

A38 Derby Junctions Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It 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 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
		23 April 2019	21 May 2019	21 May 2019
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	Is the development a Nationally Significant Infrastructure Project ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14 to 30 does the Proposed Development fall)?	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (3.1) includes development falling within the categories in s14 of the PA2008. The development is for the alteration of a Highway and satisfies section 22(1) of the PA2008; including subsection (3) and subsection (4).</p> <p>This is consistent with the summary provided in section 4 of the Application Form (1.3) which states that the application is for an NSIP.</p>		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	If the development does not fall within the categories in ss14 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?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , 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>Yes</p> <p>On 2 March 2018 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 7 September 2018.</p> <p>A copy of the notification letter is provided at Annex B of the Consultation Report (Doc 5.2).</p>
5	Have any Adequacy of Consultation Representations ⁴ 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>Yes</p> <p>There are 20 host and neighbouring authorities, of which 6 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 7 May 2019.</p> <p>All 6 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p>

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ 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

		<ul style="list-style-type: none"> • Amber Valley Borough Council • Erewash Borough Council • Derby City Council • Derbyshire County Council* • Sheffield City Council • Leicestershire County Council <p><i>*Derbyshire County Council has made comments regarding s49</i></p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website</p>
Section 42: Duty to consult		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 6 September 2018 at Annex G of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Annex I of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Severn Trent Water <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the body identified above has not been consulted.</p> <p>The body listed above has not been identified by the Applicant as having an interest in</p>

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		the Order lands and is not listed in the Book of Reference (Doc 4.3) . Section 51 advice has been issued to the Applicant in respect of the above matter.
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	n/a.
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Paragraph 3.3.7 and Table 5 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b).</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Derby City Council • Erewash Borough Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Derbyshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Amber Valley Borough Council • Broxtowe Borough Council • Rushcliffe Borough Council • North West Leicestershire District Council • South Derbyshire District Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Nottinghamshire County Council • Leicestershire County Council

⁶ 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

⁷ 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

		<ul style="list-style-type: none"> • Staffordshire County Council • Cheshire East Council • Stockport Council • Tameside Metropolitan Borough Council • Oldham Council • Kirklees Council • Barnsley Council • Sheffield City Council • Rotherham Metropolitan Borough Council • Peak District National Park <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Annex I of the Consultation Report (Doc 5.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 3.3.27 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 6 September 2018.</p> <p>Paragraphs 3.3.24 to 3.3.27 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc 3.1).</p> <p>The Applicant's Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d). The persons consulted under s42(1)(d) are listed at Annex H of the Consultation Report (5.1).</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		A sample of the letter is provided at Annex I of the Consultation Report (Doc 5.1) .
Section 45: Timetable for s42 consultation		
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>A sample of the letter sent to s42 consultees is provided at Annex I of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 6 September 2018 confirmed that consultation commenced on 7 September 2018 and closed on 18 October 2018, providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information 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?	<p>Yes.</p> <p>The Applicant gave notice under s46 on 4 September 2018 which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Annex J of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Annex J of the Consultation Report (Doc 5.1).</p>
Section 47: Duty to consult local community		
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>A copy of the final SoCC is provided at Annex F of the Consultation Report (Doc 5.1).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to Derby City Council and Erewash Borough Council ('B Authority') and Derbyshire County Council ('C' authority) on 25 June 2018 and set a deadline of 23 July 2018 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses	Yes

	received when preparing the SoCC?	<p>Table 2 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses in respect of the draft SoCC, and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • Deposit point changed from 'Central Library' to 'Riverside Library' with opening times Monday to Friday 8.30am to 5pm, Saturday 9am to 1.00pm • Text of paragraph 21 amended <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>The final SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Park Farm Centre • Breadsall Village Shop • Riverside Library • Derbyshire County Council offices • Etwall Library • Little Eaton Post Office • Mackworth Library • Mickleover Library <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Derby Telegraph, 6 September 2018
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the	<p>Yes</p> <p>Paragraph 18 of the final SoCC at Annex F of the Consultation Report (Doc 5.1) sets</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	Preliminary Environmental Information?	out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.																
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes Table 7 of the Consultation Report (Doc 5.1) sets out how the community consultation was carried out in line with the final SoCC. Annexes A, K and L of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.																
Section 48: Duty to publicise the proposed application																		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes Table 8 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below. Clippings of the published notices set out below are provided at Annex L of the Consultation Report (Doc 5.1) :																
<table><tr><th colspan="2">Newspaper(s)</th><th>Date</th></tr><tr><td>a)</td><td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td><td><ul style="list-style-type: none">Derby Telegraph6 September 2018 13 September 2018</td></tr><tr><td>b)</td><td>once in a national newspaper;</td><td><ul style="list-style-type: none">The Guardian5 September 2018</td></tr><tr><td>c)</td><td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td><td><ul style="list-style-type: none">The London Gazette6 September 2018</td></tr><tr><td>d)</td><td>where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? Note: where an application will contain a draft Deemed</td><td>n/a </td></tr></table>				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;	<ul style="list-style-type: none">Derby Telegraph 6 September 2018 13 September 2018	b)	once in a national newspaper;	<ul style="list-style-type: none">The Guardian 5 September 2018	c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none">The London Gazette 6 September 2018	d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? Note: where an application will contain a draft Deemed	n/a
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	Marine Licence, the Planning Inspectorate will consider that the proposed application relates to offshore development				
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The published s48 notice, supplied at Annex L of the Consultation Report (Doc 5.1) , 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	5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	4
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	6	f)	the latest date on which those documents, plans and maps will be available for inspection	7
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8	h)	details of how to respond to the publicity	10
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	9			
21	Are there any observations in respect of the s48 notice provided above?				

No.		
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 ¹⁰ ?	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 3.3.34 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Annex I of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>Annex O of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>Careful regard has been had to the adequacy of consultation representation made by Derbyshire County Council. However, the actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Table 12 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

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)

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">a brief statement which explains why it falls within the remit of the Planning Inspectorate; anda brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?	Yes Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate. Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development. A Location Plan (Doc 2.1) has been provided.												
27	Is it accompanied by a Consultation Report?	Yes. The application is accompanied by a Consultation Report (Doc 5.1) .												
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes												
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:												
<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 Regulations¹³ and any scoping or screening</td><td>Environmental Statement (Doc 6.1) Volume 6.1 is the main text. The other relevant volumes are:</td><td>b)</td><td>The draft Development Consent Order (DCO)</td><td>Draft Development Consent Order (Doc 3.1)</td></tr></table>			Information		Document	Information		Document	a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	Environmental Statement (Doc 6.1) Volume 6.1 is the main text. The other relevant volumes are:	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
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¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

c)	opinions or directions	Environmental Statement Figures (Doc 6.2) Environmental Statement Appendices (Doc 6.3) Environmental Statement Non-Technical Summary (Doc 6.4) Scoping Opinion (Doc 6.3 and Doc 6.5)	d)		
	Is this of a satisfactory standard?	Yes – subject to the comments in Box 30		Is this of a satisfactory standard?	Yes
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum to draft order (Doc 3.2)		Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Book of Reference (Doc 4.3)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
	A copy of any Flood Risk Assessment	Flood Risk Assessment (Doc 7.1) Comprising three separate FRAs, one for each junction		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	Statement of Statutory Nuisance (Doc 6.11) A Statement of Statutory Nuisance is included within the Environmental Protection Information
e)	Is this of a satisfactory	Yes	f)	Is this of a satisfactory	Yes

	standard?			standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Funding Statement (Doc 4.2)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Land Plans (Doc 2.2) Land Plans Special Category (Doc 2.3)
	Is this of a satisfactory standard?	Yes - with minor discrepancies as noted in Box 30		Is this of a satisfactory standard?	Yes - with minor discrepancies as noted in Box 30
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and	Works Plan (Doc 2.5)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or	Streets, Rights of Way and Access Plans (Doc 2.7)

	alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO			creation of rights of way or public rights of navigation	
	Is this of a satisfactory standard?	Yes - with minor discrepancies as noted in Box 30		Is this of a satisfactory standard?	Yes
I)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the	Environmental Statement (Doc 6.2) (i) Chapter 8: Biodiversity, Figures 8.3, 8.4 and 8.5 (ii) Chapter 8: Biodiversity, Figures 8.6 to 8.36 (iii) Chapter 13: Road Drainage and Water Environment, Figure 13.4	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development	Environmental Statement Figures (Doc 6.2) Figures 6.1 to 6.6 Derwent Valley Mills World Heritage Site – Heritage Impact Assessment (Doc 6.3, Appendix 6.1)

n)	Proposed Development		o)		
	Is this of a satisfactory standard?	Yes - with minor discrepancies as noted in Box 30		Is this of a satisfactory standard?	Yes
	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 2.4)		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	Site Location Plan (Doc 2.1) General Arrangement Plans (Doc 2.6) Traffic Regulation Measures Plans (Doc 2.8) Classification of Roads Plans (Doc 2.9) Engineering Drawings and Sections (Doc 2.10) Drainage Outfall Drawings (Doc 2.11)
p)	Is this of a satisfactory standard?	Yes	q)	Are they of a satisfactory standard?	Yes - with minor discrepancies as noted in Box 30
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	The Development is highway related development therefore Reg 6(2) applies. Engineering Drawings and Sections (Doc 2.10)		Any other documents considered necessary to support the application	Introduction to the Application (Doc 1.1) Consents and Agreements Position Statement (Doc 3.3) Equalities Impact Assessment (Doc 6.8) Outline Environmental Management Plan (Doc 6.12) Planning Statement and National Policy Statement Accordance Table (Doc 7.2) Transport Assessment Report (Doc 7.3) Traffic Management Plan (Doc 7.4)

	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided above?				
	<p>Environmental Statement (Doc 6.1)</p> <p>Page 51 of the Biodiversity chapter of the Environmental Statement (ES) is partially complete. The Applicant should provide a replacement version of page 51.</p> <p>Two versions of the Outline Environmental Management Plan have been provided with the ES (6.3 Environmental Statement Appendices. Appendix 2.1: Outline Environmental Management Plan (OEMP); and 6.12: Outline Environmental Management Plan (OEMP)). For the avoidance of doubt, the Applicant should confirm which version of the OEMP should be relied on for the purposes of the examination.</p> <p>Chapter 5 of the ES sets out the air quality screening criteria that are used to define the local air quality study area. Figures showing the assessed local air quality receptors are provided but the ES lacks a detailed explanation of how the criteria have been applied to the final selection of receptors. Further justification is required to demonstrate how specific receptors/links have been included for assessment and the justification should include reference to both Air Quality Management Areas (AQMA) within Derby.</p> <p>Chapter 5 of the ES excludes consideration of local air quality effects in the 2039 design year. Whilst this is consistent with the approach outlined at Scoping, it is not justified in the ES.</p> <p>Figure 5.5a-f shows changes in opening year air quality. The figure merges changes of $+0.4\mu\text{g}/\text{m}^3$ with $-0.4\mu\text{g}/\text{m}^3$ on the basis that a change of $0.4\mu\text{g}/\text{m}^3$ is imperceptible. It is suggested that a revised figure which depicts the fine-grained detail to differentiate between changes in air quality is requested in order to more clearly distinguish between areas anticipated to receive improvement and deterioration in air quality.</p> <p>The ES would benefit from the provision of 3D visualisations/drawings to enable a clear understanding of the visual impact of the proposed junction developments.</p> <p>Funding Statement (Doc 4.2)</p> <p>The documents referred to in annexes are not supplied.</p> <p>General Arrangement Plans (Doc 2.6)</p> <p>There are minor drafting errors.</p> <p>Works Plans (Doc 2.5)</p> <p>There are minor drafting errors.</p> <p>Land Plans (Doc 2.2)</p>				

	<p>There are minor drafting errors.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters.</p>	
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report is provided; refer to The Habitats Regulations Assessment - No Significant Effects Report (Doc 6.10).</p> <p>The HRA 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 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.</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	No paper copy of the application was requested or supplied.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p>Yes</p> <p>Table 12 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application.</p>

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 12 April 2019; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Robert Ranger</i>	21 May 2019
Acceptance Inspector	<i>Geoff Underwood</i>	21 May 2019

¹⁶ 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

