



RiverOak Strategic Partners

1.1

Application Letter and Schedule of Compliance with Section 55

TR020002/ APP/ 1.1

Project Name:

Regulation:

Date:

Manston Airport Development Consent Order
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009,
as amended

July 2018

The Secretary of State
c/o The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Your Ref
TR020002
Our Ref
MSW/ADW/166055.0003
Date
17 July 2018

FAO: Susannah Guest, National Infrastructure Case Manager

By Courier

Dear Sir

RiverOak Strategic Partners Limited - Manston Airport Project - TR020002

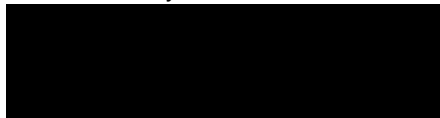
We enclose, on behalf of RiverOak Strategic Partners Limited ("RiverOak"), an application under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent for the Manston Airport Proposed Development.

Following our recent correspondence regarding the requirements over submission of this application we enclose, as requested, two paper copies of only the documents being resubmitted along with six electronic copies of the full suite of documents.

We enclose with this letter, a completed section 55 checklist completed by RiverOak as part of its due diligence check of the application prior to its submission to the Planning Inspectorate, and our application form. A copy of the s.55 checklist and the application form are also contained in Volume 1 of the application as documents 1.1 and 1.2.

We note the Secretary of State's requirement under section 55 of the Act to decide whether to accept this application by the end of the period of 28 days beginning with the day after the day on which this application is received, and accordingly look forward to hearing from you.

Yours faithfully



Bircham Dyson Bell LLP

Enc.

1. DCO Application, including Section 55 checklist and Application Form

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 listed 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)

Section 55 Acceptance of Applications

Manston Airport Development Consent Order Section 55 Application Checklist¹

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
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 ² (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 ³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it	Yes, the proposed development set out in Schedule 1 of the Draft Development Consent Order (document reference TR020002/APP/2.1) is 'airport-related development' within section 14(1)(i) PA 2008, specifically the 'alteration of an airport' within the definition contained in section 23(1)(b) PA 2008.		

¹ References in this document to the Secretary of State includes 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

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

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

	<p>relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in 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?</p>	<p>This is expanded upon in the NSIP Justification document (document reference TR020002/APP/2.3) and the summary provided in the Application Form (document reference TR020002/APP/1.2) which conclude that the application is for an NSIP.</p>
3	Summary – s55(3)(a) s55(3)(c)	<p>The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.</p>
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	<p>Did the applicant before carrying out the s42 consultation 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 development⁴?</p>	<p>Yes, (b). On 16 February 2016 RiverOak Investment Corporation LLC (the entity which had previously promoted the proposed development prior to transferring all rights and interests in the project to the Applicant) notified the Planning Inspectorate that it would provide an Environmental Statement in respect of the proposed development.</p>
5	<p>Have any adequacy of consultation representations⁵ 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?</p>	<p>No such representations have yet been received. 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 as set out in the Planning Inspectorate’s Advice Note 14 (Compiling the consultation report: Version 2 April 2012).</p>

⁴ Regulation 6 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ 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

s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes. The Applicant carried out two rounds of statutory consultation, one in June-July 2017 and one in January-February 2018; details of each respective round of consultation are set out below and throughout this checklist.</p> <p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant has provided a list of persons consulted under s42(1)(a) on 9 June 2017 at Appendix 15 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant has provided a list of persons consulted under s42(1)(a) on 12 January 2018 at Appendix 42 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>The proposed development is not expected to affect or to be likely to affect any of the areas specified in s42(2) PA 2008. The Marine Management Organisation has therefore not been consulted.</p>

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

⁷ 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

8	s42(1)(b) each local authority within s43 ⁸ ?	<p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant consulted each local authority within s43 on 9 June 2017. These are:</p> <ul style="list-style-type: none"> • s43(1) authorities: Thanet District Council, Kent County Council • s43(2) “A” authorities: Canterbury City Council, Dover District Council • s43(2) “D” authorities: East Sussex County Council, London Borough of Bromley, London Borough of Bexley, Medway Council, Surrey County Council, Thurrock Council. <p>The Applicant additionally consulted the following Town and Parish Councils: Acol Parish Council, Birchington Parish Council, Broadstairs and St Peters Town Council, Cliffsend Parish Council, Manston Parish Council, Margate Charter Trustees, Monkton Parish Council, Sandwich Town Council, St Nicholas-at-Wade with Sarre Parish Council and Westgate-on-Sea Town Council.</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant consulted each local authority within s43 on 12 January 2018 These are:</p> <ul style="list-style-type: none"> • s43(1) authorities: Thanet District Council, Kent County Council • s43(2) “A” authorities: Canterbury City Council, Dover District Council
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⁸ 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 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

		<ul style="list-style-type: none"> s43(2) “D” authorities: East Sussex County Council, London Borough of Bromley, London Borough of Bexley, Medway Council, Surrey County Council, Thurrock Council. <p>The Applicant additionally consulted the following Town and Parish Councils: Acol Parish Council, Birchington Parish Council, Broadstairs and St Peters Town Council, Cliffsend Parish Council, Manston Parish Council, Margate Charter Trustees, Monkton Parish Council, Sandwich Town Council, St Nicholas-at-Wade with Sarre Parish Council and Westgate-on-Sea Town Council.</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable. The proposed development does not fall within Greater London and as a result the Greater London Authority is not a relevant consultee in respect of the proposed development.
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant consulted each person in one or more s44 categories on 9 June 2017.</p> <p>A Book of Reference (document reference TR020002/APP/3.3) of all landowners is provided as part of the DCO application; all consultees under s42(1)(d) are identified in the Book of Reference (document reference TR020002/APP/3.3).</p> <p>Chapter 7 (Section 7.19 – 7.23) of the Consultation Report (document reference TR020002/APP/6.1) sets out how the Applicant has undertaken diligent inquiry to identify those consultees defined by s44 of the Planning Act 2008 and the approach to statutory consultation.</p>

⁹ 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

		<p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant consulted each person in one or more s44 categories on 12 January 2018.</p> <p>A Book of Reference (document reference TR020002/APP/3.3) of all landowners is provided as part of the DCO application; all consultees under s42(1)(d) are identified in the Book of Reference (document reference TR020002/APP/3.3).</p> <p>Chapter 10 (Section 10.21 – 10.24) of the Consultation Report (document reference TR020002/APP/6.1) sets out how the Applicant has undertaken diligent inquiry to identify those consultees defined by s44 of the Planning Act 2008 and the approach to statutory consultation.</p>
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s45: 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><u>June 2017 Consultation</u></p> <p>Yes, the letter sent to s42 consultees on 9 June 2017 set a deadline of 23 July 2017 (giving a 42 day consultation period), which is more than 28 days after date of the letter and the start of the consultation. Sample letters are provided in Appendix 4 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the letter sent to s42 consultees on 12 January 2018 set a deadline of 16 February 2018 (giving a 36 day consultation period), which is more than 28 days after the date of the letter and the start of the consultation. Sample letters are provided in Appendix 32 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p>
s46: Duty to notify Secretary of State of proposed application		
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><u>June 2017 Consultation</u></p> <p>The Applicant gave notice under s46 on 12 June 2017, which was on or before the beginning of s42 consultation on 12 June 2017, although the letter was returned in the post and then hand delivered on 15 June 2017. A copy of this notice is provided at Appendix 2 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p>

		Yes, the Applicant gave notice under s46 on 11 January 2018, which was on or before the beginning of s42 consultation on 12 January 2018. A copy of this notice is provided at Appendix 30 of the Consultation Report Appendices (document reference TR020002/APP/6.2).
s47: 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><u>June 2017 Consultation</u></p> <p>Yes, the Applicant produced a SoCC in May 2017, which is supplied with the application at Appendix 12 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant produced a SoCC in November 2017, which is supplied with the application at Appendix 40 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</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><u>June 2017 Consultation</u></p> <p>Yes, the applicant sent the draft SoCC to the “B” authority (Thanet District Council) and “C” authority (Kent County Council) (and other authorities) on 10 February 2017 and set a deadline of 10 March 2017 for responses.</p> <p>Appendix 18 of the Consultation Report Appendices (document reference TR020002/APP/6.2) includes copies of the email sent to the local authorities.</p>

		<p><u>January 2018 Consultation</u></p> <p>Yes, the applicant sent the draft SoCC to the “B” authority (Thanet District Council) and “C” authority (Kent County Council) (and other authorities) on 24 November 2017 and set a deadline of 22 December 2017 for responses.</p> <p>Appendix 45 of the Consultation Report Appendices (document reference TR020002/APP/6.2) includes copies of the email sent to the local authorities.</p>
15	Has the applicant had regard to any responses received when preparing the SOCC?	<p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant has explained at Table 8.1 in Chapter 8 of the Consultation Report (document reference TR020002/APP/6.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example, a suggestion to include an additional consultation event at Cliffsend was incorporated into the final SoCC.</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant has explained at Table 11.1 in Chapter 11 of the Consultation Report (document reference TR020002/APP/6.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example, a suggestion to extend the consultation event at Ramsgate until 8pm was incorporated into the final 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><u>June 2017 Consultation</u></p> <p>Yes, the SoCC was made available at places, which are reasonably convenient having regard to the location of the scheme (11 libraries). Full details of events and libraries at which the SoCC was available to view is found in the SoCC which is at Appendix</p>

		<p>12 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p>A Notice stating when and where the SoCC could be inspected was published in the Isle of Thanet Gazette on 26 May 2017.</p> <p>A copy of the newspaper notice is included in Appendix 22 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the SoCC was made available at places, which are reasonably convenient having regard to the location of the scheme (11 libraries). Full details of events and libraries at which the SoCC was available to view is found in the SoCC which is at Appendix 40 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p>A Notice stating when and where the SoCC could be inspected was published in the East Kent Mercury on 3 January 2018 and 10 January 2018, in the Kentish Gazette on 4 January 2018 and 11 January 2018 and in Isle of Thanet Gazette on 5 January 2018 and 12 January 2018.</p> <p>Copies of the newspaper notices are included in Appendix 47 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p>
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p><u>June 2017 Consultation</u></p> <p>Yes, the SoCC (Appendix 12 of the Consultation Report Appendices (document reference TR020002/APP/6.2) sets out at paragraphs 4.5 to 4.7 that the proposed</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

		<p>development is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the SoCC (Appendix 40 of the Consultation Report Appendices (document reference TR020002/APP/6.2) sets out at paragraphs 4.5 and 4.6 that the proposed development is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p>
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant has set out in Appendix 23 of the Consultation Report (document reference TR020002/APP/6.2) the activities that have been carried out and how the commitments in the SoCC have been met.</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant has set out in Appendix 49 of the Consultation Report (document reference TR020002/APP/6.2) the activities that have been carried out and how the commitments in the SoCC have been met.</p>
s48: Duty to publicise the proposed application		
19	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	<p><u>June 2017 Consultation</u></p> <p>Yes, the Applicant has described the newspapers and dates of s48 publicity in Chapter 9 (Tables 9.1 and 9.2) of the Consultation Report (document reference TR020002/APP/6.1) and as set out below.</p>

		<p>Copies of all newspaper notices are included in Appendix 29 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p> <p><u>January 2018 Consultation</u></p> <p>Yes, the Applicant has described the newspapers and dates of s48 publicity in Chapter 12 (Tables 12.1 and 12.2) of the Consultation Report (document reference TR020002/APP/6.1) and as set out below.</p> <p>Copies of all newspaper notices are included in Appendix 47 of the Consultation Report Appendices (document reference TR020002/APP/6.2).</p>								
	<table> <tr> <th colspan="2">Newspaper(s)</th><th>Date</th></tr> <tr> <td rowspan="2">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> <u>June 2017 Consultation</u> <ul style="list-style-type: none"> Isle of Thanet Gazette; </td><td> 2 June 2017 9 June 2017 </td></tr> <tr> <td> <u>January 2018 Consultation</u> <ul style="list-style-type: none"> East Kent Mercury; Kentish Gazette; Isle of Thanet Gazette. </td><td> 3 January 2018 and 10 January 2018 4 January 2018 and 11 January 2018 5 January 2018 and 12 January 2018 </td></tr> </table>		Newspaper(s)		Date	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	<u>June 2017 Consultation</u> <ul style="list-style-type: none"> Isle of Thanet Gazette; 	2 June 2017 9 June 2017	<u>January 2018 Consultation</u> <ul style="list-style-type: none"> East Kent Mercury; Kentish Gazette; Isle of Thanet Gazette. 	3 January 2018 and 10 January 2018 4 January 2018 and 11 January 2018 5 January 2018 and 12 January 2018
Newspaper(s)		Date								
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	<u>June 2017 Consultation</u> <ul style="list-style-type: none"> Isle of Thanet Gazette; 	2 June 2017 9 June 2017								
	<u>January 2018 Consultation</u> <ul style="list-style-type: none"> East Kent Mercury; Kentish Gazette; Isle of Thanet Gazette. 	3 January 2018 and 10 January 2018 4 January 2018 and 11 January 2018 5 January 2018 and 12 January 2018								

	once in a national newspaper;	<u>June 2017 Consultation</u> The Times	2 June 2017
		<u>January 2018 Consultation</u> The Times	4 January 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<u>June 2017 Consultation</u> The London Gazette No land in Scotland is affected by the proposed scheme.	2 June 2017
		<u>January 2018 Consultation</u> The London Gazette No land in Scotland is affected by the proposed scheme.	4 January 2018
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable. The proposed development does not include offshore development and was therefore not published in Lloyds List or a fishing trade journal.	Not applicable

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<u>June 2017 Consultation</u> Yes, the s48 notice is supplied at Appendix 5 of the Consultation Report Appendices (document reference TR020002/APP/6.2) and contains the required information as set out below. <u>January 2018 Consultation</u> Yes, the s48 notice is supplied at Appendix 33 of the Consultation Report Appendices (document reference TR020002/APP/6.2) and contains the required information as set out below.	
Information	Paragraph	Information	Paragraph
the name and address of the applicant;	<u>June 2017 Consultation</u> Paragraph 1	the latest date on which those documents, plans and maps will be available for inspection	<u>June 2017 Consultation</u> Paragraph 6
	<u>January 2018 Consultation</u> Paragraph 1		<u>January 2018 Consultation</u> Paragraph 8
a statement that the applicant intends to make an application for development consent to the Secretary of State;	<u>June 2017 Consultation</u> Paragraph 1	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	<u>June 2017 Consultation</u> Paragraph 7
	<u>January 2018 Consultation</u>		<u>January 2018 Consultation</u>

		Paragraph 1		Paragraph 10
a statement as to whether the application is EIA development	<u>June 2017 Consultation</u> Paragraph 4	details of how to respond to the publicity	<u>June 2017 Consultation</u> Paragraph 9	
	<u>January 2018 Consultation</u> Paragraph 6		<u>January 2018 Consultation</u> Paragraph 11	
a summary of the main proposals, specifying the location or route of the proposed development;	<u>June 2017 Consultation</u> Paragraph 3	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	<u>June 2017 Consultation</u> Paragraph 11	
	<u>January 2018 Consultation</u> Paragraph 5		<u>January 2018 Consultation</u> Paragraph 12	
a statement that the documents, plans and maps showing the nature and location of the proposed development are available for	<u>June 2017 Consultation</u> Paragraph 6			

	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;	<u>January 2018 Consultation</u> Paragraph 8		
21	Are there any observations in respect of the s48 notice provided above?			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) ¹¹ ?		<u>June 2017 Consultation</u> Yes, the notice was sent to the EIA consultation bodies on 9 June 2017 (see Chapter 9, Section 9.4 to the Consultation Report (document reference TR020002/APP/6.1) and Appendix 4 of the Consultation Report Appendices (document reference TR020002/APP/6.2). No persons have been notified under Regulation 9(1)(c). <u>January 2018 Consultation</u> Yes, the notice was sent to the EIA consultation bodies on 12 January 2018 (see Chapter 12, Section 12.4 and Appendix 32 to the Consultation Report (document reference TR020002/APP/6.1) and Consultation Report Appendices (document reference TR020002/APP/6.2). No persons have been notified under Regulation 9(1)(c).	

¹¹ Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

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><u>June 2017 Consultation</u></p> <p>The Applicant has set out at Chapters 7, 8 and 9 and Tables 7.2, 7.3, 7.4, 8.1 and 8.10-8.15 of the Consultation Report (document reference TR020002/APP/6.1) and Appendix 23 to the Consultation Report Appendices (document reference TR020002/APP/6.2) how it has had regard to the consultation responses received. The Applicant has also described in Chapters 7, 8 and 9 the consideration given to responses that did not lead to a change.</p> <p><u>January 2018 Consultation</u></p> <p>The Applicant has set out at Chapters 10, 11 and 12 and Tables 10.2, 10.3, 10.4, 11.1 and 11.9-11.13 of the Consultation Report (document reference TR020002/APP/6.1) and Appendix 49 to the Consultation Report Appendices (document reference TR020002/APP/6.2) how it has had regard to the consultation responses received. The Applicant has described in Chapters 10, 11 and 12 the consideration given to responses that did not lead to a change.</p>
Guidance about pre-application procedure		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Yes, Table 5.2 in Chapter 5 of the Consultation Report (document reference TR020002/APP/6.1) explains how the Applicant has had regard to DCLG guidance on the pre-application process and the Applicant's approach to consultation.

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

25	Summary – s55(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	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Secretary of State; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>The application is made in the prescribed form, and explains why it falls within the remit of the Secretary of State in Section 4 of the Application Form (document reference TR020002/APP/1.2).</p> <p>Section 6 of the Application Form (document reference TR020002/APP/1.2) provides a brief statement that describes the location of the proposed route and a more detailed description is provided in Chapter 3 of the Environmental Statement (document reference TR020002/APP/5.2-1). The location of the proposed scheme is shown on the Location Plan (document reference TR020002/APP/4.1).</p>
27	Is it accompanied by a consultation report?	Yes, a Consultation Report (document reference TR020002/APP/6.1) and Consultation Report Appendices (document reference TR020002/APP/6.2) accompany the application.
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets ¹³ ?	Yes.

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

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes, the application is accompanied by the documents and information required by APFP regulation 5(2) as listed below:
Information		Document
a)	where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	Yes. The application is accompanied by an Environmental Statement Non-Technical Summary, Environmental Statement, Environmental Statement Figures, Environmental Statement Appendices, Statement of Statutory Nuisance and Transport Assessment (document references TR020002/APP/5.1 and TR020002/APP/5.2-1 to 5.2-26). A copy of the Scoping Opinion and Scoping Report are also submitted with the application (Appendices 1.1 and 1.2 at document reference TR020002/APP/5.2-5).
Is this of a satisfactory standard?		
Information		Document
b)	The draft proposed order	Yes. The application is accompanied by the Draft Development Consent Order (document reference TR020002/APP/2.1) in the validated statutory instrument template.
Is this of a satisfactory standard?		

	c)	an explanatory memorandum explaining the purpose and effect of provisions in the draft order	Yes. The application is accompanied by an Explanatory Memorandum to the Draft Development Consent Order (document reference TR020002/APP/2.2)		d)	where applicable, a book of reference (where the application involves any compulsory acquisition);	Yes. The application is accompanied by a Book of Reference (document reference TR020002/APP/3.3) which meets the requirements of DCLG guidance ' <i>Planning Act 2008: guidance related to procedures for the compulsory acquisition of land</i> '.
		Is this of a satisfactory standard?				Is this of a satisfactory standard?	
	e)	a copy of any flood risk assessment;	Yes. The application is accompanied by a Flood Risk Assessment (Volume 8.2 of document reference TR020002/APP/5.2-8)		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	Yes. The application is accompanied by a Statement of Statutory Nuisance (document reference TR020002/APP/5.2-14).
		Is this of a satisfactory standard?				Is this of a satisfactory standard?	
	g)	a statement of reasons and a funding statement (where the application involves any compulsory acquisition);	Yes. The application is accompanied by a Statement of Reasons (document reference TR020002/APP/3.1) and a		h)	a land plan identifying:- (i) the land required for, or affected by, the proposed development;	Yes, the application is accompanied by Land Plans (document reference TR020002/APP/4.2) and a Special Category Land Plan (document reference TR020002/APP/4.5)

		Funding Statement (document reference TR020002/APP/3.2)		<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;</p> <p>(iv) and any special category land and replacement land;</p>	<p>The Land Plans consist of Sheets 1-5, Insets A-F and a covering Key Plan.</p> <p>The Special Category Land Plan consists of a single Sheet.</p> <p>The Land Plans and Special Category Land Plan accord with Regulation 5 (2) (i) of the Infrastructure Planning Applications: Prescribed Forms and Procedure) Regulations 2009 as amended, and identify 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) and any special category land and replacement land.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
i)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed</p>	<p>Yes, the application is accompanied by Works Plans (document reference TR020002/APP/4.4)</p>	j)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation</p>	<p>Yes, the application is accompanied by Access and Rights of Way Plans (document reference TR020002/APP/4.6) and Stopping up of Streets/Roads and Diversions Plans</p>

	<p>route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</p>	<p>The Works Plans consist of Sheets 1-5 and a covering Key Plan</p>		<p>of rights of way or public rights of navigation.</p>	<p>(document reference TR020002/APP/4.7).</p> <p>The Access and Rights of Way Plans consist of Sheets 1-5 and a covering Key Plan.</p> <p>The Stopping up of Streets/Roads and Diversions Plans consist of Sheets 1-16 and a covering Key Plan.</p> <p>The Access and Rights of Way Plans and Stopping up of Streets/Roads and Diversions Plans accord with Regulation 5(2)(k) of the Infrastructure Planning Applications: Prescribed Forms and Procedure) Regulations 2009 as amended.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
k)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of</p>	<p>Yes, the application is accompanied by Environmental Features Plans – Statutory or Non-Statutory Sites or Features of Nature Conservation (document reference TR020002/APP/4.10) and Habitats of Protected Species, Important Habitats or Other</p>	l)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such</p>	<p>Yes, the application is accompanied by Heritage Designation Plans (document reference TR020002/APP/4.12). The Heritage Designation Plans consist of Sheets 1-5 and a covering Key Plan.</p> <p>Yes, the application is accompanied by an Environmental Statement which includes a heritage assessment at</p>

	<p>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>Diversity Features and Waterbodies in a River Basin Management Plan (document reference TR020002/APP/4.11).</p> <p>The Environmental Features Plans consist of Sheets 1-5 and a covering Key Plan.</p> <p>The Habitats Plans consist of Sheets 1-5, 1 inset and a covering Key Plan.</p> <p>The application is accompanied by an Environmental Statement which includes a biodiversity assessment at Chapter 7 and a freshwater environment assessment at Chapter 8 (document reference TR020002/APP/5.2-1), a landscape and visual impact assessment at Chapter 11 (document reference TR020002/APP/5.2-2) and a Report to Inform the Appropriate Assessment (Appendix 7.1 to document reference TR020002/APP/5.2-6).</p>		<p>sites, features or structures likely to be caused by the proposed development.</p>	<p>Chapter 9 (document reference TR020002/APP/5.2-1) and an Archaeological Desk Based Assessment (Appendix 9.1 of TR020002/APP/5.2-8 and TR020002/APP/5.2-9).</p>
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	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
m)	Where applicable, a plan with any accompanying information identifying any Crown land	<p>Yes, the application is accompanied by Crown Land Plans (document reference TR020002/APP/4.3).</p> <p>The Crown Land Plans consist of Sheets 1-5 and a covering Key Plan.</p>	n)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping.	<p>Yes, the application is accompanied by a Masterplan (document reference TR020002/APP/7.1), Traffic Regulations Plans (document reference TR020002/APP/4.8), Traffic Regulation Measures Plans (document reference TR020002/APP/4.9), Engineering Drawings and Sections (document reference TR020002/APP/4.13) and Design Drawings (document reference TR020002/APP/4.14) issued under Regulation 5(2)(o) of the Infrastructure Planning Applications: Prescribed Forms and Procedure) Regulations 2009 as amended.</p> <p>The Masterplan consists of 8 Sheets.</p> <p>The Traffic Regulations Plans consist of Sheets 1-4 and a covering Key Plan.</p> <p>The Traffic Regulation Measures Plans consist of Sheets 1-4 and a covering Key Plan.</p> <p>The Engineering Drawings and Sections consist of 14 Sheets.</p>

o)			p)		The Design Drawings consist of 5 Sheets.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	any of the documents prescribed by Regulation 6 of the APFP Regulations ¹⁴ ;	There are no documents within Regulation 6 of the APFP Regulations which are applicable to the proposed development.		any other documents considered necessary to support the application	<p>The application comprises other documents considered necessary to support the application, as listed in Section 23 of the Application Form (document reference TR020002/APP/1.1). These documents are:</p> <p>Application Letter and Schedule of Compliance with Section 55 (document reference TR020002/APP/1.1)</p> <p>Application Form (document reference TR020002/APP/1.2)</p> <p>Planning Inspectorate Electronic Application Index (document reference TR020002/APP/1.3)</p>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which must be included with the application in each case

				<p>Navigation document with glossary (document reference TR020002/APP/1.4)</p> <p>Application Document Tracker (document reference TR020002/APP/1.5)</p> <p>NSIP Justification (document reference TR020002/APP/2.3)</p> <p>Noise Mitigation Plan (document reference TR020002/APP/2.4)</p> <p>Register of Environmental Actions and Commitments (document reference TR020002/APP/2.5)</p> <p>Construction Environmental Management Plan (document reference TR020002/APP/2.6)</p> <p>Location Plan (document reference TR020002/APP/4.1)</p> <p>Planning Statement (document reference TR020002/APP/7.2)</p> <p>Design and Access Statement (document reference TR020002/APP/7.3)</p>
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				Azimuth Report – Volumes 1 to 4 (document reference TR020002/APP/7.4) CAA Interface Document (document reference TR020002/APP/7.5) Details of other consents and licences that may be required (document reference TR020002/APP/7.6)
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
30	Are there any observations in respect of the documents provided above?			
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)?		The application is accompanied by a Report to Inform the Appropriate Assessment (Appendix 7.1 to document reference TR020002/APP/5.2-6).	

32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	Yes
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 applicant has had regard to DCLG guidance 'Planning Act 2008: Application form guidance' in the preparation of this application.

34	Summary – s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
36	Was the fee paid at the same time that the application was made ¹⁵ ?	Yes, fee payment was transferred to PINS on 16 July 2018.

Electronic Signature	Name	Date
Case Leader		
Acceptance Inspector		

¹⁵ 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 payable is presently £4,500 and must be paid at the same time that the application is made

