



# Fosse Green Energy

EN010154

1.5 Section 55 Checklist

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VOLUME

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Planning Act 2008 (as amended)

Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009 (as  
amended)

18 July 2025

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## Planning Act 2008

### The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulation 2009 (as amended)

#### Fosse Green Energy Development Consent Order 202[ ]

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#### 1.5 Section 55 Checklist

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Regulation Reference	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	EN010154
Application Document Reference	EN010154/APP/1.5
Author	Fosse Green Energy Limited

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Rev 1	18 July 2025	DCO Submission



# Section 55

## Acceptance of Applications Checklist

**Appendix 2 of** [Advice on the preparation and submission of application documents](#)

**Version: January 2025**

## Section 55 Acceptance of Applications Checklist

Relevant sections of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/>

All other secondary legislation referred to in this checklist is searchable, here: <https://www.legislation.gov.uk/>

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	In accordance with sections(s) 14 to 30 of the Planning Act 2008 (the PA2008), is the development a Nationally Significant Infrastructure Project (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that, in accordance with s31 of the PA2008, it is an application for a Development Consent Order (DCO) under the PA2008, or equivalent words? Does the application specify the development to	<p>Yes.</p> <p>Fosse Green Energy (the Proposed Development) is a Nationally Significant Infrastructure Project (NSIP) pursuant to S14(1)(a) and 15(1) and (2) of the Planning Act 2008 (PA 2008), as it comprises an onshore generating station wholly within England with a generating capacity exceeding 50 Megawatts (MW).</p> <p>This is confirmed in the <b>Application Form [EN010154/APP/1.4]</b> and <b>Explanatory Memorandum [EN010154/APP/3.2]</b> to the <b>Draft Development Consent Order [EN010154/APP/3.1]</b>. The works that form the Proposed</p>		

	<p>which it relates (i.e. which category or categories in s14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Development are set out in Schedule 1 of the <b>Draft Development Consent Order [EN010154/APP/3.1]</b>.</p> <p>The <b>Covering Letter [EN010154/APP/1.1]</b> states that this application seeks development consent for the Proposed Development under the PA 2008.</p> <p>The description of the Proposed Development is summarised in the <b>Introduction to the Application [EN010154/APP/1.2]</b> and explained in non-technical language in the <b>Non-Technical Summary</b> of the ES <b>[EN010154/APP/6.4]</b>. A detailed description is provided in <b>Chapter 3: The Proposed Development of the ES [EN010154/APP/6.1]</b>.</p>
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	<p>The Planning Inspectorate can be satisfied that the Application as submitted is an application for a DCO under the PA 2008 and that development consent is required for the development to which the Application relates.</p>
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	<p>In accordance with Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes.</p> <p>The Applicant notified the Secretary of State under Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) on 1 June 2023 that it proposed to provide an Environmental Statement (ES) in respect of the Proposed Development with its application for a DCO. This was in advance of undertaking the statutory consultation in accordance with s42 of the PA 2008.</p> <p>The Applicant also formally requested a Scoping Opinion from the Planning Inspectorate under Regulation 10 of the EIA Regulations, accompanied by the necessary information to inform the request, the EIA Scoping Report. The EIA Scoping Report is provided as <b>Appendix 1-A: EIA Scoping Report, ES Volume 3 [EN010154/APP/6.3]</b>. The Planning Inspectorate's Scoping Opinion, dated 25 July 2023, is also provided in <b>Appendix 1-B: EIA Scoping Opinion, ES Volume</b></p>

		<b>3 [EN010154/APP/6.3].</b> Paragraph 1.0.1 of the Scoping Opinion acknowledges that the Applicant notified the Secretary of State under Regulation 8(1)(b) of the EIA Regulations that the Applicant proposed to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'. The letter sent to the Planning Inspectorate is provided at <b>Appendix 3.6</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> .
5	<p>Have any Adequacy of Consultation Representations been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p> <p>Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received.</p>	<p>The Applicant has consulted with both host authorities on the Adequacy of Consultation Milestone Report, which have both agreed that the Adequacy of Consultation Milestone has been met. The host authorities' responses to the Adequacy of Consultation Milestone can be viewed in the Adequacy of Consultation Milestone Report that was submitted to the Planning Inspectorate on 18 April 2025 and is available on the Fosse Green Energy webpage.</p>
<b>Section 42: Duty to consult</b>		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	<p>Section 42(1)(a) persons prescribed?</p> <p>The persons prescribed are the statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).</p>	<p>Yes.</p> <p>The statutory consultation period for the Proposed Development was held between 21 October 2024 and 2 December 2024 during which the Applicant consulted with all applicable parties, including all the relevant parties prescribed under s42(1)(a) of the PA 2008. The list of the prescribed consultees consulted during the statutory consultation is set out in <b>Appendix 3.1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p>



		<p>The list was compiled using Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024. Consultation bodies identified by the Planning Inspectorate are set out in Appendix 1 of the Scoping Opinion, <b>Appendix 1-B</b> of the ES [EN010154/APP/6.3], were also considered. Regard was also had to the Planning Inspectorate's Advice Note Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation (which was the published Advice note at the time) in identifying the consultation bodies and applied the 'Circumstances Test' set out in Annex 1 of this advice note.</p> <p>The Applicant wrote to the prescribed consultees under s42(1)(a) on 21 October 2024 providing an overview of the Proposed Development, explaining that the Proposed Development is a NSIP requiring a DCO application and is EIA development; that the party to whom it was addressed was being formally consulted under the requirements of s42(1)(a) of the PA 2008; the documents being provided as part of the consultation; and setting out how to respond to the consultation. A copy of the s48 notice (combined with the s47 notice) was also provided in accordance with Regulation 13 of the EIA Regulations. The letters and emails demonstrating that the notice was sent to statutory consultees can be found in <b>Appendix 3.3</b> and <b>Appendix 3.4</b> of the <b>Consultation Report Appendices</b> [EN010154/APP/5.2].</p> <p>Further details are provided in <b>Chapter 8</b> of the <b>Consultation Report</b> [EN010154/APP/5.1].</p>
7	<p>Section 42(1)(aa) the Marine Management Organisation(MMO)?</p> <p>The MMO must be consulted in any case where the Proposed Development would affect, or would</p>	<p>No.</p> <p>As the Proposed Development does not affect any of the areas specified in s42(2), the Applicant was not required to consult the MMO. The MMO still provided feedback to the consultation, and this feedback can be viewed in Appendix 5.1 of the <b>Consultation Report Appendices</b> [EN010154/APP/5.2].</p>

	be likely to affect, any of the areas specified in s42(2) of the PA2008.	
8	<p>Section 42(1)(b) each local authority within s43?</p> <p>Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority.</p>	<p>Yes.</p> <p>The Applicant wrote to the consultees under s42(1)(b) of the PA 2008 on 21 October 2024 providing an overview of the Proposed Development, explaining that the Proposed Development is a NSIP requiring a DCO application and is EIA development; that the party to whom it was addressed was being formally consulted under the requirements of s42(1)(b) of the PA 2008; the documents being provided as part of the consultation; and setting out how to respond to the consultation. A copy of the s48 notice was also provided in accordance with Regulation 13 of the EIA Regulations. A sample copy of this letter is provided in <b>Appendix 3.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>. This letter was delivered by both email and recorded post and further details are provided in <b>Chapter 8</b> of the <b>Consultation Report [EN010154/APP/5.1]</b>.</p> <p>The local authorities as defined by s43(3) of the PA 2008 are as follows:</p> <ul style="list-style-type: none"> <li>• 'A' Authority – Lincoln City Council, West Lindsey District Council, Newark and Sherwood District Council, East Lindsey District Council, North East Lincolnshire Council, North Lincolnshire Council, North Northamptonshire Council, Peterborough City Council, Boston Borough Council, South Holland District Council, and South Kesteven District Council.</li> <li>• 'B' Authority – North Kesteven District Council</li> <li>• 'C' Authority – Lincolnshire County Council</li> <li>• 'D' Authority - Nottinghamshire County Council, Rutland County Council, Cambridgeshire County Council, Norfolk County Council, Leicestershire County Council and the Cambridgeshire and Peterborough Combined Authority.</li> </ul>



		<p>The list of s43(3) consultees consulted during the statutory consultation is provided in <b>Table 8-1</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> and also provided in <b>Appendix 3.1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>. The letters and emails demonstrating that the notice was sent to statutory consultees can be found in <b>Appendix 3.3 and Appendix 3.4</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p>No.</p> <p>The Proposed Development is not located within Greater London and therefore the Greater London Authority is not a relevant consultee.</p>
10	<p>Section 42(1)(d) each person in one or more of s44 categories?</p> <p>Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.</p>	<p>Yes.</p> <p>For the purposes of s42(1)(d), a person is within s44 of the PA 2008 if the Applicant knows, after making a diligent inquiry, that the person:</p> <ul style="list-style-type: none"> <li>• Is an owner, lessee, tenant or occupier of the land (Category 1 persons, as per s44(1));</li> <li>• Is interested in the land or has power to sell and convey the land or release the land (Category 2 persons, s44(2)); or</li> <li>• Would or might be entitled to make a relevant claim under s10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973 (Category 3 persons, s44(4)).</li> </ul> <p>The process of identifying s42(1)(d) consultees is set out in in <b>Chapter 8</b> of the <b>Consultation Report [EN010154/APP/5.1]</b>. A full list of consultees identified in accordance with s42(1)(d) of the PA 2008 is set out in the <b>Book of Reference [EN010154/APP/4.3]</b>.</p> <p>The Applicant wrote to the consultees under s42(1)(d) of the PA 2008 on 21 October 2024 providing an overview of the Proposed Development, explaining that the Proposed Development is a NSIP requiring a DCO application and is EIA development; that the party to whom it was addressed was being formally</p>

		<p>consulted under the requirements of s42(1)(d) of the PA 2008; the documents being provided as part of the consultation; and setting out how to respond to the consultation. The Applicant gave s42 consultees a notification period of 43 days (from 24 October 2024 to 2 December 2024) for consultation responses. This letter was delivered by both email and recorded post and further details are provided in <b>Chapter 8</b> of the <b>Consultation Report [EN010154/APP/5.1]</b>. The email sent can be found in <b>Appendix 3.4.1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p> <p>Following completion of a Land Registry refresh, the Applicant identified several new land interests. Letters were issued to these parties on 3 March 2025, and these parties were given 28 days to respond in accordance with s45 of the PA 2008. Further detail is set out in Paragraph 8.6.7 of the <b>Consultation Report [EN010154/APP/5.1]</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes.</p> <p>The Applicant wrote formally to all consultees identified under s42 of the PA 2008 on 21 October 2024, providing a 43-day notification period and a total response period of 40 days for all statutory consultees, exceeding the statutory period of 28 days. The deadline was more than 28 days after the day after receipt of the consultation documents by s42 consultees. Samples of the letters sent to s42 consultees are provided at <b>Appendix 3.3</b> of the <b>Consultation Report [EN010154/APP/5.2]</b>. Each of the letters issued to the s42 consultees clearly stated a deadline for the receipt of consultation responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information	Yes.

	supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	In accordance with s46 of the PA 2008, the Applicant gave notice of the proposed application to the Planning Inspectorate on 18 October 2024, which was before the start of statutory consultation (which commenced on 21 October 2024 and ran until 2 December 2024). A copy of the s46 notification letter is provided at <b>Appendix 2.1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> and a copy of the s46 notification acknowledgement letter from the Planning Inspectorate received on 24 October 2024 is provided at <b>Appendix 2.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> .
<b>Section 47: Duty to consult local community</b>		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>In accordance with s47(1) of the PA 2008, the Applicant published a SoCC in respect of the Proposed Development on the Applicant's website on 21 October 2024 setting out how it proposed to consult with people living in the vicinity of the Proposed Development. Copies of the SoCC were printed in advance to send to information points. Evidence of the Applicant's compliance with the SoCC can be found in <b>Appendix 1-1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p> <p>In accordance with s47(6) of the PA 2008, the Applicant published in a local newspaper a notice stating where and when the SoCC could be inspected. The notice in the local newspaper is in <b>Appendix 6.4.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p> <p>A copy of the published SoCC is provided in <b>Appendix 6.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p> <p>The SoCC was produced in close collaboration with the host authorities North Kesteven District Council ("B" authority as defined by s43(1) of the PA 2008) and Lincolnshire County Council ("C" authority as defined by s43(1) of the PA 2008) relevant to the Proposed Development. <b>Chapter 6</b> of the <b>Consultation</b></p>

		<b>Report [EN010154/APP/5.1]</b> details how the SoCC was updated following consultation.
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p>Yes.</p> <p>In accordance with s47(2) of the PA 2008 and Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), the Applicant consulted the host authorities North Kesteven District Council ("B" authority) and Lincolnshire County Council ("C" authority), on the proposed methods set out in the SoCC for consulting people living in the vicinity of the Proposed Development. On 6 November 2023, an email with a draft of the SoCC was sent to the host authorities to confirm the SoCC consultation. The consultation was held from 7 November 2023 to 19 December 2023 for a period of 43 days, exceeding the statutory minimum requirement of 28 days. The Applicant received feedback on the draft SoCC from North Kesteven District Council on 15 November 2023 and Lincolnshire County Council on 18 December 2023. This feedback was considered by the Applicant in finalising the SoCC. An updated version of the SoCC, including the changes and the final red line boundary being presented at statutory consultation, was issued back to the host authorities on 6 September 2024.</p> <p>Further detail on the SoCC is provided in <b>Chapter 6</b> of the <b>Consultation Report [EN010154/APP/5.1]</b>. A copy of the draft SoCC is provided in <b>Appendix 6.2</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>The Applicant has had regard to all responses from North Kesteven District Council and Lincolnshire County Council on the draft SoCC. Feedback received from both Councils during informal consultation on the SoCC is set out in <b>Table 6-1</b> of the <b>Consultation Report [EN010154/APP/5.1]</b>. <b>Table 6-1</b> of the</p>

		<b>Consultation Report [EN010154/APP/5.1]</b> sets out how the Applicant had regard to the responses in preparing the final SoCC.
16	Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>The Applicant published the SoCC on 21 October 2024 on the website for the Proposed Development. Copies of the SoCC were printed in advance to send to information points. Evidence of the Applicant's compliance with the SoCC can be found in <b>Table 6-2</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> and <b>Appendix 1-1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p> <p>In accordance with s47(6) of the PA 2008, the Applicant published in a local newspaper a notice stating where and when the SoCC could be inspected.</p> <p>This notice was combined with the notice required under s48 of the PA 2008 to publicise the proposed application for a DCO, producing a 'combined notice'.</p> <p>The 'combined notice' was published in The London Gazette as well as in local and national newspapers, in accordance with s47 and s48 of the PA 2008, on the following dates:</p> <ul style="list-style-type: none"> <li>a. Lincolnshire Echo on 17 October 2024 and 24 October 2024;</li> <li>b. The Guardian on 21 October 2024;</li> <li>c. The London Gazette on 21 October 2024.</li> </ul> <p>On Thursday 17 October 2024 and Friday 18 October 2024, the Applicant also delivered hard copies of the SoCC to information points, as detailed in the SoCC, and published a digital copy on the website at <a href="http://www.fossegreenenergy.co.uk">www.fossegreenenergy.co.uk</a>. Copies of the SoCC as it appeared in hard copy and on the website are included in Appendix 6.3 of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b></p>
17	In accordance with Regulation 12 of the EIA Regulations, does the SoCC set out whether the development is EIA development; and does it set	Yes.

	out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Section 7 of the SoCC set out that the development is EIA development, under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Section 10 of the SoCC at <b>Appendix 6.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> set out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>The <b>Table 6-2</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> sets out how the Applicant has complied with the commitments of the SoCC, in accordance with s47(7) of the PA 2008. <b>Paragraph 6.4.5</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> sets out that the SoCC was available at information points during the statutory period which ran between 21 October 2024 to 2 December 2024 for a period of 43 days.</p>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p>Yes.</p> <p><b>Chapter 9</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> sets out that in accordance with s48(1) of the PA 2008 a notice publicising the Application was published in the prescribed manner, in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP Regulations. The s48 notice (combined with the S47 notice) was published for two successive weeks in one or more local newspapers circulating in the vicinity of the Proposed Development, and once in a national newspaper and the London Gazette.</p> <p>Evidence of compliance with the relevant legislation and guidance is provided in Appendix 1.2 of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>. Copies of all s48 newspaper notices are provided at <b>Appendix 6.4</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p>

Newspaper(s)		Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<b>Chapter 9 of the Consultation Report [EN010154/APP/5.1]</b> provides details of the local newspapers that the notice was published in for two successive weeks. The Applicant produced a combined s47 and s48 notice, which was issued to the Lincolnshire Echo. The Lincolnshire Echo published the notice on 17 October and 24 October 2024. Copies of the s47/48 newspaper notice for the Notice for Lincolnshire Echo are provided at <b>Appendix 6.4.3 of the Consultation Report Appendices [EN010154/APP/5.2]</b> .
b)	once in a national newspaper;	<b>Chapter 9 of the Consultation Report [EN010154/APP/5.1]</b> provides details of the publication of the s48 notice in The Guardian. The Guardian published the notice on 21 October 2024.  <b>Appendix 6.4.1 of the Consultation Report Appendices [EN010154/APP/5.2]</b> provides a copy of the newspaper notice published under s47/48 in The Guardian.
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<b>Chapter 9 of the Consultation Report [EN010154/APP/5.1]</b> provides details of the publication of the s48 notice in the London Gazette. The London Gazette published the notice on 21 October 2024.  <b>Appendix 6.4.2 of the Consultation Report Appendices [EN010154/APP/5.2]</b> provides a copy of the newspaper notice published in the London Gazette.



		No land in Scotland is affected by the Proposed Development, therefore a notice was not placed in the Edinburgh Gazette.	
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable – the Proposed Development does not relate to offshore development.	
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	Yes.  The published s48 notice is contained in <b>Appendix 2.2</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> and contains the required information as set out below.	
Information		Paragraph	
a)	the name and address of the Applicant.	Paragraph 1 of the notice.	
c)	a statement as to whether the application is EIA development	Paragraph 5 of the notice.	
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"><li>The nature and location of the Proposed Development</li></ul>	Page 18-20 of the notice.	
Information		Paragraph	
b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	Paragraph 1 of the notice.	
d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph 1 of the notice.	
f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 23 of the notice.	

	<ul style="list-style-type: none"><li>• The address of the website</li><li>• The place on the website</li><li>• A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li></ul>				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 20 of the notice.	h)	details of how to respond to the publicity	Paragraphs 21 to 23 of the notice.
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	Paragraph 23 of the notice.			
21	Are there any observations in respect of the s48 notice provided above?				
	Not applicable.				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with Regulation 13 of the EIA Regulations?	<p>Yes.</p> <p>The Applicant issued a copy of the s48 notice (combined with the s47 notice) to the EIA consultation bodies as required by Regulation 13 of the EIA Regulations as defined in Regulation 3 of the EIA Regulations.</p> <p>Letters to s42(1)(a) and s42(1)(b) consultees were sent on 21 October 2024 and included a copy of the s48 notice. These letters are provided in <b>Appendix 3.3</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>. The s48 notice is contained in <b>Appendix 2.2</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>. The email sending the notice can be found in <b>Appendix 3.4.1</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b>.</p>			

<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p><b>Chapters 10 and 11</b> of the <b>Consultation Report [EN010154/APP/5.1]</b> provide an overview of the responses received from consultees consulted under s42, s47 and s48 of the PA 2008 and sets out the methodology the Applicant has used to analyse them. <b>Appendices 4.1, 5.1 and 5.2</b> of the <b>Consultation Report Appendices [EN010154/APP/5.2]</b> provide tables evidencing regard had to the statutory consultation responses in accordance with s49 of the PA 2008.</p>
<b>S50(3) Regard to guidance about pre-application procedure</b>		
24	<p>To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects'?</p> <p>The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50.</p>	<b>Appendix 1.2</b> of the <b>Consultation Report [EN010154/APP/5.2]</b> sets out how the Applicant has had regard to statutory guidance in MHCLG and DLUHC's Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects advice note (2024).
25	<b>Summary: Section 55(3)(e)</b>	The Planning Inspectorate can be satisfied that the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA 2008.
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:	<p>Yes.</p> <p>The Application is made in the prescribed form (<b>Application Form [EN010154/APP/1.4]</b>) as set out in Schedule 2 of the APFP Regulations.</p>

	<ul style="list-style-type: none"><li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li><li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li></ul>	Section 4 of the <b>Application Form [EN010154/APP/1.4]</b> explains why the development falls within the remit of the Planning Inspectorate. Section 6 of the <b>Application Form [EN010154/APP/1.4]</b> provides a brief statement identifying the location of the application site.  The location of the Proposed Development is shown on the <b>Location Plan [EN010154/APP/2.5]</b> .												
27	Is it accompanied by a Consultation Report?	Yes.  The Application is accompanied by a <b>Consultation Report [EN010154/APP/5.1]</b> and <b>Consultation Report Appendices [EN010154/APP/5.2]</b> .												
28	In accordance with Regulation 5(4) of the APFP Regulations, where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?	Yes.  Key plans have been provided for all plans containing three or more sheets. These are provided for all relevant plans provided in <b>Volume 2 Plans [EN010152/APP/2.1-2.9]</b> .												
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The documents and information required by Regulation 5(2) of the APFP Regulations are set out in the documents and locations within the Application as listed below. The <b>Guide to the Application [EN010154/APP/1.3]</b> and the <b>Electronic Application Index [EN010152/APP/1.6]</b> list the documentation submitted with the respective Document References and APFP Regulation references.												
<table><tr><th colspan="2">Information</th><th>Document</th><th colspan="2">Information</th><th>Document</th></tr><tr><td>a)</td><td>Where applicable, the Environmental Statement required under the EIA Regulations and any</td><td>An <b>Environmental Statement [EN010154/APP/6.1]</b> and supporting <b>Figures</b></td><td>b)</td><td>The draft Development Consent Order (DCO)</td><td>The Application is accompanied by the <b>Draft Development Consent Order [EN010154/APP/3.1]</b> in the</td></tr></table>			Information		Document	Information		Document	a)	Where applicable, the Environmental Statement required under the EIA Regulations and any	An <b>Environmental Statement [EN010154/APP/6.1]</b> and supporting <b>Figures</b>	b)	The draft Development Consent Order (DCO)	The Application is accompanied by the <b>Draft Development Consent Order [EN010154/APP/3.1]</b> in the
Information		Document	Information		Document									
a)	Where applicable, the Environmental Statement required under the EIA Regulations and any	An <b>Environmental Statement [EN010154/APP/6.1]</b> and supporting <b>Figures</b>	b)	The draft Development Consent Order (DCO)	The Application is accompanied by the <b>Draft Development Consent Order [EN010154/APP/3.1]</b> in the									

	<p>scoping or screening opinions or directions</p>	<p><b>[EN010154/APP/6.2] and Appendices [EN010154/APP/6.3]</b> have been submitted with the Application.</p> <p>These are accompanied by the:</p> <p><b>Non-Technical Summary [EN010154/APP/6.4]</b></p> <p>The Environmental Statement is based on the EIA Scoping Report, provided in <b>Appendix 1-A, ES Volume 3 [EN010154/APP/6.3]</b> and EIA Scoping Opinion, provided in <b>Appendix 1-B, ES Volume 3, [EN010154/APP/6.3]</b>.</p> <p>A tabulated summary of scoping comments and how the comments have been complied with is provided in <b>Appendix 1-C EIA Scoping Opinion Responses, ES</b></p>			<p>validated statutory instrument template</p>
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c)		<b>Volume 3</b> <b>[EN010154/APP/6.3].</b>	d)		
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	An <b>Explanatory Memorandum</b> <b>EN010154/APP/3.2]</b> to the <b>Draft Development Consent Order</b> <b>[EN010154/APP/3.1]</b> has been submitted with the Application which explains the purpose and effect of the <b>Draft Development Consent Order</b> <b>[EN010154/APP/3.1</b>		Where applicable, a Book of Reference	A <b>Book of Reference</b> <b>[EN010154/APP/4.3]</b> is provided and meets the requirements of DCLG's (now MHCLG) Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (2013).
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.

e)	A copy of any Flood Risk Assessment	A <b>Flood Risk Assessment</b> is provided in accordance with Regulation 5(2)(e) of the APFP Regulations at <b>Appendix 9-C Flood Risk Assessment, ES Volume 3 [EN010154/APP/6.3]</b>	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	A <b>Statutory Nuisance Statement [EN010154/APP/7.6]</b> is provided with the Application in accordance with Regulation 5(2)(f) of the APFP Regulations.
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	The Application is accompanied by a <b>Statement of Reasons [EN010154/APP/4.1]</b> and a <b>Funding Statement [EN010154/APP/4.2]</b> .	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is	The Application is accompanied by the <b>Land Plans [EN010154/APP/2.1]</b> showing the land required and affected by the Proposed Development. This plan is provided in accordance with Regulation 5(2)(i) of the APFP Regulations.  Plots and descriptions listed within the <b>Book of Reference [EN010154/APP/4.3]</b> are consistent with the plots shown on the <b>Land Plans [EN010154/APP/2.1]</b> .



				proposed to extinguish easements, servitudes and other private rights; and	There is no special category land within the Order limits so no replacement land is required.
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		(iv) any special category land and replacement land	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of</p>	<p>The Application is accompanied by the <b>Works Plans [EN010154/APP/2.2]</b>. The Works Plans are provided in accordance with Regulation 5(2)(j) of the APFP Regulations and show the proposed location of the Proposed Development and the limits within which the works are proposed to be carried out</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>The Application is accompanied by the <b>Streets, Rights of Way and Access Plans [EN010154/APP/2.3]</b>. These are provided in accordance with Regulation 5(2)(k) of the APFP Regulations.</p>

	deviation provided for in the draft DCO				
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or</p>	<p>The Application is accompanied by <b>Statutory or Non-Statutory Sites or Features of Nature Conservation Plan [EN010154/APP/2.6]</b> and the <b>Waterbodies in a River Basin Management Plan [EN010154/APP/2.7]</b>.</p> <p>(i) The assessment of the Proposed Development's effects on these sites and features required by this regulation are presented in <b>Chapter 8: Ecology and Nature Conservation of</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>The Application is accompanied by a <b>Statutory or Non-Statutory Sites or Features of the Historic Environment Plan [EN010152/APP/2.8]</b></p> <p>The assessment of the Proposed Development's effects on these sites and features required by this regulation is presented in <b>Chapter 7: Cultural Heritage</b> of the ES <b>[EN010152/APP/6.1]</b>.</p>

	bodies likely to be caused by the Proposed Development	the ES <b>[EN010154/APP/6.1] and Chapter 9: Water Environment of the ES [EN010154/APP/6.1].</b>			
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard
n)	Where applicable, a plan with any accompanying information identifying any Crown land	No Crown land is affected by the Proposed Development and therefore this is not applicable.	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	The Application is accompanied by the following plans and drawings provided under Regulation 5(2)(o) of the APFP Regulations 2009 (as amended):  <b>Traffic Regulation Measures Plans [EN010154/APP/2.4]</b>  <b>Location Plan [EN010154/APP/2.5]</b>

	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		Are they of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	A <b>Grid Connection Statement [EN010154/APP/7.5]</b> accompanies the Application as required by Regulation 6 (1)(a)(i) of the APFP Regulations.	q)	Any other documents considered necessary to support the application	<p>Yes. The Application includes the following additional documents considered necessary to support the Application:</p> <p><b>Covering Letter [EN010154/APP/1.1]</b></p> <p><b>Introduction to the Application [EN010154/APP/1.2]</b></p> <p><b>Guide to the Application [EN010154/APP/1.3]</b></p> <p><b>Electronic Index [EN010154/APP/1.6]</b></p> <p><b>Consents and Agreements Position Statement [EN010154/APP/3.3]</b></p> <p><b>Environmental Commitments Register [EN010154/APP/6.5]</b></p> <p><b>Statement of Need [EN010154/APP/7.1]</b></p> <p><b>Planning Statement [EN010154/APP/7.2]</b></p>

				<b>Design Approach Document</b> <b>[EN010154/APP/7.3]</b>
				<b>Proposed Development Parameters</b> <b>[EN010154/APP/7.4]</b>
				<b>Statutory Nuisance Statement</b> <b>[EN010154/APP/7.6]</b>
				<b>Framework Construction</b> <b>Environmental Management Plan</b> <b>[EN010154/APP/7.7]</b>
				<b>Framework Operational</b> <b>Environmental Management Plan</b> <b>[EN010154/APP/7.8]</b>
				<b>Framework Decommissioning</b> <b>Environmental Management Plan</b> <b>[EN010154/APP/7.9]</b>
				<b>Framework Soil Management Plan</b> <b>[EN010154/APP/7.10]</b>
				<b>Potential Main Issues for</b> <b>Examination [EN010154/APP/7.11]</b>
				<b>Biodiversity Net Gain Report</b> <b>[EN010154/APP/7.12]</b>
				<b>Habitats Regulations Assessment</b> <b>Report [EN010154/APP/7.13]</b>

					<b>Framework Public Rights of Way Management Plan</b> [EN010154/APP/7.14]  <b>Framework Landscape and Ecological Management Plan</b> [EN010154/APP/7.15]  <b>Framework Employment, Skills and Supply Chain Plan</b> [EN010154/APP/7.16]  <b>Framework Battery Safety Management Plan</b> [EN010154/APP/7.17]  <b>Framework Construction Traffic Management Plan</b> [EN010154/APP/7.18]
	Are they of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard		Are they of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
31	In accordance with Regulation 5(2)(g) of the APFP Regulations, is the application accompanied by a report identifying any		Yes.  The Applicant has prepared a <b>Habitats Regulations Assessment Report</b> [EN010154/APP/7.13] as required by Regulation 5(2)(g) of the Infrastructure		

	European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?	Planning (Applications: Prescribed Forms and Procedures Regulations) and the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations).  The <b>Habitats Regulations Assessment Report [EN010154/APP/7.13]</b> supports the Secretary of State with its duties under the Habitat Regulations and verifies that the Order limits do not include 'European sites' protected by the Habitat Regulations (Special Areas of Conservation and Special Protection Areas). The <b>Habitats Regulations Assessment Report [EN010154/APP/7.13]</b> confirms that there will no significant effects to any European site or sites either from the construction, operation and maintenance and decommissioning of the Proposed Development or in combination with other plans and projects.
32	In accordance with Regulation 5(2)(r) of the APFP Regulations, if requested by the Planning Inspectorate, have two paper copies of the application form and other supporting documents and plans been provided?	The Applicant has not been requested by the Planning Inspectorate to provide hard copies of any Application document.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance'?	Yes.  The DCLG guidance 'Planning Act 2008: Application Form Guidance' has been used to prepare the <b>Application Form [EN010154/APP/1.4]</b> , The Applicant considers that the Application submission has been provided in the form set out by this guidance
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate can conclude that the Application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Pre-application fee</b>		



35	<p>Were all pre-application fees paid before the application was made?</p> <p>Pre-application services for which a fee can be charged is defined in Regulation 2A(8) and includes services listed within Schedule 1 of the Fees Regulations 2010. Fees for pre-application services apply to all proposed applications, from the inception meeting. These fees must be paid within 28 days of the invoice. If the applicant fails to pay the fee within 28 days, the Planning Inspectorate will not provide the applicant with any further pre-application services or take any further steps in relation to the proposed application.</p>	<p>Fosse Green Energy is on the Planning Inspectorate's standard service tier. Invoices that have been issued in relation to the services provided under the standard tier have been paid.</p>
<b>Fees to accompany an application</b>		
36	<p>Was the fee paid at the same time that the application was made?</p> <p>The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made</p>	<p>The fee of £8,946 required to accompany the Application was paid via BACS by the Applicant on 8 July 2025 in advance of the Application submission. It was paid in advance of submission to ensure it was received before the submission date. The Planning Inspectorate confirmed via email on 10 July 2025 that the fee had been received.</p>

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

