

The Planning Act 2008

Section 55 Acceptance of Applications*

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

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) deleted
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) deleted
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

(5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –

- a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
- b) any applicable guidance given under section 37(4) has been followed in relation to the application.

(6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

(7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -

- (a) notify that view to the applicant, and
- (b) notify the applicant of the Secretary of State’s reasons for that view.

(8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

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

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

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

Section 55 Acceptance of Applications

Tees CCPP 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
		22 November 2017	20 December 2017	18 December 2017
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 relates (i.e. which category or categories in ss14-30 does the application	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the Draft DCO (Doc 2.1) is a gas fired electricity generating station, which is a development falling within the categories in section 14(1)(a) of the PA2008, with a nominal net electrical output capacity of up to 1,700 MWe, which is greater than the threshold of 50MW in section 15(2) of the PA2008.</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.3) at</p>		

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

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>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>Section 4 which concludes that the application is for an NSIP.</p>
3	Summary – s55(3)(a) and s55(3)(c)	Sufficient evidence has been provided that this is an application for a DCO for an NSIP pursuant to s14(1)(a) and s15(2) of PA2008.
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	<p>In accordance with the EIA Regulations⁴, did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?</p>	<p>(a) The Applicant did not request the Secretary of State to adopt a screening opinion in relation to the proposed development.</p> <p>(b) Yes</p> <p>The Applicant requested a Scoping Opinion on 21 February 2017 and formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposed to provide an Environmental Statement (ES) in respect of the proposed development (Paragraph 13.6 of the Consultation Report (Doc 5.1)). A copy of the covering letter was not provided. The Scoping Opinion was issued on 31 March 2017.</p> <p>The request was made before the start of s42 consultation (as part of the Stage 2 Consultation) on 21 June 2017 (Paragraph 9.2).</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>Yes</p> <p>There are eight host and neighbouring authorities, of which five provided adequacy of consultation representations confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/or that they had “no comments”, these were:</p>

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

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

		<ul style="list-style-type: none"> • Redcar and Cleveland Borough Council • Hambleton District Council • North York Moors National Park Authority • North Yorkshire County Council • Hartlepool Borough Council <p>Responses were invited but were not received from the following authorities:</p> <ul style="list-style-type: none"> • Stockton-On-Tees Borough Council • Middlesbrough Council • Scarborough Borough Council <p>No concerns have been raised by any of the authorities who responded.</p>
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</p> <p>During Stage 2 Statutory Consultation the Applicant consulted the ‘prescribed persons’ as set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), where relevant, by letter sent by Royal Mail registered post on either the 15 or 16 June 2017 at Section 7 and Appendix 7.1 (Table 3.2 of the Consultation Report (Doc 5.1)). Each letter was accompanied by a CD containing the consultation documents and stated a deadline of 21 July 2017 for the receipt of consultation responses.</p> <p>A list of all prescribed consultees (other than statutory undertakers) is provided in the Appendix 7.1, a separate list of statutory undertakers is provided in the Appendix 7.2, and the example of the letters sent to the prescribed persons is included in the Appendix 10.1 of the Consultation Report (Doc 5.1). The letter is dated 15 June</p>

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

		<p>2017.</p> <p>In Paragraphs 7.25 to 7.27 the Applicant demonstrates that they consulted the non-prescribed consultees who included adjacent land occupiers who were consulted at Stage 1 but whose land is not required for the Proposed Development, and a range of regional and local persons, organisations and groups that the Applicant considered may be interested in the proposed development. They are listed in the Appendix 7.5.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted by the applicant under s42:</p> <ul style="list-style-type: none"> • Southern Gas Networks Plc • Utility Distribution Networks Ltd <p>The applicant has not provided a justification for this in Paragraphs 7.2 to 7.4 of the Consultation Report. However, the applicant's interpretation of the regulations appears justifiable. Separate section 51 advice has been issued in respect of this matter</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>The Applicant has consulted each local authority within s43 on 15 or 16 June 2017 (Table 3.2) of Consultation Report (Doc 5.1)</p> <p>These are as identified by the Planning Inspectorate as below and were all consulted by the Applicant and listed In Table 7.1 of the Consultation Report (Doc 5.1). However, the Applicant has in error defined these local authorities as 'C' and 'D' categories, (please see section 5 above).</p>

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 Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

		<p>Host Authority</p> <ul style="list-style-type: none"> • Redcar and Cleveland Borough Council <p>Neighbouring Authorities</p> <ul style="list-style-type: none"> • Hartlepool Borough Council • Stockton-On-Tees Borough Council • Middlesbrough Council • Hambleton District Council • Scarborough Borough Council • North York Moors National Park • North Yorkshire County Council <p>The Applicant has included Darlington Borough Council in Table 7.1 of the Consultation Report (Doc 5.1) even though it is not defined as a relevant authority under s44(3) of the PA2008. Please see explanation of this in section 15 of this checklist.</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>In Paragraphs 7.23 and 7.24, and Appendix 7.4 of the Consultation Report (Doc 5.1) the Applicant states that only two s44 persons have been identified:</p> <ul style="list-style-type: none"> • National Grid, who own the existing substations on the proposed development land leased from Sembcorp, and who own cables that run through the development land, and • Northern Powergrid (Northeast) Limited who own a cable which runs through the proposed development land. <p>The Applicant states that it is not proposing that their interests shall be subject to powers of compulsory acquisition.</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>Table 3.2 states that section 44 persons were consulted by letter sent by Royal Mail special delivery post on 15 or 16 June 2017 accompanied by a CD containing the consultation documents and stating a deadline for the receipt of consultation responses. The two parties (above) are provided in Appendix 7.4.</p> <p>The Applicant has provided a Landownership/ Interests Schedule (Doc 3.1) which provides an overview of the interests held by National Grid and Northern Powergrid (Northeast) Limited. In Paragraph 6 of the Landownership/ Interests Schedule (Doc 3.1) the Applicant states that after diligent inquiry only two s44 Persons were identified; National Grid and Northern Powergrid (North East) Limited.</p>
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>Yes</p> <p>The letter was sent to s42 consultees on 15 June 2017 and set a deadline of 21 July 2017 which is more than 28 days from the day of the date of the letter's receipt. Copy of the letter is provided in the Appendix 10.1 of the Consultation Report (Doc 5.1).</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>Yes</p> <p>The Applicant notified the Secretary of State under s46 on 15 June 2017 which was at the same time as the beginning of s42 consultation on 15/16 June 2017. A copy of the letter is provided in the Appendix 9.1 of the Consultation Report (Doc 5.1).</p>
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>Yes</p> <p>The Applicant provided a final copy of the Statement of Community Consultation (SoCC) which was dated 12 June 2017 (Appendix 6.7).</p> <p>The SoCC was subject to three rounds of consultation with the host local authority, including non-statutory and statutory consultation in March to April 2017 (Paragraph</p>

		<p>1.21).</p> <p>Copies of the published SoCC and the SoCC notices have been included in Appendices 6.7, 6.8 and 6.9 of the Consultation Report (Doc 5.1)</p>
14	<p>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>	<p>There is only one ‘B’ authority Redcar & Cleveland Borough Council (R&CBC) which is a unitary authority so there are no ‘C’ or ‘D’ authorities.</p> <p>During the non-statutory consultation the Applicant sent the first draft of the SoCC to R&CBC on 16 February 2017, prior to a meeting to discuss the draft, as set out in Paragraph 6.5 of the Consultation Report (Doc 5.1), and a copy is included in Appendix 6.1.</p> <p>The second draft SoCC was issued to R&CBC on 15 March 2017 (Paragraph 6.10, and Appendix 6.2).</p> <p>The draft SoCC during the statutory consultation period was issued on 20 April 2017 (Paragraph 6.13 and in Appendix 6.6). Deadline for responses was 19 May 2017 (letter from the Applicant is located in Appendix 6.4).</p>
15	<p>Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes</p> <p>The Applicant has explained in Section 6 (Tables 6.1 and 6.2) of the Consultation Report (Doc 5.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example R&CBC suggested to include Darlington BC in the consultation: <i>‘whilst not a neighbouring authority they are part of the Tees Valley Combined Authority and only one excluded currently’</i> (Table 6.1). The Applicant then added Darlington BC to the list of councils to be consulted with.</p>
16	<p>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>	<p>Yes</p> <p>The SoCC was made available at places which are reasonably convenient having regard to the location of the scheme. The notices stating when and where it could be inspected were published in:</p> <ul style="list-style-type: none"> • The Gazette and Hartlepool Mail on 7 June 2017, • The Northern Echo on 8 June 2017.

		<p>Table 6.3 of the Consultation Report (Doc 5.1).</p> <p>The SoCC notice advised of fourteen venues where the finalised SoCC could be inspected and the times when the venues were open (Table 6.4). The copy of the SoCC notice as published in the newspapers is included in Appendix 6.9.</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>Yes</p> <p>The SoCC notice is included as Appendix 1 of the finalised SoCC (Appendix 6.7 of the Consultation Report (Doc 5.1)) and states that the Project is EIA development.</p> <p>The SoCC also set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information. The document is provided in Appendix 6.7 of the Consultation Report (Doc 5.1).</p> <p>The applicant has set out at Section 6 of the final SoCC (Appendix 6.7 of the Consultation Report (Doc 5.1)) the proposed activities:</p> <ul style="list-style-type: none"> • Public exhibitions in a number of venues within or close to the Inner Consultation Area (ICA) • Distribution of leaflets • Advertisements in local newspapers, posters in libraries, council offices and other public establishments. • Letters to individuals and organisations within the ICA • Information available on the Tees CCPP website.
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant carried out s47 consultation as set out in the final SoCC (Chapter 8 of the Consultation Report (Doc 5.1)).</p> <p>Some examples include:</p> <ul style="list-style-type: none"> • A consultation leaflet was sent to approximately 14,000 residents and

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

		<p>businesses within the ICA (Paragraph 8.3)</p> <ul style="list-style-type: none"> • Three public exhibitions were held at Lazenby Village Hall on 4 July 2017, at Whale Hill Community Centre on 7 July 2017 and Westfield Farm on 13 July 2017 (Paragraph 8.6) • The website went live on 12 June 2017 with all consultation documents available for download, and a request for feedback on the Home Page (Paragraph 8.6). <p>Responses to the consultation are summarised in Paragraphs 8.13 to 8.23 of the Consultation Report (Doc 5.1).</p>
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s48: Duty to publicise the proposed application

19	<p>Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?</p>	<p>Yes</p> <p>The applicant has described the newspapers and dates of s48 publicity in Section 1.41 of the Consultation Report (Doc 5.1) and as set out below:</p>
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		<i>Newspaper(s)</i>	<i>Date</i>
<p>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p>	<p>The Hartlepool Mail</p> <p>The Northern Echo</p> <p>The Gazette</p>	<p>14 June 2017 & 21 June 2017</p> <p>14 June 2017 & 21 June 2017</p> <p>14 June 2017 & 21 June 2017</p>	
<p>once in a national newspaper;</p>	<p>The Times</p>	<p>14 June 2017</p>	

	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	14 June 2017	
	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?	<p>Yes</p> <p>The copy of s48 notice is supplied in Appendix 11.1 of the Consultation Report (Doc 5.1), with copies of the s48 notice as published in Appendix 11.2 of the Consultation Report (Doc 5.1) and contains the required information as set out below:</p>		
	Information	Paragraph	Information	Paragraph
a)	The name and address of the applicant.	Paragraph 1	b) A statement that the applicant intends to make an application for development consent to the Secretary of State	Paragraph 1
c)	a statement as to whether the application is EIA development	Paragraph 5	d) a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 1 & 2
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	Paragraph 6 & Table underneath	f) the latest date on which those documents, plans and maps will be available for inspection	Paragraph 6
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 7	h) details of how to respond to the publicity	Paragraph 8

	a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	Paragraph 10		
21	Are there any observations in respect of the s48 notice provided above?			
	None			
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 ¹¹ ?	<p>Yes -the notice was sent to the EIA consultation bodies on 15 June 2017 or 16 June 2017 as confirmed in Section 1.33 of the Consultation Report (Doc 5.1).</p> <p>A sample letter sent to s42 consultees including the s48 notice can be found in Appendix 10.1 and Appendix 10.3 of the Consultation Report (Doc 5.1).</p>		
s49: Duty to take account of responses to consultation and publicity				
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>The Applicant has set out in Chapter 12 of the Consultation Report (Doc 5.1) the actions that have been taken having regard to the consultation responses received.</p> <p>A schedule of responses received by the local community is provided in Table 12.2 of the Consultation Report (Doc 5.1), alongside the Applicant's response, where this issue has been addressed within the application documents and whether this led to any changes to the application. The Applicant has presented the responses received into theme based topic headings. One example where the Applicant demonstrates they have had regard to responses received was to improve the woodland for the local community. As a result the Applicant stated that it is entering into a Statement of Common Ground (SoCG) with the Tees Valley Wildlife Trust.</p> <p>The Applicant has also described the consideration given to responses that did not lead to a change and gave reference to the relevant application document</p> <p>A schedule of responses received by s42 consultees is provided in Table 12.3 of the</p>		

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

		<p>Consultation Report (Doc 5.1), which includes a summary of the issues raised by each consultee, and the response by the Applicant and whether this led to any changes to the application. One example, where the Applicant demonstrates that they have had regard to responses received are environmental protection issues raised by R&CBC. These have been included in the Construction Environment Management Plan (CEMP) and requirements in the draft DCO.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<p>Guidance about pre-application procedure</p>		
24	<p>To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Table 3.2 of the Consultation Report (Doc 5.1) states that the Applicant has complied with the requirements of the Planning Act 2008. In formulating its consultation approach and strategy and undertaking its pre-application consultation and publicity the Applicant has also taken account of relevant published guidance on pre-application consultation.</p> <p>Paragraph 3.16 of the Consultation Report (Doc 5.1) lists the Department of Communities and Local Government (DCLG), the Planning Inspectorate and other guidance that the Applicant has had regard to in formulating its consultation proposals and carrying out that consultation.</p> <p>Paragraph 23 of DCLG's guidance 'The Planning Act 2008: Guidance on the pre-application process' talks about local authorities being able to provide advice to applicants on the makeup of the community and on how consultation might best be undertaken. In Table 6.1 of the Consultation Report (Doc 5.1) the Applicant demonstrates how the host authority R&CBC advised them that they may wish to include Darlington BC in their consultation, whilst not a 'neighbouring' authority they are part of the Tees Valley Combined Authority. The Applicant added Darlington Borough Council to their consultation list.</p> <p>The Applicant confirmed that s47 consultation followed methods and proposals set out in</p>

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

		the published SoCC (Paragraph 8.25).
25	Summary - s55(3)(e)	The application as made by the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure). All relevant duties have been complied with.
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>Yes</p> <p>Box 4 of the Application Form (Doc 1.3) gives a statement explaining why the development falls within the remit of the Secretary of State.</p> <p>'The Proposed Development comprises an onshore natural gas-fired electricity generating station with a capacity of more than 50MW (up to 1,700MW gross output capacity) and associated development and therefore falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14(1)(a) and 15(2) of 'The Planning Act 2008' (the '2008 Act').</p> <p>Box 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the development proposed, whilst Box 6 of the Application Form provides the location of the proposal.</p> <p>The site description provided in Box 6 is as follows:</p> <p>'The Proposed Development Site (the 'Site') is situated in the south western section of the Wilton International Site (a major industrial complex), adjacent to the A1053. The Site lies entirely within the administrative area of Redcar and Cleveland Borough Council ('RCBC'); a unitary authority.' Box 6 also provides grid references for the Site.</p> <p>The location of the proposed development is shown on the Location Plan Sheets 1 to 3 and Key Plan (Doc 4.1).</p>
27	Is it accompanied by a consultation report?	Yes - a Consultation Report (Doc 5.1) accompanies the Application Form (Doc 1.3) .

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
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes - the documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:

Information		Document	Information		Document
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Environmental Statement (Doc 6.1 – 6.3.20) Scoping Opinion (Doc 6.3.2)	b)	The draft proposed order	Draft Development Consent Order (Doc 2.1)
	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 order	Explanatory Memorandum (Doc 2.2)	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	No
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	n/a
e)	A copy of any flood risk assessment	Yes (Doc 6.3.3)	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	Yes (Doc 5.9)

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

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

	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 involves any compulsory acquisition)	No - the Applicant states there is no compulsory acquisition	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Yes - Doc 4.2
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	Yes
j)	A works plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order	Yes Doc 4.3	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	N/A
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	N/A

l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development	(i) Figures 9.1 & 9.2 of Doc 6.2.9 . Figure H2.1 of Doc 6.3.15 . Figures 11.3 & 11.4 of Document 6.2.11 . (ii) Figure 9.3 (Doc 6.2.9) (iii) Figure 6.1 (Doc 6.2.6) Assessments in Chapter 6 (Doc 6.2.6); Chapter 9 (Doc 6.2.9); Chapter 11 (Doc 6.2.11).	m)	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 sites, features or structures likely to be caused by the proposed development	Figure 12.6 (Doc 6.2.12) Assessment in Chapter 12 (Doc 6.2.12) .
	Is this of a satisfactory standard?	Yes , with minor discrepancy as noted in Box 30		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	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	Doc 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11

	Is this of a satisfactory standard?			Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Doc 5.2 - Electricity Grid Connection Statement Doc 5.2 -Gas Connection Statement	q)	Any other documents considered necessary to support the application.	Yes as listed in Box 30
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided above?				
	<p>Yes</p> <p>Environmental Statement</p> <p>Figure 6.1 of the ES (Doc 6.2.6) identifies waterbodies in the vicinity of the Proposed Development, however these are not labelled and it is not clear which of these are Water Framework Directive (WFD) waterbodies. The main text of the ES (Doc 6.2.6) states that the Tees Estuary (South Bank) is the closest WFD surface waterbody to the application site. On the basis of the information provided regarding surface water waterbodies it does not appear that the Proposed Development would affect any WFD surface waterbodies, but it is also <u>not</u> clear (at this stage) whether there are any groundwater WFD waterbodies in the vicinity of the Proposed Development which could be affected.</p> <p>In the ES (Doc 6.2.1) there are two Figure 11.2 which are illustrating different things.</p> <p>Application Documents</p> <p>Application Documents 4.12 and 4.13 have been produced on an aerial photo base. It would be helpful to the Examining Authority if these plans could also be provided on an Ordnance Survey base.</p> <p>Access to the site</p> <p>Existing Access Plan (Doc 4.4) shows the existing access to the Site via a private road from the A1053 Greystone Road. The Applicant should confirm whether or not it owns or has an appropriate right of access over this route.</p> <p>Section 51 Advice has been issued to the Applicant in respect of these observations above.</p>				

<p>Other documents considered necessary to support the application</p> <p>The Applicant submitted the following additional documents: 1.1 - Application Cover Letter (Doc 1.1), 1.2 - Application Guide (Doc 1.2), 3.1 - Landownership & Interests Schedule (Doc 3.1), 5.4 - Other Consents and Licences (Doc 5.4), 5.5 - Planning Statement (Doc 5.5), 5.6 - Design and Access Statement (Doc 5.6), 5.7 - Combined Heat and Power Assessment (Doc 5.7), 5.8 - Carbon Capture and Storage ('CCS') & Carbon Capture Readiness ('CCR') Statement (Doc 5.8)</p>		
31	<p>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)?¹⁵</p>	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Annex H of the Environmental Statement (Doc 6.3.15)</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</p>
32	<p>If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans¹⁶</p>	<p>Yes</p>
33	<p>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?</p>	<p>Yes</p> <p>The application appears to be in general conformity with the Guidance and the Planning Inspectorate is satisfied that the applicant has had regard to the Guidance.</p>
34	<p>Summary - s55(3)(f) and s55(5A)</p>	<p>In consideration of its observations made above, the Planning Inspectorate considers that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) of the PA2008.</p>

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

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

None of the issues identified in the checklist are likely to prejudice any persons wishing to take part in the examination, or to prevent an appointed Examining Authority from examining the application within the statutory 6 month period. The overall conclusion therefore is that the application is of a satisfactory standard and can be accepted.

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁷ ?	The application fee of £6,750.00 was paid on 20 November 2017 before the submission of application.
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Electronic Signature	Name	Date
Case Leader	<i>Tracey Williams</i>	18 December 2017
Acceptance Inspector	<i>Kevin Gleeson</i>	18 December 2017

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

