

## **The Planning Act 2008**

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

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

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

- (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -
- “local authority consultee” means -
- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
  - (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;
- “adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.
- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
- a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
  - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -
- (a) notify that view to the applicant, and
  - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

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

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

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

## Section 55 Acceptance of Applications

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

| Section 55(2) Acceptance of Applications   |   |   |                 |                  |
|--|---|---|-----------------|------------------|
| 1  | Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.  | Date received   | 28 day due date | Date of decision |
|  |   | 20 September 2018   | 18 October 2018 | 18 October 2018  |
|  | Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-   | Planning Inspectorate Comments  |                 |                  |
| s55(3)(a) and s55(3)(c) It is an application for an order granting development consent |   |   |                 |                  |
| 2  | Is the development a nationally significant infrastructure project <sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order <sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?<br><br>If the development does not fall within the categories in | <b>Yes</b><br><br>The proposed development set out in <b>Schedule 1</b> of the <b>draft Development Consent Order (dDCO) (Document 3.1)</b> is a Nationally Significant Infrastructure Project (NSIP), which is a development falling within the categories in s14(1)(h) and s22(1) of the PA2008.<br><br>This is consistent with the summary provided in the <b>Application Form (Document 1.3)</b> in <b>Box 4</b> which concludes that the application is for an NSIP. |                 |                  |

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

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

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

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|  | ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?   |   |
| <b>3</b>   | <b>Summary – s55(3)(a) and s55(3)(c)</b>  | The Planning Inspectorate is satisfied that the application submitted is an application for an order granting development consent under the PA2008 and that development consent is required for the Proposed Development and associated matters described in <b>Box 5</b> of the <b>Application Form (Document 1.3)</b> and set out in <b>Schedule 1</b> of the <b>draft Development Consent Order (Document 3.1)</b> . |
| <b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b> |   |   |
| <b>4</b>   | In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development? | <b>Yes</b><br><br>(b) In submitting the information included in their request for a scoping opinion in March 2013, the Applicant was deemed to have notified the Secretary of State under Regulation 6(1)(b) of the 2009 EIA Regulations that it proposed to provide an environmental statement in respect of the Proposed Development.   |
| <b>5</b>   | Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?  | There are 9 host and neighbouring authorities, of which 3 provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/or that they had “no comments”, these were:<br><br><b>Host Authorities</b><br><br><ul style="list-style-type: none"> <li>Hull City Council</li> </ul>                                   |

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

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

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|                             |   | <ul style="list-style-type: none"> <li>• East Riding of Yorkshire Council</li> </ul> <p><b>Neighbouring Authorities</b></p> <ul style="list-style-type: none"> <li>• North Lincolnshire Council</li> </ul> <p>Responses were invited but were not received from the following authorities:</p> <p><b>Neighbouring Authorities</b></p> <ul style="list-style-type: none"> <li>• Doncaster Metropolitan Borough Council</li> <li>• City of York Council</li> <li>• Ryedale District Council</li> <li>• Selby District Council</li> <li>• Scarborough Borough Council</li> <li>• North Yorkshire County Council</li> </ul> |
| <b>s42: Duty to Consult</b> |   |   |
|                             | Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application? |   |
| 6                           | s42(1)(a) persons prescribed <sup>6</sup> ?   | <p><b>Yes</b></p> <p>The Applicant carried out two rounds of statutory consultation and several rounds of targeted consultation. The two rounds of statutory consultation were in 2013 and 2017.</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 16 January 2017 at <b>Annex G2.1</b> of the <b>Consultation Report (Document 5.1)</b></p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted by the Applicant under</p>  |

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

s42:

- South Yorkshire Passenger Transport Executive
- Forestry Commission - Yorkshire North East Office
- Driffeld Navigation Trust (Canal Or Inland Navigation Authorities)
- Humber Port (Dock and Harbour authority)
- Trinity House
- Energy Assets Pipelines Limited
- Harlaxton Gas Networks Limited
- Indigo Pipelines Limited
- Murphy Gas Networks Limited
- Scotland Gas Networks Plc
- Southern Gas Networks Plc
- Eclipse Power Network
- Energy Assets Networks Limited
- Energy Assets Power Networks Limited
- Fulcrum Electricity Assets Limited
- G2 Energy IDNO Limited
- Harlaxton Energy Networks Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- The Electricity Network Company Limited
- UK Power Distribution Limited
- Utility Assets Limited
- Vattenfall Networks Limited
- Utility Distribution Networks Limited
- Royal National Lifeboat Institution

It is noted that the licences held by Energy Assets Pipelines Limited; Indigo Pipelines Limited; Harlaxton Energy Networks Limited; and UK Power Distribution Limited all cover Great Britain. The operational areas of these bodies however are not clear from

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|   |  | <p>information in the public domain.</p> <p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, The Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008 unless there is a specific justification why this is not necessary.</p> <p><a href="#">s51 advice</a> has been issued to the Applicant</p> |
| 7 | s42(1)(aa) the Marine Management Organisation <sup>7</sup> ? | <p><b>Yes</b></p> <p>The Applicant consulted the MMO on 16 January 2017, appearing in <b>Annex G2.1, Consultation Report (Document 5.1)</b></p>  |
| 8 | s42(1)(b) each local authority within s43 <sup>8</sup> ?     | <p><b>Yes</b></p> <p>The Applicant has consulted each local authority within s43 as described in <b>Table 9</b> of the <b>Consultation Report (Document 5.1)</b>; consulting host authorities on 16 January 2017 and neighbouring local authorities on 30 July 2017 (<b>Paragraph 3.7.46, Consultation Report, Document 5.1</b>) These are:</p> <p><b>Host Authorities</b></p> <ul style="list-style-type: none"> <li>• Hull City Council</li> <li>• East Riding of Yorkshire Council</li> </ul> <p><b>Neighbouring Authorities</b></p>  |

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

<sup>8</sup> Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority



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|  |  | <ul style="list-style-type: none"> <li>• Doncaster Metropolitan Borough Council</li> <li>• City of York Council</li> <li>• Ryedale District Council</li> <li>• Selby District Council</li> <li>• Scarborough Borough Council</li> <li>• North Lincolnshire Council</li> <li>• North Yorkshire County Council</li> </ul>  |
| 9  | s42(1)(c) the Greater London Authority (if in Greater London area)?  | N/A  |
| 10   | s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?  | <p><b>Yes</b></p> <p>The Applicant has consulted each person in one or more s44 categories as described in the <b>Book of Reference (Document 4.3)</b> and in <b>Paragraph 3.3.3</b> of the <b>Consultation Report (Document 5.1)</b></p>  |
| <b>s45: Timetable for s42 Consultation</b> |  |  |
| 11   | Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents? | <p><b>Yes</b></p> <p>The letter dated 16 January 2017 was sent to s42 consultees and confirms a deadline of responses being 13 February 2017 (<b>Consultation Report, Document 5.1, Annex I2.1</b>).</p> <p>Dependent upon how the Applicant communicated the consultation material to consultees, it is possible that the consultation documents were received after 17 January 2017. However, it is noted that responses received after 13 February 2017</p> |

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

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|   |  | were still taken into consideration by the Applicant in developing the proposed design ( <b>Consultation Report, Document 5.1, Paragraph 3.1.4</b> ).   |
| <b>s46: Duty to notify Secretary of State of proposed application</b> |  |   |
| 12  | Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42? | <p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 11 January 2017, which was on or before the beginning of s42 consultation.</p> <p>A copy of the letter dated 11 January 2017 and consultation documents sent to the Secretary of State is included in the <b>Consultation Report, Document 5.1, Annex J2.1</b>.</p>   |
| <b>s47: Duty to consult local community</b>                           |  |   |
| 13  | Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?  | <p><b>Yes</b></p> <p>The Applicant produced a Statement of Community Consultation (SoCC) which is supplied with the application (<b>Consultation Report, Document 5.1, Annex F2.1</b>).</p>   |
| 14  | Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?               | <p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Hull City Council (“B” Authority) on 6 May 2016 and set a deadline of 3 June 2016 for responses (<b>Consultation Report, Document 5.1, Annex D2.1</b>).</p> <p>The Applicant sent the draft SoCC to East Riding of Yorkshire Council (“B” Authority) on 28 June 2016 and set a deadline of 26 July 2016 for responses (<b>Consultation Report, Document 5.1, Annex D2.1</b>).</p> |
| 15  | Has the applicant had regard to any responses received when preparing the SoCC?  | <p><b>Yes</b></p> <p>The Applicant has explained at <b>Table 6</b> of the <b>Consultation Report (Document 5.1)</b> how the responses that were received as a result of consultation on the SoCC have</p>   |

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|  |   | been taken into consideration.  |             |
| 16   | Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected? | <b>Yes</b><br><br>The SoCC was made available at the places set out in <b>Table 7</b> of the <b>Consultation Report (Document 5.1)</b> which are reasonably convenient having regard to the location of the scheme. A notice stating when and where it could be inspected was published in:<br><br>• Hull Daily Mail – 9 January 2017 |             |
| 17   | Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?   | <b>Yes</b><br><br>The SoCC ( <b>Consultation Report, Document 5.1, Annex F2.1</b> ) sets out at <b>paragraph 11</b> that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.  |             |
| 18   | Has the applicant carried out the consultation in accordance with the SoCC?   | <b>Yes</b><br><br>The Applicant has set out at <b>Table 13</b> of the <b>Consultation Report (Document 5.1)</b> the activities that have been carried out and how the commitments in the SoCC have been met. This conclusion is supported by the Adequacy of Consultation Representations.  |             |
| <b>s48: Duty to publicise the proposed application</b> |   |   |             |
| 19   | Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?  | <b>Yes</b><br><br>The Applicant has described the newspapers and dates of s48 publicity in <b>Table 14</b> of the <b>Consultation Report (Document 5.1)</b> , as set out below:   |             |
|  |   | <b>Newspaper(s)</b>   | <b>Date</b> |

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

|    |  |   |                                    |             |           |
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|    | for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;     | Hull Daily Mail   | 09 January 2017<br>16 January 2017 |             |           |
|    | once in a national newspaper;  | The Times   | 09 January 2017                    |             |           |
|    | once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and  | The London Gazette  | 10 January 2017                    |             |           |
|    | where the proposed application relates to offshore development –<br>(i) once in Lloyds List; and<br>(ii) once in an appropriate fishing trade journal? | The application includes a Deemed Marine Licence. On this basis the proposed application relates to offshore development. It is noted that the Section 48 notice was not published in Lloyds List and an appropriate fishing trade journal, because the Applicant considered the scheme was not offshore development. The Applicant is advised to publish their notice of acceptance of the application as described in Regulation 8(1) and 4(2)(d) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. |                                    |             |           |
| 20 | Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?  | <b>Yes</b><br>The published s48 notice is supplied in the <b>Consultation Report, Document 5.1, Annex L2.1</b> and contains the required information as set out below:  |                                    |             |           |
|    | Information  | Paragraph   |                                    | Information | Paragraph |

|    |   |   |    |   |   |
|----|---|---|----|---|---|
| a) | The name and address of the applicant.  | 1 | b) | A statement that the applicant intends to make an application for development consent to the Secretary of State | 1 |
| c) | a statement as to whether the application is EIA development  | 3 | d) | a summary of the main proposals, specifying the location or route of the proposed development                   | 2 |
| 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 | 4 | f) | the latest date on which those documents, plans and maps will be available for inspection                       | 4 |
| g) | whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge  | 5 | h) | details of how to respond to the publicity  | 6 |
| 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  | 6 |    |   |   |
| 21 | Are there any observations in respect of the s48 notice provided above?   |   |    |   |   |
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| 22  | Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ? | <p><b>Yes</b></p> <p>The notice was sent to the EIA consultation bodies on 16 January 2017 as confirmed in <b>paragraph 3.3.7</b> of the <b>Consultation Report (Document 5.1)</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><b>Yes</b></p> <p>The Applicant has set out at <b>Annex N2.1</b> of the <b>Consultation Report (Document 5.1)</b> the actions that have been taken having regard to the consultation responses received, in the form of a schedule of responses and the related actions. They have also described the consideration given to responses that did not lead to a change.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p> |
| <b>Guidance about pre-application procedure</b>                             |  |   |
| 24  | To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?                            | <b>Table 18</b> of the <b>Consultation Report (Document 5.1)</b> explains how the Applicant has had regard to DCLG guidance on the pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.   |
| <b>25</b>   | <b>Summary - s55(3)(e)</b>   | The Planning Inspectorate is satisfied that the Applicant has acted reasonably in seeking to comply with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. The discrepancies identified are not so great as to diminish the Planning Inspectorate's general satisfaction in this regard.   |

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

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

|  |  |   |                    |                          |
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| <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: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul> | <b>Yes</b><br><b>Box 4</b> of the <b>Application Form (Document 1.3)</b> explains why the development falls within the remit of the Secretary of State.<br><b>Box 5</b> of the <b>Application Form (Document 1.3)</b> provides a brief non-technical description of the proposed development, whilst <b>Box 6</b> provides the location of the proposal. A <b>Location Plan (Document 2.1)</b> has been provided. |                    |                          |
| 27   | Is it accompanied by a consultation report?  | <b>Yes</b><br>The application is accompanied by a <b>Consultation Report (Document 5.1)</b> and <b>Consultation Report Appendices (Document 5.2)</b> .  |                    |                          |
| 28   | Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>   | <b>Yes</b>  |                    |                          |
| 29   | Is it accompanied by the documents and information set out in APFP Regulation 5(2)?  | <b>Yes</b><br>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:   |                    |                          |
| <b>Information</b>   |  | <b>Document</b>   | <b>Information</b> | <b>Document</b>          |
| a)   | Where applicable, the environmental  | <b>Document 6.1</b>   | b)                 | The draft proposed order |
|  |  |   |                    | <b>Document 3.1</b>      |

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

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|    | statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions |   |    |  |                     |
|    | Is this of a satisfactory standard?  | <b>Yes</b> (with minor discrepancies as noted in Box 30). |    | Is this of a satisfactory standard?  | <b>Yes</b>          |
| c) | An explanatory memorandum explaining the purpose and effect of provisions in the draft order                   | <b>Document 3.2</b>                                       | d) | Where applicable, a book of reference (where the application involves any compulsory acquisition)  | <b>Document 4.3</b> |
|    | Is this of a satisfactory standard?  | <b>Yes</b> (with minor discrepancies as noted in Box 30). |    | Is this of a satisfactory standard?  | <b>Yes</b>          |
| e) | A copy of any flood risk assessment  | <b>Document 6.3 (ES Volume 3, Appendix 11.2)</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 | <b>Document 6.5</b> |
|    | Is this of a satisfactory standard?  | <b>Yes</b>  |    | Is this of a satisfactory standard?  | <b>Yes</b>          |
| h) | A statement of reasons and a funding statement (where the application involves any compulsory acquisition)     | <b>Document 4.1 and 4.2</b>                               | i) | A land plan identifying:-<br>(i) the land required for, or affected by, the proposed development;<br>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory                            | <b>Document 2.3</b> |

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



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|    |  |   |    | acquisition or any rights to use land;<br>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and<br>(iv) any special category land and replacement land |   |
|    | Is this of a satisfactory standard?  | <b>Yes</b>  |    | Is this of a satisfactory standard?   | <b>Yes</b> (with minor discrepancies as noted in Box 30). |
| j) | A works plan showing, in relation to existing features:-<br><br>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and<br><br>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order | <b>Document 2.4</b>                                       | 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               | <b>Document 2.5</b>                                       |
|    | Is this of a satisfactory standard?  | <b>Yes</b> (with minor discrepancies as noted in Box 30). |    | Is this of a satisfactory standard?   | <b>Yes</b>  |
| l) | Where applicable, a plan with  | <b>(i) and</b>  | m) | Where applicable, a plan with accompanying information identifying any statutory/non-statutory  | <b>Document 6.2 (ES Volume 2, Figure</b>                  |

|    |  |   |    |   |  |
|----|--|---|----|---|--|
|    | <p>accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p> | <p>(ii) <b>Doc 6.2 (ES Volume 2, Figure 2.4, Figure 10.1, Figure 10.2)</b></p> <p>(iii) <b>Doc 6.2 (ES Volume 2, Figure 10.1 and 10.2); Doc 6.3 (ES Volume 3, Appendix 10.1)</b></p> <p>(iv) <b>Doc 6.2 (ES Volume 2, Figure 11.4, Figure 11.5)</b></p> |    | <p>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>   | <p><b>2.4, Figure 8.3, Figure 8.4)</b></p>   |
|    | Is this of a satisfactory standard?  | <b>Yes</b>  |    | Is this of a satisfactory standard?   | <b>Yes</b>                                   |
| n) | Where applicable, a plan with any accompanying information identifying any Crown land  | <b>Document 2.11</b>  | 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 | <b>Documents 2.2, 2.7, 2.8, 2.9 and 2.10</b> |
|    | Is this of a satisfactory standard?  | <b>Yes</b>  |    | Are they of a satisfactory standard?  | <b>Yes</b>                                   |
| p) | Any of the documents prescribed by Regulation 6 of the APFP Regulations:   | <b>Document 2.6 and 2.7</b>   | q) | Any other documents considered necessary to support the application.  | <b>Introduction to the Application</b>       |

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| <p>(2) If the application is for highway related development or for the construction or alteration of a railway, it must be accompanied by section drawings to suitable horizontal and vertical scales, which show, by reference to Ordnance Survey or Chart datum—</p> <p>(a) the levels of the proposed works, including in particular and where relevant—</p> <p>(i) ground levels;</p> <p>(ii) the height of every proposed bridge, viaduct, aqueduct, embankment and elevated guideway;</p> <p>(iii) the depth of every proposed cutting and tunnel;</p> <p>(iv) the levels of the bed of any tidal waters or inland waterway in which it is proposed that any works should be situated;</p> <p>(v) the height of every structure or device (including a cable, but not catenary and related equipment) intended to be erected above, on or below the surface of, or on or beneath the bed of tidal waters or an inland waterway; and</p> <p>(vi) drainage outfall details for highways;</p> <p>(b) a cross section of every intended tunnel and any altered gradient of a carriageway or a way forming part of a guided transport system on either side of every level crossing, bridge, tunnel or underpass which would carry the carriageway or way or through which it would pass.</p> |                   |  |   | <p><b>(Document 1.1)</b></p> <p><b>Covering Letter and Schedule of Compliance with Section 55</b></p> <p><b>(Document 1.2)</b></p> <p><b>National Networks National Policy Statement</b></p> <p><b>Accordance Table</b></p> <p><b>(Document 7.2)</b></p> <p><b>Outline Environmental Management Plan</b></p> <p><b>(Document 7.3)</b></p> <p><b>Transport Assessment Report (Document 7.4)</b></p> <p><b>Planning Statement</b></p> <p><b>(Document 7.1)</b></p> |
| <p>Are they of a satisfactory standard?</p>   | <p><b>Yes</b></p> |  | <p>Are they of a satisfactory standard?</p> | <p><b>Yes</b></p>  |

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| 30  | Are there any observations in respect of the documents provided above?  |   |   |
|   | <p><b>Environmental Statement</b></p> <p>The emergence/re-entry bat surveys undertaken at the Earl de Grey public house do not appear to be consistent with the guidance referenced in the assessment. The Applicant should be prepared to provide evidence of the consultation with Natural England on the approach taken and provide an update on the progress of agreeing a Letter of No Impediment. Furthermore, Figure 10.2 of Volume 2 of the ES contains an error in the key, which should be rectified.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the ES. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</p> <p><b>Explanatory Memorandum (EM)</b></p> <p>The EM generally limits itself to a brief description of the effect of each provision; it does not in general justify the Development Consent Order provisions and in many cases identifies no precedent.</p> <p><b>Works Plans</b></p> <p>It is unclear where works number 21B and 21D start.</p> <p><b>Land Plans</b></p> <p>There is an unnumbered plot on Sheet 3, adjacent to plot 3/3b.</p> |   |   |
| 31  | <table border="1"> <tr> <td data-bbox="181 975 936 1246"> <p>Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;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</p> </td><td data-bbox="936 975 2110 1246"> <p><b>Yes</b></p> <p>A Habitat Regulations Assessment Report is provided in <b>Document 6.13</b>.</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and</p> </td></tr> </table>   | <p>Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;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</p> | <p><b>Yes</b></p> <p>A Habitat Regulations Assessment Report is provided in <b>Document 6.13</b>.</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and</p> |
| <p>Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;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</p> | <p><b>Yes</b></p> <p>A Habitat Regulations Assessment Report is provided in <b>Document 6.13</b>.</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and</p>   |   |   |

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|  | implications for the site if required by regulation 48(1)? <sup>15</sup>  | the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination. |
| 32   | If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>   | <b>Yes</b><br>One paper copy of the application was requested and supplied.   |
| 33   | Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory? | The application appears to be in general conformity with the guidance.  |
| <b>34</b>  | <b>Summary - s55(3)(f) and s55(5A)</b>  | The application has been prepared to a standard that the Secretary of State considers satisfactory.   |
| <b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b> |   |   |
| <b>Fees to accompany an application</b>                            |   |   |
| 35   | Was the fee paid at the same time that the application was made <sup>17</sup> ?   | The Application Fee was received before submission of the application, on 18 September 2018.  |

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

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

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

| Electronic Signature        | Name                 | Date     |
|-----------------------------|----------------------|----------|
| <b>Case Leader</b>          | <i>Robert Ranger</i> | 18/10/18 |
| <b>Acceptance Inspector</b> | <i>Rynd Smith</i>    | 18/10/18 |