

A12 Chelmsford to A120 widening scheme

TR010060

1.1 Covering Letter & Completed Section 55: Checklist

APFP Regulation 5(2)(q)

Planning Act 2008

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

Volume 1

August 2022

Infrastructure Planning

Planning Act 2008

A12 Chelmsford to A120 widening scheme

Development Consent Order 202[]

1.1 COVERING LETTER & COMPLETED SETION 55: CHECKLIST

| | |
|---|--|
| Regulation Number | Regulation 5(2)(q) |
| Planning Inspectorate Scheme Reference | TR010060 |
| Application Document Reference | TR010060/APP/1.1 |
| Author | A12 Project Team and National Highways |

| Version | Date | Status of Version |
|----------------|-------------|--------------------------|
| Rev 1 | August 2022 | DCO Application |

Mr Baldwin
3/18 Eagle Wing
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Mr Baldwin,

Planning Act 2008

Application for a Development Consent Order for the proposed A12 Chelmsford to A120 widening scheme

National Highways

Application Reference TR010060

I am pleased to enclose an application on behalf of National Highways (the Applicant) under section 37 of the Planning Act 2008 (the 2008 Act) for an order granting development consent for the A12 Chelmsford to A120 widening scheme (the proposed scheme).

1 Subject of the application

- 1.1 Development consent is required because the proposed scheme is a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(b) of the 2008 Act. Further, in order to undertake the development under section 22(1)(b), it is necessary to obtain development consent under sections 14(1)(f) and 20(1) for the diversion of a gas pipeline as part of the enabling works for the proposed scheme.
- 1.2 Further detail concerning the proposed scheme's qualification as a Nationally Significant Infrastructure Project can be found in the prescribed form within the Application Form [TR010060/APP/1.3] and in the Explanatory Memorandum [TR010060/APP/3.2].

2 Application fee and documentation enclosed

- 2.1 A fee of £7,488 has been submitted by BACS transfer to the account of the Planning Inspectorate (the Inspectorate).
- 2.2 As agreed with the Inspectorate, the application will be submitted electronically. It will contain the full application as listed in Annex A as suggested in the Inspectorate's Advice Note Six: Preparation and Submission of Application Documents and agreed with the Inspectorate.
- 2.3 In accordance with the Inspectorate's Advice Note Six, an electronic version of the application was provided today along with a GIS shape file provided on 23/07/2022. The Introduction to the Application [TR010060/APP/1.2] provides details of all Application Documents being submitted.
- 2.4 A schedule of compliance with section 55 of the 2008 Act accompanies this letter in Annex B. This has been included to demonstrate how the application meets the tests for acceptance by the Inspectorate and submitted with the compliance table in the Consultation Report [TR010060/APP/5.1].

3 Application formalities

- This Application is made in the form required by section 37(3)(b) of the 2008 Act and the application documents comply with the requirements in section 37 of the 2008 Act and those set out in the following:
 - The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
 - The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
 - The Infrastructure Planning (Publications and Notification of Applications etc.) (Amendment) Regulations 2020
 - Department for Communities and Local Government's (2013) Planning Act 2008: Nationally Significant Infrastructure Projects – Application Form Guidance (June 2013)
 - Planning Inspectorate's (September 2021) Advice Note Six: Preparation and Submission of Application Documents
- 3.1 We request that the Inspectorate publish the application documents on the Projects page of the National Infrastructure Planning website from submission of the application. This is with the exception of Appendix 9.3 Barn Owl Survey Report [CONFIDENTIAL] of the Environmental Statement [TR010060/APP/6.3] and Appendix 9.2: Badger Survey Report [CONFIDENTIAL] and Appendix 9.17 Draft Badger Licence [CONFIDENTIAL] of the Environmental Statement [TR010060/APP/6.3], which should not be published as they contain

confidential information pertaining to species protected under the Protection of Badgers Act 1992 and The Wildlife and Countryside Act 1981.

4 Description of the proposed scheme

- 4.1 A non-technical description of the proposed scheme is provided in the Introduction to the Application [TR010060/APP/1.2]. A more detailed and technical description is provided in Chapter 2: The proposed scheme, of the Environmental Statement [TR010060/APP/6.1].

5 Consent flexibility – Rochdale Envelope

- 5.1 The Applicant has considered the relevant National Policy Statements and the Inspectorate's Advice Note Nine: Rochdale Envelope together with pre-application advice provided by the Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) [TR010060/APP/3.1] is fundamental to whether the proposed scheme is deliverable.
- 5.2 Two important elements of the flexibility sought within the DCO are the lateral and vertical limits of the proposed scheme. The limits of deviation have been defined using lateral and vertical limits of deviation for all works comprising the proposed scheme. Details of the limits of deviation applied to the proposed scheme are contained in the draft DCO [TR010060/APP/3.1] and shown on the Works Plans [TR010060/APP/2.2].
- 5.3 These limits of deviation have been incorporated within the draft DCO to allow modifications to be made to the design of the proposed scheme during the detailed design and construction stages. Such flexibility is required, for example, to enable the Applicant to alter its working procedures or make adjustments to the position of certain infrastructure in response to, for example, unforeseen ground conditions.
- 5.4 The Environmental Impact Assessment carried out for the proposed scheme has reflected and assessed the flexibility sought in the draft DCO. The maximum design parameters referenced in the draft DCO have been assessed in the Environmental Statement [TR010060/APP/6.1]. The application has been assessed and seeks permission for the worst-case scenario for implementing the proposed scheme.
- 5.5 Further detail on the Applicant's approach to the Rochdale Envelope and flexibility within the draft DCO is provided within Chapter 2: The proposed scheme, of the Environmental Statement [TR010060/APP/6.1].

6 Habitats Regulations Assessment

- 6.1 This Application includes a Habitats Regulations Assessment (HRA) No Significant Effects Report (known as HRA Report [TR010060/APP/6.8]) as required by Regulation 5(2)(g) of the APFP Regulations. The HRA No Significant Effects Report identifies all relevant European sites designated for their nature conservation interest and provides the information required for the

competent authority to determine whether the proposed scheme is likely to have an adverse effect on the integrity of any European site.

6.2 The HRA Report was prepared in line with the Inspectorate's Advice Note Ten: Habitats Regulations Assessments.

6.3 The Applicant has undertaken Screening for the purposes of the Conservation of Habitats and Species Regulations 2017 and concluded that there are no likely significant effects on any European sites and their features. This application is accompanied by an HRA No Significant Effects Report [TR010060/APP/6.8] to evidence this conclusion.

7 Compulsory acquisition

7.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the proposed scheme. Details on the powers sought and negotiations to date including those relating to any special category land and Crown land affected are provided in the Book of Reference [TR010060/APP/4.3] and the Statement of Reasons [TR010060/APP/4.1]. The Applicant has written to the relevant Crown bodies requesting consent under section 135 of the 2008 Act.

7.2 Adequacy of the funding for compensation is provided in the Funding Statement [TR010060/APP/4.2].

8 Other consents

8.1 Details of other consents and licences not forming part of the DCO, which the Applicant (or others) may be seeking in relation to the construction and operation of the proposed scheme and associated development, are set out in the Consents and Licences Position Statement [TR010060/APP/3.3].

9 Pre-application consultation

9.1 As required by section 37(3)(c) of the 2008 Act, a Consultation Report [TR010060/APP/5.1] accompanies this application. The Consultation Report details compliance with sections 42, 47, 48 and 49 of the 2008 Act.

10 Pre-application engagement with the Inspectorate

10.1 National Highways held an inception meeting with the Inspectorate in June 2017 in respect of the proposed scheme. Since that date, there have been a further six project update meetings. Meeting Notes of these meetings have been published on the Inspectorate's website. Key issues discussed included the emerging joint Local Plan for the North Essex Authorities and how the issue of the Colchester Braintree Borders Garden Community should be addressed.

Since these discussions, the proposals for the Colchester Braintree Borders Garden Community are no longer being progressed.

- 10.2 The Applicant also had meetings with the Inspectorate to submit a Scoping Report and discuss the subsequent Scoping Opinion. The project team and the Inspectorate continued regular project update meetings. Draft application documents were submitted, and the project team have received comments on those draft documents from the Planning Inspectorate which have been taken into consideration in the preparation of the Application.

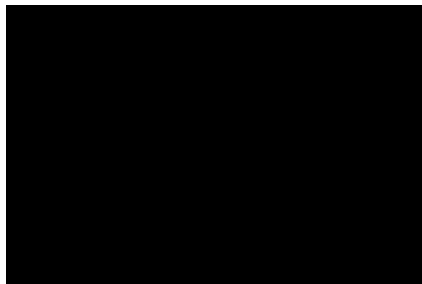
11 Other matters

- 11.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development needs to include section drawings; these can be found as the Highways Engineering Section Drawings [TR010060/APP/2.11] and Structures Engineering Drawings and Sections [TR010060/APP/2.12].
- 11.2 Under Regulation 6(4) of the APFP Regulations, an application for the construction of a pipeline must be accompanied by certain information in relation to the pipeline. This information has been included in section 4 of the Case for the Scheme [TR010060/APP/7.1].
- 11.3 Under Regulation 5(3) of the APFP Regulations, any plans, drawings or sections shall be scaled at (irrespective of the method of submission used) no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, shall show the direction of north.
- 11.4 One plan is provided at a scale larger than 1:2500 as it is considered that the chosen scale is clearer and provides the information required. That plan can be found as the Location Plan [TR010060/APP/2.1].
- 11.5 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents (Statutory and Non-Statutory Nature Conservation Sites Plans [TR010060/APP/6.6] and Historic Sites Plans [TR010060/APP/6.7]), but the assessments are provided within Chapter 7: Cultural heritage, and Chapter 9: Biodiversity, of the Environmental Statement [TR010060/APP/6.1].
- 11.6 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act and can make them available at the request of the Inspectorate.
- 11.7 The Applicant will keep all Application Documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application, considering questions and comments received from the Examining Authority and interested parties.
- 11.8 On Monday 4th July 2022 Colchester Borough Council formally adopted the Colchester Borough Local Plan 2017-2033 (Section 2). On Monday 25th July Braintree District Council formally adopted its Local Plan 2033 (Section 2). Due to the timing of the submission of the DCO application it has not been possible

to address specific implications arising from any additional or minor modifications to these plans recommended by the Inspectors.

- 11.9 In May 2022, the Environment Agency updated their published guidance on climate change allowances, with new values for rainfall intensity, to account for the United Kingdom Climate Projections 2018 (UKCP18). Given the timing of the revised guidance being published, it has not been possible to incorporate it into the application documents and also ensure the application is submitted in a timely fashion (given the time it would take to update the relevant documents). However, if the Application is accepted for examination, it is proposed that the guidance will be considered by the way of sensitivity test that will report the implications of the new guidance on the assessments undertaken to date. The results of this will be submitted to the examination and will, as necessary to reflect any updates, be the basis on which the detailed design of the scheme is undertaken, should the DCO be granted.
- 11.10 Please note, the B1023 from Hinds Bridge to B1022 Tiptree, identified as 'Kelvedon Road' on the National Street Gazetteer and the Council's highway map, is referred to as 'Inworth Road' throughout the Application documents (except for the draft DCO, Book of Reference and Statement of Reasons). This stretch of road is known locally and within Local Authorities as Inworth Road, and referred to as such in various correspondence, and reference to Inworth Road avoids confusion within the Application caused by a separate road which connects to the B1023 and is also named 'Kelvedon Road'. The draft DCO, Book of Reference and the Statement of Reasons all refer to the B1023 by the name given for the relevant location in the National Street Gazetteer.
- 11.11 We look forward to hearing from you in relation to a formal acceptance of the Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours sincerely,



Tracey Harvey

Project Manager
National Highways

Enclosures:

Annex A: Overview of the Application Documents
Table of Application Documents

**Annex B: Section 55 Acceptance of Applications Checklist
(completed by the Applicant)**

Annex A Overview of the Application Documents

A.1 The reports, drawings and plans that make up the DCO application have been organised into seven volumes as listed in the table below. The seven volumes are explained in further detail in the Introduction to the Application [TR010060/APP/1.2].

| | VOLUME | CONTENT |
|---|---|--|
| 1 | Application Form/Information/ Background | This document, the completed application form and an introduction to the proposed scheme. |
| 2 | Plans/Drawings/Sections | These include plans that illustrate the location of the proposed scheme, the proposed works (engineering drawings), the land that will be acquired or used and local geographical information. |
| 3 | Draft Development Consent Order | This is the document that sets out the legal powers that the Applicant is seeking to enable it to build, operate and maintain the proposed scheme, together with the Explanatory Memorandum explaining the provisions of the Order, and the Consents and Licences Position Statement which sets out the strategy for obtaining the consents and associated agreements needed to implement the proposed scheme. |
| 4 | Compulsory Acquisition Information | Documents setting out in tabular form the land to be acquired or used, and reports justifying the seeking of compulsory acquisition powers over this land. |
| 5 | Consultation Report | Details of the pre-application consultation that the Applicant has undertaken on the proposed scheme and how consultation feedback has been taken into account. |
| 6 | Environmental Impact Assessment (EIA) Information | An assessment of the likely significant effects (both positive and negative) of the proposed scheme on the environment and a description of mitigation measures proposed to reduce any negative |

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| | VOLUME | CONTENT |
|---|-----------------|---|
| | | impacts. Includes the Statutory and Non-Statutory Nature Conservation Sites Plans. |
| 7 | Other Documents | Additional documents that support the DCO application; these are not legally required but provide useful information on the case for the proposed scheme. |

11.12 Table of Application Documents

11.13 A list of documents within the DCO application is set out below.

| VOLUME | DOCUMENT REFERENCE | DOCUMENT TITLE | FOLDER NUMBER |
|--|--------------------|---|---------------|
| VOLUME 1: Application Form/ Information/ Background | 1.1 | Covering Letter & Completed Section 55 Checklist | Volume 1 |
| | 1.2 | Introduction to the Application | |
| | 1.3 | Application Form | |
| | 1.4 | Electronic Application Index | |
| VOLUME 2: Plans/ Drawings/ Sections | 2.1 | Location plan | Volume 2 |
| | 2.2 | Works plans | |
| | 2.2.1 | Permanent works plans | |
| | 2.2.2 | Works Plans Utility Diversions | |
| | 2.2.3 | Temporary works plans | |
| | 2.3 | Traffic regulation measures plans | |
| | 2.3.1 | Traffic regulation measures speed limits plans | |
| | 2.3.2 | Traffic regulation measures Movement restrictions plans | |
| | 2.3.3 | Revocation of existing traffic orders | |
| | 2.4 | Classification of Roads Plans | |
| | 2.5 | Special category land plans | |
| | 2.6 | Streets, rights of way and access plans | |
| | 2.7 | Replacement land plans | |
| | 2.8 | Land plans | |

1.1 Covering Letter & Completed Section 55: Checklist

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| | 2.9 | Crown land plans | |
| | 2.10 | General arrangement plans | |
| | 2.11 | De-trunking and stopping up plans | |
| | 2.12 | Highways engineering section drawings | |
| | 2.13 | Structures Engineering Drawings and Sections | |
| | 2.14 | Drainage and Surface Water Plans | |
| | 2.15 | Retained and Removed Vegetation Plans | |
| | 2.16 | Construction Phase Plans | |
| VOLUME 3: Draft Development Consent Order | 3.1 | Draft Development Consent Order | Volume 3 |
| | 3.2 | Explanatory Memorandum | |
| | 3.3 | Consents and Licences Position Statement | |
| | 3.4 | DCO Validation Report | |
| VOLUME 4: Compulsory Acquisition Information | 4.1 | Statement of Reasons | Volume 4 |
| | 4.1 | Statement of Reasons, Annex A: Details of the purpose for which compulsory acquisition and temporary possession powers are sought | |
| | 4.1 | Statement of Reasons, Annex B: Status of Negotiations | |
| | 4.2 | Funding Statement | |
| | 4.3 | Book of Reference | |
| | | | |
| VOLUME 5: Consultation Report | 5.1 | Consultation Report (including all appendices, e.g. consultation material and statutory notices) | Volume 5 |
| | 5.2 | Consultation Report Appendices | |
| VOLUME 6: Environmental Impact Assessment | 6.1 | Environmental Statement – Chapters | Volume 6 |
| | 6.2 | Environmental Statement – Figures | |

1.1 Covering Letter & Completed Section 55: Checklist

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| (EIA) Information | 6.3 | Environmental Statement – Technical Appendices | |
| | 6.4 | Environmental Statement – Non-Technical Summary | |
| | 6.5 | First iteration Environmental Management Plan | |
| | 6.5 | Register of Environmental Actions and Commitments | |
| | 6.5 | Outline Landscape and Ecology Management Plan | |
| | 6.6 | Statutory and Non-Statutory Nature Conservation Sites Plans | |
| | 6.7 | Statutory and Non-Statutory Historic Sites Plans | |
| | 6.8 | Habitats Regulations Assessment No Significant Effects Report | |
| | 6.9 | Statement of Statutory Nuisances | |
| VOLUME 7: Other Documents | 7.1 | Case for the Scheme | Volume 7 |
| | 7.1 | National Networks National Policy Statement (NNNPS) Accordance Table(s) | |
| | 7.2 | Transport Assessment | |
| | 7.3 | Combined Modelling and Appraisal Report | |
| | 7.3 | Combined Modelling and Appraisal Report Appendices | |
| | 7.4 | Design and Access Statement | |
| | 7.5 | Equalities Impact Assessment | |
| | 7.6 | Interrelationship Document | |
| | 7.7 | Outline Construction Traffic Management Plan | |
| | 7.8 | Borrow Pits Report | |
| | 7.9 | Replacement Land Statement | |
| | 7.10 | Design Principles | |

Annex B Section 55 Acceptance of Applications Checklist (completed by the Applicant)



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at 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 |
| | | 12/08/2022 | 09/09/2022 | |
| 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 (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)? | Yes The Proposed Development set out in Schedule 1 of the Draft DCO [TR010060/APP/ 3.1] includes development falling within the categories (h) and (f) of s14 of the PA2008. The development is for the alteration of a highway and satisfies Section 22(1)(b) of the PA2008, including subsections (3) and (4). The application also includes the construction of a pipeline by a gas transporter, satisfying Section 20(1) of the PA2008. | | |

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)

| Section 55(2) Acceptance of Applications | | |
|---|--|--|
| | 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? | This is consistent with the summary provided in Section 4 of the Application Form [TR010060/APP/1.3] which states that the application is an NSIP. |
| 3 | Summary: Section 55(3)(a) and s55(3)(c) | |
| 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 the 28 October 2020 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 on the 28 October 2020. This was before statutory consultation commenced on 22 June 2021.</p> <p>A copy of the notification letter is provided at Annex B of the Consultation Report [TR010060/APP/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? | It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation. This is set out in Planning Inspectorate's Advice Note Fourteen (April 2012). |

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

| Section 55(2) Acceptance of Applications | | |
|---|---|---|
| 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 consulted Section 42(1)(a) consultees prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Annex G of the Consultation Report [TR010060/APP/5.1] provides a full list of those consulted.</p> <p>Statutory consultations were held for a number of periods, in relation to Junctions 19-25:</p> <ul style="list-style-type: none"> • 22 June 2021 to 16 August 2021; • 9 November 2021 to 19 December 2021 – supplemental consultation • 11 February 2022 to 18 March 2022 – targeted consultation <p>A sample of the letter sent to s42(1)(a) consultees is provided at Annex H of the Consultation Report [TR010060/APP/5.2].</p> |
| 7 | Section 42(1)(aa) the Marine Management Organisation ⁶ ? | n/a - the Marine Management Organisation is not a relevant consultee in respect of the proposed scheme. |

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

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

| Section 55(2) Acceptance of Applications | | |
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| 8 | Section 42(1)(b) each local authority within s43 ⁷ ? | The Applicant consulted with each local authority identified under Section 43. Annex G of the Consultation Report [TR010060/APP/5.2] provides a full list. |
| 9 | Section 42(1)(c) the Greater London Authority (if in Greater London area)? | n/a - the proposed scheme does not fall within Greater London and as a result Greater London Authority is not listed as a relevant consultee. |
| 10 | Section 42(1)(d) each person in one or more of s44 categories ⁸ ? | <p>The Applicant consulted each person in one or more of the categories in s44 as set out in Chapter 5 of the Consultation Report T[TR010060/APP/5.1].</p> <p>The Book of Reference [TR010060/APP/4.3] summarises how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the proposed scheme. Chapter 5 of the Consultation Report also describes methodology of identifying consultees [TR010060/APP/5.1].</p> <p>A sample letter is provided at Annex H of the Consultation Report [TR010060/APP/5.2].</p> |
| 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>Samples of the letter(s) sent to s42 consultees are provided in Annex H of the Consultation Report [TR010060/APP/5.2]. The sample letters, dated 18 June 2021, confirmed that consultation commenced on 22 June 2021 until 16 August 2021, providing a period of 56 days for responses.</p> |

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

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

| Section 55(2) Acceptance of Applications | | |
|---|---|--|
| | | <p>As a result of feedback from the above statutory consultation, a further supplementary consultation took place. The sample letters, dated 5 November 2011, confirmed that consultation commenced on 9 November 2021 until 19 December 2021, providing a period of 41 days for responses.</p> <p>As a result of a modification to the proposed scheme's development boundary, the Applicant identified additional land interests. The Applicant consulted these parties under Section 42(1)(d) of the PA 2008 between 11 February 2022 to 18 March 2022. This provided a consultation period of 35 days.</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 21 June 2021, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter, and a copy of the s46 acknowledgement letter is provided in Annex I of the Consultation Report [TR010060/APP/5.2].</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 [TR010060/APP/5.2].</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 Essex County Council ('C authority'), Maldon District Council ('B authority'), Chelmsford City Council ('B authority'), Braintree District Council ('B authority'), and Colchester Borough Council ('B authority') on 29 January 2021 and set a deadline of 1 March 2021 for responses; providing 31 days for responses to be received.</p> |

| Section 55(2) Acceptance of Applications | | |
|--|---|---|
| | | Annex D of the Consultation Report [TR010060/APP/5.2] provides copies of the email sent to the local authorities. |
| 15 | Has the Applicant had regard to any responses received when preparing the SoCC? | <p>Yes</p> <p>Table 4.1 of the Consultation Report [TR010060/APP/5.1] details the comments received from the local authorities and the changes made to the final SoCC as a result.</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"> • Braintree Library, Fairfield Road, Braintree, CM7 3YL • Chelmsford City Council Customer Service Centre, Duke Street, Chelmsford, CM1 1JE • Colchester Library and Community Hub Colchester Library, Trinity Square, Colchester, CO1 1JB • Copford Village Hall, School Road, Copford, Colchester CO6 1BX • Essex County Council County Hall, Market Road, Chelmsford, CM1 1QH • Hatfield Peverel Library, The Street, Hatfield Peverel, Chelmsford, CM3 2DP • High Chelmer Shopping Centre, 15A Exchange Way, Chelmsford CM1 1XB • Kelvedon Library, Aylett's Foundation School, Maldon Road, Kelvedon, CO5 9BA • Maldon Town Council, Market Hill, Maldon CM9 4RL • Marks Tey Parish Council, Old London Road, Marks Tey, Colchester, CO6 1EJ |

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| | | <ul style="list-style-type: none"> • Springfield Library, St Augustine's Way, Springfield, Chelmsford CM1 6GX • St Mary's Parish Church, Easthorpe Road, Easthorpe, Colchester CO5 9HD • Tiptree Library, Rectory Road, Tiptree, CO5 0SX • Witham Library, 18 Newland Street, Witham, CM8 2AQ <p>The guidance on procedural requirements for major infrastructure projects (July 2020) states the following: Section 47(6) of the Planning Act 2008 requires that at the pre-application stage the Statement of Community Consultation must be made available for inspection. This requirement can be met by making documents available for inspection online. Applicants should take reasonable steps to ensure that anyone wishing to view the documentation can find these documents on their website. Hard copies should be made available by the applicant on request.</p> <p>As a result of the above guidance, the Applicant also made the SoCC available on the applicant's statutory consultation website, see Annex C of the Consultation Report [TR010060/APP/5.2]. It was also accessible via the applicant's project website. The SoCC notice publicised the availability of the SoCC on the website and copies of the SoCC were made available for collection at the following pick up points. The notice also included contact details and the following text for requests for a hard copy of the SoCC "Please contact the project team via the contact details below to request a hard copy of the Statement of Community Consultation free of charge.</p> <p>A SoCC notice was published in:</p> <ul style="list-style-type: none"> • East Anglian Daily Times • Colchester Gazette • Braintree and Witham Times • The Maldon and Burnham Standard • Essex Chronicle |

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| | | <ul style="list-style-type: none"> Essex County Standard, on 24 June 2021, with a second publish date on 1 July 2021. <p>The published SoCC notice, provided at Annex F of the Consultation Report (TR010060/APP/5.2) states how to request a copy of the SoCC and/or how to find out where copies of the SoCC were available for collection in the vicinity of the scheme in accordance with the requirements of the guidance on procedural requirements for major infrastructure projects (July 2020).</p> <p>Clippings of the published advertisements are provided at Annex K of the Consultation Report [TR010060/APP/5.2].</p> |
| 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 Preliminary Environmental Information? | <p>Yes</p> <p>Section 4 of the final SoCC in Annex F of the Consultation Report [TR010060/APP/5.2] sets out that the development is EIA development and sets 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>Paragraphs 5.4.1 to 5.4.7 of the Consultation Report [TR010060/APP/5.1] set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 5.3 of the Consultation Report [TR010060/APP/5.1] sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>The Consultation Report Annexes F and K [TR010060/APP/5.2] provide evidence that the commitments within the final SoCC have been carried out.</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

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| 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? | <p>Yes</p> <p>Section 5.6 of the Consultation Report [TR010060/APP/5.1] sets out how the applicant complied with s48(1) of the PA 2008.</p> <p>Table 5.4 of the Consultation Report [TR010060/APP/5.1] displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Annex K of the Consultation Report [TR010060/APP/5.2].</p> <p>Clippings of the published notices set out below are provided at Annex K of the Consultation Report [TR010060/APP/5.2].</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; | East Anglian Daily Times | 24 June & 1 July 2021 |
| | | Colchester Gazette | 24 June & 1 July 2021 |
| | | Braintree and Witham Times | 25 June & 2 July 2021 |
| | | The Maldon and Burnham Standard | 22 June & 1 July 2021 |
| | | Essex Chronicle | 22 June & 1 July 2021 |

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| | | | Essex County Standard | | 24 June & 1 July 2021 |
| b) | once in a national newspaper; | | <ul style="list-style-type: none">The London GazetteThe Times | | 22 June 2021 22 June 2021 |
| 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 | | 22 June 2021 |
| d) | where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? | | n/a | | n/a |
| 20 | Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations? | | Yes The published s48 notice, supplied in Annex K of the Consultation Report [TR010060/APP/5.2] contain 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 | 4 | d) | a summary of the main proposals, specifying the location or route of the Proposed Development | 1 |
| 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 | 5 & 6 | f) | At the point of statutory consultation, APFP Regulation 4(3)(e) required the following: "a statement that the documents, plans and maps showing the nature and location of the proposed | 5 |

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| | (including at least one address in the vicinity of the Proposed Development) and times set out in the notice | | | development are available for inspection free of charge on a website maintained by or on behalf of the applicant". Paragraphs 4 and 5 in the section 48 notice demonstrate how we have complied with this regulation | |
| 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 | 10 | | | |
| 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 5.2.9 of the Consultation Report [TR010060/APP/5.1].</p> <p>A sample of the s42 consultation letter provided at Annex H of the Consultation Report [TR010060/APP/5.2] confirm that a copy of the s48 notice was enclosed.</p> | | | |
| s49: Duty to take account of responses to consultation and publicity | | | | | |

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

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| 23 | Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation? | <p>Yes</p> <p>Section 7.2 of the Consultation Report [TR010060/APP/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>The actions informed by the consultation responses are 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> <p>Annex N of the Consultation Report [TR010060/APP/5.2] shows responses to the consultation and regard to those responses.</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 ? | Paragraph 9.1.1 of the Consultation Report [TR010060/APP/5.1] states that the Applicant has taken into consideration all relevant statutory and other guidance. |
| 25 | Summary: Section 55(3)(e) | |
| 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: | <p>Yes</p> <p>Section 4 of the Application Form [TR010060/APP/1.3] explains why the development falls within the remit of the NSIP Process.</p> |

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

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| | <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? | | <p>Section 5 of the Application Form [TR010060/APP/1.3] provides a brief non-technical description of the site and Section 6 provides the location of the Proposed Development.</p> <p>A Location Plan [TR010060/APP/2.1] has been provided.</p> | | |
| 27 | Is it accompanied by a Consultation Report? | | <p>Yes</p> <p>The application is accompanied by a Consultation Report [TR010060/APP/5.1] and Consultation Report Appendices [TR010060/APP/5.2].</p> | | |
| 28 | Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹² | | <p>Yes</p> <p>Plans on Volume 2 are broken down into 21 sheets and each plans set has a key plan that follows the introduction. All plans have a small key plan on the right column showing where each sheet sits on the proposed scheme.</p> | | |
| 29 | Is it accompanied by the documents and information set out in APFP Regulation 5(2)? | | The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below: | | |
| | Information | Document | | Information | Document |
| a) | Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions | Environmental Statement [TR010060/APP/6.1] Environmental Statement Figures [TR010060/APP/6.2] Environmental Statement Appendices [TR010060/APP/6.3] | b) | The draft Development Consent Order (DCO) | Draft Development Consent Order [TR010060/APP/3.1] |

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

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| | | Including ES Appendix 5.1 - Scoping Opinion Detailed Response [TR010060/APP/6.3] | | | |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| c) | An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO | Explanatory Memorandum [TR010060/APP/3.2] | d) | Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition) | Book of Reference [TR010060/APP/4.3] |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| e) | A copy of any Flood Risk Assessment | ES Appendix 14.5 -Flood Risk Assessment [TR010060/APP/6.3] | 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 | Statutory Nuisance Statement [TR010060/APP/6.9] |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| h) | A Statement of Reasons and a Funding Statement (where the application | Statement of Reasons [TR010060/APP/4.1] | i) | A Land Plan identifying:- (i) the land required for, or affected by, | Land Plans [TR010060/APP/2.8] |

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| | involves any Compulsory Acquisition) | Funding Statement [TR010060/APP/4.2] | | <p>the Proposed Development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p> | |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| j) | <p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the</p> | Works Plans [TR010060/APP/2.2] | k) | Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or | <p>Streets, Rights of Way and Access Plans [TR010060/APP/2.6]</p> <p>De-trunking and Stopping up Plans [TR010060/APP/2.11]</p> |

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| | <p>proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p> | | | creation of rights of way or public rights of navigation | Traffic Regulations Measures – movement restrictions [TR010060/APP/2.3.2] |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| l) | <p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> | <p>(i) ES Figure 9.1 Biodiversity Designated Sites [TR010060/APP/6.2]</p> <p>(i) ES Figure 9.2 Biodiversity Important Habitats [TR010060/APP/6.2]</p> <p>(i) ES Figure 7.1 - Cultural Heritage Archaeological Remains [TR010060/APP/6.2]</p> <p>(i) Figure 7.2 - Cultural Heritage Built Heritage and Historic Landscape [TR010060/APP/6.2]</p> <p>(ii) Habitats Regulation Assessment [TR010060/APP/6.8]</p> | m) | <p>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</p> | <p>Statutory and Non-Statutory Historic Sites Plans [TR010060/APP/6.7]</p> <p>ES Chapter 7 – Cultural Heritage [TR010060/APP/6.1]</p> |

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| | (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development | (ii) ES Chapter 9 –Biodiversity [TR010060/APP/6.1] (iii) ES Chapter 14 –Road Drainage and the Water Environment [TR010060/APP/6.1] ES Chapter 9 Appendices 9.1 to 9.17 [TR010060/APP/6.3] | | the Proposed Development | |
| | Is this of a satisfactory standard? | Yes | | Is this of a satisfactory standard? | Yes |
| n) | Where applicable, a plan with any accompanying information identifying any Crown land | Crown Land Plans [TR010060/APP/2.9] | 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 | Location Plan [TR010060/APP/2.1] General Arrangement Plans [TR010060/APP/2.10] De-trunking and Stopping-up Plans [TR010060/APP/2.10] Drainage and Surface Water Plans [TR010060/APP/2.14] Retained and Removed Vegetation Plans [TR010060/APP/2.14] Construction Phase Plans [TR010060/APP/2.15] |
| | Is this of a satisfactory standard? | Yes | | Are they of a satisfactory standard? | Yes |

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| p) | Any of the documents prescribed by Regulation 6 of the APFP Regulations: | Highways Engineering Section Drawings [TR010060/APP/2.12] Structures Engineering Section Drawings [TR010060/APP/2.13] Pipeline Information [TR010060/APP/7.1] | q) | Any other documents considered necessary to support the application | Introduction to the Application [TR010060/APP/1.1] Cover Letter [TR010060/APP/1.2] Case for the Scheme [TR010060/APP/7.1] Transport Assessment Report [TR010060/APP/7.2] Combined Modelling Appraisal Report [TR010060/APP/7.3] Design and Access Statement [TR010060/APP/7.4] Equality Impact Assessment [TR010060/APP/7.5] Interrelationship Document [TR010060/APP/7.6] Outline Construction Traffic Management Plan [TR010060/APP/7.7] Borrow Pits Report [TR010060/APP/7.8] Design Principles [TR010060/APP/7.10] Replacement Land Statement [TR010060/APP/7.12] |
| | Are they of a satisfactory standard? | Yes | | Are they of a satisfactory standard? | Yes |

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| 30 | Are there any observations in respect of the documents provided at Box 29 (a) to (q) above? | |
| | No | |
| 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 Habitats Regulations Assessment No Significant Effects Report (HRA) is provided [TR010060/APP/6.8].</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites.</p> |
| 32 | If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵ | No hard copies requested. |
| 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>Section 3 of the Covering Letter [TR010060/APP/1.1] explains how the Applicant has had regard to statutory guidance on the form of the application. The statutory guidance 'Planning Act 2008: Application form guidance' has been used to prepare the application form. Applicant believes that the application has been prepared to the standards that the Planning Inspectorate considers satisfactory.</p> |

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

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

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| 34 | Summary - s55(3)(f) and s55(5A) | |
| 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 ? | A fee of £7,488 |

| Role | Electronic signature | Date |
|----------------------|----------------------|------|
| Case Manager | | |
| Acceptance Inspector | | |

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