1:100,000 @ A1</p> <p>Onshore General Arrangement, (Doc 2.7) dated 17/11/11. Drawing</p>	Agreed

	<p>Reference Drawing No. 2.7 Rev. 39, Scale 1:2,000 @ A1</p> <p>Height Restriction Plan, (Doc 2.8) dated 15/11/11. Drawing Reference: Drawing No. 2.8 Rev. 6, Scale 1:2,500 @ A3</p> <p>Onshore Connection and Transmission Works – General Arrangement (Omitting Works 8), (Doc 2.9a) dated 10/11/11. Drawing Reference Drawing No. 2.9a Rev. 1, Scale 1:1,000 @ A1</p> <p>Onshore Connection and Transmission Works – General Arrangement (Omitting Works 7), (Doc 2.9b) dated 10/11/11. Drawing Reference Drawing No. 2.9b Rev. 1, Scale 1:1,000 @ A1</p> <p>Transmission Compound – General Arrangement and Elevations, (Doc 2.10) dated 11/11/11. Drawing Reference: Drawing No. 2.10 Rev. 1, Scale 1:500 @ A1</p> <p>Galloper Wind Farm Substation Compound – Illustrative Layout, (Doc 2.11) dated 11/11/11. Drawing Reference Drawing No. 2.11 Rev. 1, Scale 1:500 @ A2</p> <p>Galloper Wind Farm Substation Compound and Landform – Illustrative Elevations, (Doc 2.12) dated 16/11/11. Drawing Reference: Drawing No. 2.12 Rev. 1, Scale 1:500 @ A1</p> <p>Sealing End Compound – Illustrative Layout and Elevations, (Doc 2.13) dated 11/11/11. Drawing Reference: Drawing No. 2.13 Rev. 1, Scale 1:500 @ A1</p> <p>Wind Turbine – Illustrative 120m Rotor, (Doc 2.14) dated 14/11/11. Drawing Reference: Drawing No. 2.14 Rev. 1, Scale 1:500 @ A2</p> <p>Offshore Substation Topside – Illustrative Plan, (Doc 2.15) dated 14/11/11. Drawing Reference: Drawing No. 2.15 Rev. 1, Scale 1:200 @ A2</p> <p>Offshore Substation – Illustrative Elevation, (Doc 2.16) dated 14/11/11. Drawing Reference: Drawing No. 2.16 Rev. 1, Scale 1:250 @ A3</p> <p>Meteorological Mast Topside – Illustrative 64.5m Elevation, (Doc 2.17) dated 14/11/11. Drawing Reference: Drawing No. 2.17 Rev. 1, Scale 1:250 @ A3</p> <p>Transition Bay – Illustrative Plan & Cross Section, (Doc 2.18) dated 14/11/11. Drawing Reference: Drawing No. 2.18 Rev. 1, Scale 1:50 @ A2</p> <p>Connection Works – Illustrative Ducted 132kV Cable Corridor Cross Section (Onshore), (Doc 2.19) dated 14/11/11. Drawing Reference: Drawing No. 2.19 Rev. 1, Scale 1:20 @ A3</p> <p>Transmission Works – Illustrative 132/400kV Cross Section, (Doc 2.20) dated 14/11/11. Drawing Reference: Drawing No. 2.20 Rev. 1, Scale 1:20 @ A3</p>	
--	--	--

	It is noted that there appears to be a discrepancy between Works Plan (1 of 2) (Doc 2.3a and b) and the Onshore General Arrangements (Drawing No. 2.7 Rev 39) (Doc 2.7) with regard to the physical extent of the proposed Work No. 12 identified in the draft DCO.	
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations.</p> <p>NB:- 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> <p>6.—(1) If the application is for the construction or extension of a generating station the application must be accompanied by—</p> <p>(b) if the application is for an offshore generating station—</p> <p>(i) details of the proposed route and method of installation for any cable; and</p> <p>(ii) a statement as to whether applications will be made for safety zones.</p>	<p>Yes.</p> <p>Regulation 6(1)(b)(i):</p> <p>Grid connection statement and cable details statement provided (Doc 7.1). Details of the proposed cable route and installation methods and a description of the grid connection works are provided in this document.</p> <p>Regulation 6(1)(b)(ii):</p> <p>Safety Zone Statement provided (Doc 7.2). Explains that it is the applicant's intention to apply for a safety zone scheme during the construction and operational phases of the project</p>	Agreed
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Yes.</p> <p>The application form (Doc 1.2), paragraph 23 states that the following documents are provided to support the application (regulation 5(2)(q)):</p> <ul style="list-style-type: none"> - Covering letter (Doc 1.1) - Design and Access Statement (Doc 8.2) - Section 106 Heads of Terms (Doc 8.3) - Planning Statement: (Doc 8.1) 	Agreed
<p>(r) if requested by the Commission, three paper copies of the application form and other supporting documents and plans.</p>	<p>Three paper copies of the application form and application documents were received by the IPC on 21 November 2011.</p>	Agreed
<p>2.5 Are the plans, drawings or sections submitted AO size or smaller, drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north? APFP Regulation 5(3)</p> <p>NB:- It is not intended that information provided in other documents,</p>	<p>Yes, in relation to the onshore works and land plans and the plan submitted under Regulation 5(2)(k).</p> <p>No, in respect of the offshore works and land plans and the plans submitted under Regulation 5(2)(l) and (m).</p> <p>A review of the application plans, drawings and sections provided has been undertaken. We note the intention set out in the Environmental</p>	<p>As set out adjacent and:</p> <p>Some of the scaling and consistency issues will need to be addressed / resolved in due course (probably by the provision of updated and supplementary plans). However, it appears on the face of the information</p>

<p>such as any Environmental Statement submitted, should be duplicated. It is possible therefore to cross refer to the location of relevant information – see CLG Guidance on application forms paragraphs 33 – 38.</p>	<p>Statement (Doc 5.1, paragraph 1.6.10) that the requirements of APFP Regulation 5(2)(l) are to be met through the combination of the figures and information provided in chapters 8, 9, 11, 12, 13 14, 20, 22 and 23 of the Environmental Statement.</p> <p>We also note the intention that the requirements of APFP Regulation 5(2)(m) are to be met through the combination of plans and information provided at chapter 19 of the Environmental Statement (Doc 5.1, paragraph 1.6.11).</p> <p>As a result, we have had to take the position that all of the plans provided within the aforementioned chapters are plans for the purposes of APFP Regulation 5(2) and they should therefore comply with the requirements of APFP Regulation 5(3).</p> <p>All plans and drawings submitted under Regulation 5(2) are not larger than A0 in size. They do not all show the direction of north. It is noted that many of the plans within the ES are not scaled fully to A4.</p> <p>The following plans submitted under Regulation 5(2i-k) do not adhere to Regulation 5(3) because their scale is smaller than 1:2,500:</p> <ul style="list-style-type: none"> • Doc 2.6: Land Plan (2 of 2), dated 17/11/11. Drawing Reference: Drawing No. 2.6 Rev. 6. Scale 1:200,000 @ A3. • Doc 2.4: Works Plan (2 of 2), dated 17/11/11. Drawing Reference: Drawing No. 2.4 Rev.9. Scale 1:100,000 @ A1. • Doc 2.21: Extinguishment of Rights of Navigation Plan dated 14/11/11. Drawing Reference: Drawing No. 2.21 Rev.4. Scale 1:50,000 @ A3. <p>None of the plans submitted under Regulation 5(l) and 5(m) appear to adhere to the requirements of Regulation 5(3) because their scale is smaller than 1:2,500. This includes the following plans:</p> <p>Chapter 8 (Doc 5.2.8) Figures 8.1-8.4</p> <p>Chapter 9 (Doc: 5.2.9) Figures 9.2-9.7</p> <p>Chapter 11 (Doc: 5.2.11) Figures 11.5 and 11.6</p> <p>Chapter 12 (Doc: 5.2.12) Figures 12.3 & 12.7-12.9</p> <p>Chapter 13 (Doc: 5.2.13) Figures 13.4-13.10 & 13.13-13.20</p> <p>Chapter 14 (Doc: 5.2.14) Figures 14.7-14.9</p> <p>Chapter 20 (Doc: 5.2.20) Figures 20.1-20.6</p> <p>Chapter 22 (Doc: 5.2.22) Figures 22.1-22.2</p> <p>Chapter 23 (Doc: 5.2.23) Figures 23.1-23.3, 23.5 & 23.7</p> <p>The offshore element of the application site covers an area of 183 sq.km at sea. The use of a much smaller scale than 1:2500 (up to 1:200,000) is in breach of Regulation 5(3) and has caused difficulties in</p>	<p>provided that none of the deficiencies listed are matters that, individually or collectively, would justify non acceptance in this case. In coming to this conclusion, in relation to the offshore works and land plans, it has been noted that the Marine Management Organisation has confirmed that they understand the fundamental structure and approach of the draft DCO/deemed Marine Licence.</p>
---	---	---

	<p>understanding the specific boundary of the proposed offshore development area. In some cases, the red line boundary would appear to cover a corridor of around 100m in width.</p> <p>The absence of an inset plan covering the interface between the offshore works area and the onshore works area has been problematic in understanding how the offshore development relates to the onshore development and in understanding the scheme as a whole. However since such a plan is not required to be submitted, the absence of such plan is not a formal application acceptance matter.</p>	
2.6 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? APFP Regulation 5 (4)	There appear to be no instances of a plan comprising three or more separate sheets.	Agreed
Commissioner summary - s55(3)(b)		
Whilst a substantial number of discrepancies have been noted (see above), none is of such magnitude individually or in combination as to justify non acceptance of the application in this case		
3. s55(3)(c) That development consent is required for any of the development to which the application relates		
NB:- Development consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project (NSIP) (s31). NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30.		
3.1 Is the development an NSIP? Or does it form part of an NSIP?	<p>At acceptance stage, it is only necessary to consider whether or not <u>any part</u> of the development requires development consent.</p> <p>The works described in Part 1 of Schedule 1 to the Draft DCO (Doc 3.1) comprise:</p> <ol style="list-style-type: none"> 1. The construction of an offshore generating station, partly in English territorial waters and mostly in the adjacent Renewable Energy Zone, providing a generating capacity in excess of 100MW. 2. Two new overhead 400 kV electric lines connecting a new sealing end compound to the extended arms of the existing pylon. <p>The proposed development therefore appears on the face of it to meet the definition of a NSIP contained in s.14(1)(a) and s.15(3) of PA 2008 and s.14(1)(b) and s.16 respectively.</p> <p>The works described in Part 1 of Schedule 1 to the draft DCO (Doc 3.1) would appear to be development by the definition contained in s.32 of PA 2008. At least part of the proposal therefore requires development consent (s.31 of the Act).</p>	Agreed
Commissioner summary - s55(3)(c)		
The application as submitted appears on the face of it to be a development that is or forms part of a nationally significant infrastructure project under the Planning Act 2008 (the Act)		

4. s55(3)(d) That the application gives reasons for each respect in which any IPC guidance (under s37(4)) has not been followed

NB:- The relevant guidance under s37(4) is paragraphs 25-27 which deal with the applicant's Consultation Report in **IPC Statutory Guidance Note 1**

<p>4.1 Are the responses to the applicant's consultation under s.42, s.47 and s.48 listed and put into categories according to status eg statutory consultees?</p>	<p>Yes - Consultation Report (Doc 6.2)</p> <p><u>Section 42 Consultation</u></p> <p>A summary of responses received is provided at paragraph 3.5, categorised by subject matter.</p> <p>Appendix AA categorises the responses received from s42(a) & (b) bodies. Appendix AB provides the responses received from s42(d) consultees.</p> <p><u>Section 47 Consultation</u></p> <p>A summary of responses received is provided at paragraph 3.4, categorised by subject matter. Appendix N details responses from the 'Have your say' questionnaire and notes other queries made. Appendix AC provides the comments received made during s47 public events.</p> <p><u>Section 48 Publicity</u></p> <p>Responses received following the section 48 publicity are provided at paragraph 3.6.</p> <p>The secretariat was unable to confirm from the content of the Consultation Report and Appendices that the applicant had summarised all responses upon which the application relied, particularly in respect of the findings of the HRA Report (Doc 6.3) (see secretariat comments under section 2.4g).</p> <p>For this reason, on 29 November 2011 the IPC used its powers under Regulation 5(5) of the APFP Regulations to request from the applicant all responses to consultation carried out under Part 5 of the Planning Act 2008 and any other consultation responses received by the applicant on which it wishes to rely in relation to this application.</p> <p>These were supplied to the IPC in hard and electronic copy on 5 December 2011. They were assessed by the secretariat and supplied to the Commissioner to assist the Commissioner to have regard to the adequacy of the pre-application consultation and to decide whether the applicant had complied with Chapter 2 of Part 5.</p>	<p>Agreed</p>
<p>4.2 Are the responses within those categories arranged to show whether they have led to changes or not?</p>	<p>Responses to section 42 and 47 consultation are provided in tabular form at Appendices AA, AB and AC. In each appendix, the final table column titled "<i>GWF actions undertaken/ongoing/future actions/regards to S49</i>" provides GWF response to comments and how these have been taken into account.</p>	<p>Agreed</p>

	Responses to section 48 publicity are provided at paragraph 3.6.1 . GWFL does not note whether the comments have led to a change or not.	
4.3 Have reasons been given where no changes have been made?	<p>Responses to the comments received for s42 and s47 consultation include reasons where no changes have been made in response to a comment (Appendices AA, AB and AC). In Appendix AB, where comments have led to no change, the applicant's response at times appears unclear. It is noted that Appendix AC (which relates to comments received during s47 public events) does not state if a comment led to a change.</p> <p>Responses to section 48 publicity are provided at paragraph 3.6.1. GWFL does not note whether the comments have led to a change or not.</p>	Agreed
4.4 Has the applicant identified any responses received after its deadlines?	<p>Paragraph 3.5.20 of the Consultation Report (Doc 6.2) notes that late responses were received from the following s42(a) consultees:</p> <ul style="list-style-type: none"> i.JNCC ii.NE iii.Environment Agency iv.MMO <p>Appendix AA states that a further late response was received from a non-statutory consultee and that, '<i>GWFL decided to take all responses into consideration as though they were received in the statutory timescales</i>'. The late responses have been included in Appendix AA.</p> <p>Doc 6.2 does not identify if any late responses were received from s47 consultation</p>	Agreed
Commissioner summary - s55(3)(d)	<p>The consultation responses and reasoning are poorly reported and a number of matters raised by nature conservation bodies and organisations are still described as work in progress, which does not relate well to the front loaded process of the Act. However, the lack of explanation in relation to section 48, generic approach to reporting against section 42 and 47 and outstanding matters are not of themselves, considering the matters raised within the consultation report and the context of the application submitted, enough to justify non acceptance in this case. This consideration has also taken in to account the fact that IPC advice note 14 compiling the consultation report was only issued in October 2011 and therefore would not have been taken in to account in the preparation of this submission and that no adequacy of consultation issues have been raised by the relevant local authorities as set out below</p>	
5. s55(3)(e) That the applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
5.1 Did the applicant before carrying out the s.42 consultation	The applicant submitted a request for a scoping opinion to the IPC in	Agreed

<p>either (a) request the Commission to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Commission in writing that it proposed to provide an environmental statement in respect of that development? EIA Regulation 6</p>	<p>the letter dated 8 July 2010, received by the Commission on 8 July 2010.</p> <p>The IPC confirmed in writing (see letter dated 9 July 2010) that the applicant's letter had been accepted as notification to the Commission that the Applicant proposes to provide an environmental statement in respect of the Project in accordance with Regulation 6(1)(b) of the EIA Regulations (Doc 6.2).</p>	
<p>NB:- The Commission must have regard to the Consultation Report, and any adequacy of consultation representations received.</p>		
<p>5.2 Have any adequacy of consultation representations been received from "A" and "B" authorities?</p>	<p>Yes.</p> <p>Adequacy of consultation responses were received from:</p> <p>Ipswich Borough Council Norfolk County Council St Edmundsbury Borough Council Mid Suffolk District Council Suffolk Coastal District Council Suffolk County Council Great Yarmouth Borough Council</p> <p>No response was received by the deadline from:</p> <p>Babergh District Council Borough Council of Kings Lynn and West Norfolk Braintree District Council Breckland District Council Cambridgeshire County Council Colchester Borough Council East Cambridgeshire District Council Essex County Council Forest Heath District Council South Cambridgeshire District Council South Norfolk District Council Tendring District Council The Broads Authority Waveney District Council</p>	<p>Agreed</p>

<p>5.3 If so, do they confirm whether the applicant has complied with the duties under s42, s47 and s48?</p>	<p>Yes.</p> <p>The following authorities replied to say that they consider the applicant complied with its duties under s.42, s.47 and s.48 and make no further comment at this stage:</p> <p>Ipswich Borough Council Norfolk County Council St Edmundsbury Borough Council Mid Suffolk District Council Suffolk Coastal District Council Suffolk County Council Great Yarmouth Borough Council</p>	<p>Agreed</p>
<p>s42: Duty to Consult</p>		
<p>5.4 Did the applicant consult the following about the proposed application –</p>		
<p>a) person prescribed (statutory consultees set out in Schedule 1 of the APFP Regulations)</p>	<p>Yes. Consultation Report (Doc 6.2) and Appendix P (Doc 6.2.1)</p> <p>Appendix P lists statutory consultees which the applicant consulted under s.42 (a) & (b) of the PA2008. A review has been undertaken and some consultees that were identified by the IPC, on the basis of a precautionary interpretation of the regulations, were not listed as having been consulted by the applicant.</p> <p>Omitted s.42 consultees are:</p> <ul style="list-style-type: none"> - The MCA Regional office. - Marine Scotland Compliance. - LNG Portable Pipeline Services Ltd. - Scotland Gas Networks Plc. - The Gas Transportation Company Ltd. - Eastern Power Networks Plc <p>We are aware that Essex and Suffolk Water (ESW) were formally consulted under s.42(d) on 16 November 2011. Whilst the Consultation Report (Doc 6.2) states that ESW had been consulted under s.42a on 7 June 2011, as part of the wider s.42 consultation, we note that this is not evident in the table in Appendix P.</p>	<p>Agreed</p>
<p>b) each local authority within s43. NB:- Definition of “local authority” in s43(3). NB:- Check those listed in consultation report are correct in</p>	<p>Yes. Consultation Report (Doc 6.2)</p> <p>b) In view of the land plans and the boundary of the proposed development, GWF has identified the appropriate local authorities in</p>	<p>Agreed</p>

<p>relation to land shown on the land plans</p> <p>c) the “B” authority where the application land is in the authority’s area.</p> <p>d) the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area</p>	<p>line with s43 of the PA2008. The local authorities are listed in Appendix P’s list of prescribed bodies consulted.</p> <p>c) The “B” Authorities consulted are Suffolk County Council and Suffolk Coastal District Council</p> <p>d) The “A” Authorities consulted were: The Broads Authority, Waveney District Council, Mid Suffolk District Council, Ipswich Borough Council, Babergh District Council, Great Yarmouth Borough Council, South Norfolk District Council, Breckland District Council, Borough Council of Kings Lynn and West Norfolk, East Cambridgeshire District Council, South Cambridgeshire District Council, Braintree District Council, Colchester Borough Council, Tendring District Council, Norfolk County Council, Cambridgeshire County Council, Essex County Council, Forest Heath District Council, St. Edmundsbury Borough Council</p>	
<p>e) Greater London Authority (if in Greater London area)</p>	<p>Not applicable - the site of the proposed development is not in Greater London.</p>	<p>Agreed</p>
<p>f) each person in one or more of s44 categories</p>		
<p>Category 1 –owner, lessee, tenant or occupier of land.</p> <p>Category 2 – person interested in the land or has power to sell and convey the land or to release the land.</p> <p>Category 3 – person entitled to make a relevant claim.</p> <p>NB:- There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry</p>	<p>Yes. Consultation Report (Doc 6.2) and the Book of Reference (Doc 4.3.1)</p> <p>The applicant asserts that they have consulted all persons with an interest in the land, and those entitled to make a relevant claim.</p> <p>Appendix Q of Doc 6.2.1 lists the statutory consultees consulted under s42(d).</p> <p>Para 2.9.6 of Doc 6.2 states that;</p> <p><i>‘In accordance with Section 44 of the 2008 Act, GWFL made diligent inquiry and identified owners, lessees, tenants or occupiers of the land to which the proposed application relates, other persons interested in the land or with the power to sell, convey or release the land and those who would, or may, be entitled to make a relevant claim.</i></p> <p><i>Furthermore GWFL took a precautionary approach to identifying landowners and therefore contacted occupiers of relevant beach huts (held under yearly licence from SCDC) and offshore cable operators.’</i></p> <p>Consultation commenced on 13 June 2011 with the exception of: the offshore cable operators who were consulted on 6 July 2011; licencees of the beach chalets who were consulted on 7 Sept 2011; and Essex & Suffolk Water who were consulted under s.42(d) on 16 Nov 2011. The consultation period (a minimum of 28 days) for the latter consultee falls within the s.55 application acceptance period (18 December 2011).</p>	<p>As set out adjacent and:</p> <p>There is no detailed evidence on how diligent inquiry has been undertaken and what measures and methods were used</p>

	Paras 2.9.7-2.9.10	
s45: Timetable for s42 Consultation		
5.5 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses?	<p>Yes - Consultation Report (Doc 6.2)</p> <p>A copy of the consultation letter (dated 7 June 2011) stating the 14th July 2011 deadline is included in Appendix U of the Consultation Report.</p> <p>It is noted that an Errata notice was sent to all s42 consultees on 15 June 2011, which also provided a deadline for receipt of consultation responses by 14 July. This letter is included as Appendix V.</p>	<p>As set out adjacent and:</p> <p>It should be noted that even following the issuing of the errata notice the timescale given exceeded the minimum required as set out below</p>
5.6 Was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes - Consultation Report (Doc 6.2)</p> <p>The initial consultation letter (dated 7 June, deadline for responses 14th July 2011) provided 31 days.</p> <p>The consultation letter dated 15 June 2011 provided 29 days for submission of responses.</p>	Agreed
s46: Duty to notify Commission of proposed application		
5.7 Did the applicant supply information to notify Commission of proposed application?	Yes. The s46 notification was received by the IPC on 8 June 2011.	Agreed
5.8 Was the information supplied to the Commission at the same as it was sent to the s42 consultees?	Yes. The s46 notification letter included the same enclosures as those listed in paragraph 2.9.15 of the Consultation Report (Doc 6.2) .	Agreed
5.9 Was this done on or before commencing consultation under s42?	Yes. Consultation Report (Doc 6.2) – s46 notification letter (dated 7 June 2011) and enclosures received on 8 June 2011 by the IPC. The s42 consultation letters were dated 7 June 2011 (paragraph 2.9.15)	Agreed
s47: Duty to consult local community		
5.10 Did the applicant prepare a statement of community consultation on how it intended to consult people living in the vicinity of the land ("the SoCC")?	Yes - The Statement of Community Consultation provided as Appendix D to the Consultation Report (Doc 6.2) .	Agreed
5.11 Were all "B" authorities consulted about the content of the draft SoCC?	Yes - Consultation Report (Doc 6.2), paragraph 2.6.9 sets out that Suffolk Coastal District Council and Suffolk County Council had been consulted. Evidence of this is provided at paragraph 2.6.11 , which lists comments received from both local authorities	Agreed

	The Marine Management Organisation (MMO) was also consulted on the content of the draft SoCC, although they are not identified within the Act as a local authority for this purpose.	
5.12 Was the deadline for receipt of responses 28 days beginning with the day after the day “B” authorities received the consultation documents?	An initial statutory consultation period commenced on 7 March 2011. The deadline for responses was 8 th April 2011, providing 31 days. A second phase of statutory consultation (on the basis of a revised SoCC) commenced on 28 th April 2011. The deadline for responses was 1 st June 2011, providing 31 days. Consultation Report (Doc 6.2)	Agreed
5.13 Has the applicant had regard to any responses received when preparing the SoCC? NB:- Check consultation report and adequacy of consultation representation.	Yes – Consultation Report (Doc 6.2) Paragraph 2.6.11 summarises the comments received during the first statutory consultation on the SoCC. Appendix C sets out in tabular form the comments received through consultation on SoCC and the action taken. Appendix D illustrates how the SoCC has been revised from initial consultation to publication. Paragraph 2.6.13 states that the SoCC was updated and re-issued to <i>‘include the changes to the scheme and include previous comments’</i> <u>In respect to the second phase of statutory consultation on the SoCC,</u> paragraph 2.6.17 notes the responses received. Paragraph 2.6.19 refers to a request from Norfolk CC (A Authority) for public consultation period to be longer than 30 days. The GWF response as detailed in paragraph 2.6.19 is as follows: <i>‘...in the light of the near imperceptible visibility of the offshore works in Norfolk, and the lack of any other consulted authority concerns over the consultation period, GWFL considered it was appropriate to proceed with the original proposal. GWFL was also conscious of the need to avoid consultation fatigue by stipulating an unnecessarily long consultation period.’</i> Paragraph 2.6.18 refers to a request from Suffolk County Council (B Authority) for further information on landscaping mitigation. The GWF response as detailed in paragraph 2.6.18 is as follows: <i>‘GWFL did not feel in a position to provide significant details of landscape mitigation, as it considered that this needed to respond to feedback from the community on aspects such as planting types, opinions on earth bunding/landforms, and interaction with other concerns such as noise propagation.’</i>	Agreed
5.14 Has the SOCC been published in a newspaper circulating in the	The Consultation Report (Doc 6.2) at paragraph 2.6.23 , confirms	Agreed

vicinity of the land?	that the SoCC was published on 10 June 2011 in three local newspapers; East Anglian Daily Times, Eastern Daily Press and Essex Daily Gazette. In addition, the SoCC was published in the Fishing News and Fair Play on 10 June 2011.	
5.15 Has the applicant carried out the consultation in accordance with the SOCC?	Yes – paragraphs 2.7.1 to 2.7.26 of the Consultation Report (Doc 6.2) provides information on the consultation activities undertaken in accordance with the SoCC. A number of appendices to the Consultation Report provide the consultation material.	Agreed
<i>Does the SOCC set out whether the development is EIA development?</i> EIA Regulation 10	Yes – the published SoCC, included at Appendix D of the Consultation Report (Doc 6.2.1) states that: <i>'GWFL has advised the IPC that it considers the project to be EIA development and GWFL will therefore produce a detailed Environmental Statement which will be submitted as part of the application documentation.'</i>	Agreed
<i>Does the SOCC set out how the applicant intends to publicise and consult on the preliminary environmental information?</i>	Yes – the published SoCC, included at Appendix D of the Consultation Report (Doc 6.2.1) states that: The PER <i>'represents Preliminary Environmental Information in relation to the requirements of relevant Regulations.'</i>	Agreed
s48: duty to publicise the proposed application		
5.16 Did the applicant publish a notice: (APFP Regulation 4(2))		
(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;	Yes – copies of newspaper notices are provided at Appendix X of the Consultation Report (Doc 6.2.1) The s48 notice was published in: East Anglian Daily Times, Eastern Daily Press, Essex Daily Gazette, Fishing News; and Fair Play. These were published week commencing 3 June 2011 and 10 June 2011.	Agreed
(b) once in a national newspaper;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) The proposed application was publicised on 10 June 2011 in The Independent.	Agreed
(c) once in the London Gazette and, if land in Scotland is	Yes – Appendix X of the Consultation Report (Doc 6.2.1)	Agreed

affected, the Edinburgh Gazette; and	The proposed application was publicised on 10 June 2011 in The London Gazette.	
(d) where the proposed application relates to offshore development –		
(i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal.	Yes – Appendix X of the Consultation Report (Doc 6.2.1) The proposed application was publicised in Lloyds List on 10 June 2011, in Fair Play on 9 June 2011 and in Fishing News on 10 June 2011.	Agreed
5.17 Did the notice include: (APFP Regulation 4(3))		
(a) the name and address of the applicant;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) <i>"Gallopier Wind Farm Limited (the applicant) of 55 Vastern Road, Reading, Berkshire, RG1 8BU intends to apply for a Development Consent Order".</i>	Agreed
(b) a statement that the applicant intends to make an application for development consent to the Commission;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) <i>"intends to apply for a Development Consent Order (DCO) to the Infrastructure Planning Commission (IPC) under section 37 of the Planning Act 2008 (the Act) for the construction and operation of the above-mentioned offshore wind farm, onshore above ground electric line and associated development to connect the wind farm to the national grid (the Project)".</i>	Agreed
(c) a statement as to whether the application is EIA development;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) <i>"The proposed application is "EIA development" for the purposes of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009."</i>	Agreed
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) Paragraph 5 of the s48 notice details the main proposals, specifies the location and route of the proposed development.	Agreed
(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;	Yes – Appendix X of the Consultation Report (Doc 6.2.1) Paragraph 7 confirms that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge. The addresses of locations and times where the documents are available are provided in tabular form.	Agreed
(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));	Yes – Appendix X of the Consultation Report (Doc 6.2.1) Paragraph 7 confirms that the documents were available throughout the consultation period 13 June 2011 – 14 July 2011	Agreed

<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>Yes – Appendix X of the Consultation Report (Doc 6.2.1) Charges are outlined in paragraph 9 of the notice in respect to the Preliminary Environmental Information Report which was £50 in hard copy and £10 on CD. Other documents are to be covered by ‘a small charge may be made to cover the cost of copying and postage’</p>	<p>Agreed</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes – Appendix X of the Consultation Report (Doc 6.2.1) Paragraph 10 of the notice provides email and postal addresses, and a telephone number. The notice also refers to feedback forms available on the project website.</p>	<p>Agreed</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>Yes – Appendix X of the Consultation Report (Doc 6.2.1) The deadline for the receipt of responses was 14 July which provided for 31 days of consultation.</p>	<p>Agreed</p>
<p>5.18 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 EIA Regulation 9(1)(c)? (EIA Regulation 11)</p>	<p>Yes - Appendix U of the Consultation Report (Doc 6.2.1) makes reference to the letter sent to statutory prescribed bodies together with a copy of the s48 notice. The bodies notified are listed in Appendix P. In section 14c of the application form (Doc 1.2) the developer indicates that ‘<i>notification of persons identified under regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</i>’ is not applicable. The IPC secretariat has taken the view that this selection on the application form is in error and the notification did in fact appear to take place.</p>	<p>Agreed</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>		
<p>5.19 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation? NB:- Check the Consultation Report for responses and whether they have led to changes to the application or not</p>	<p>The Consultation Report (Doc 6.2) is subdivided to address Section 42, 47 and 48 separately. <u>Section 42 Consultation</u> Paragraph 3.5 provides the applicant’s response to feedback received through s.42 consultation, organised by subject matter. GWFL’s response to each subject matter is provided. A full account of responses received and the relevant response provided by GWFL is provided at Appendix AA (for s.42(a) &(b) consultation) and Appendix AB for s.42(d) consultation. <u>Section 47 Consultation</u> Paragraph 3.4 provides the developer’s response to feedback received through s.47 consultation, organised by subject matter. GWFL’s response to each subject matter is provided. A full account of responses received and the relevant response provided by GWFL is provided at Appendix N. <u>Section 48 Consultation</u></p>	<p>Agreed and see Commissioner summary above at s55(3)(d)</p>

	<p>Responses to s.48 consultation are provided in paragraph 3.6.</p> <p>Paragraph 4 of the Consultation Report provides the conclusions to consultation, noting, by subject matter, whether consultation responses have led to changes or not.</p> <p>Paragraph 4.8.1 states that <i>“the pre-application consultation has positively contributed to and shaped the submitted GWF project in accordance with GWFL’s statutory duty (under s49 of the PA 2008) to have regard to the views expressed during pre-application consultation”</i>.</p>	
Guidance about pre-application procedure		
<p>5.20 To what extent has the applicant had regard to CLG Guidance, The Planning Act 2008: Guidance on pre-application consultation and IPC Guidance Note 1 on Pre-application Consultation?</p> <p>NB:- The Commission must have regard to the extent to which the applicant has had regard to guidance issued under s.50</p>	<p>Paragraphs 1.3.2-1.3.3 of the Consultation Report (Doc 6.2) asserts that the applicant has complied with guidance which holds statutory weight under s50 PA2008. Paragraph 1.4.1 states that <i>“GWFL has adopted a precautionary approach to interpretation of the requirements of the Act and recommendations in IPC Guidance/Advice and DCLG Guidance throughout the pre application process”</i></p> <p>Appendix A includes a compliance table which asserts (from page 9 onwards) that the applicant has complied with Guidance Note 1 & DCLG guidance on pre-application.</p> <p>Finally, the acceptance stage checks have not indicated that the developer has failed to have regard to CLG guidance or IPC Guidance Note 1.</p>	Agreed
Commissioner summary - s55(3)(e)	On the basis of the reported position and conclusions set out above, on balance the applicant in relation to the application made has provided sufficient information to be in accordance with Chapter 2 of Part 5 (Pre-application procedure)	
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
NB:- The Commission must charge the applicant a fee in respect of the decision by the Commission under section 55 .If the applicant fails to pay the fee, the Commission need not consider the application until payment is received by the Commission. The fee payable is presently £4,500 and must be paid at the same time that the application is made.		
<i>Was the fee paid at the same time that the application was made?</i>	No, the fee of £4,500 was paid by CHAPS transfer on 27 July 2011.	Noted
<i>date the fee received and confirmed as bankable</i>	IPC Finance Team have confirmed that the application fee was received by CHAPS on 27 July 2011	Noted

Commissioner

Jan Bessell

Case Leader

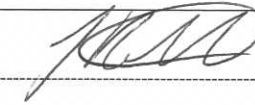
Jessica Potter

Signed



Date: 19 December 2011

Signed



Date: 19 December 2011

Section 55 Acceptance of Applications

Application Checklist

Appendices

[Scheme 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