

The Planning Act 2008

Section 55 Acceptance of Applications*

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

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

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

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

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

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

Section 55 Acceptance of Applications

Section 55 Application 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
		16 November 2018	14 December 2018	14 December 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	<p>Is the development a nationally significant infrastructure project² (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 order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</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</p>	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the draft DCO (Doc ref 3.1) is for a solar photovoltaic array in excess of 50MWe and a storage facility of in excess of 50MWe both of which would represent a Nationally Significant Infrastructure Project (NSIP)), which therefore concludes that the application is for a NSIP as defined by Section 15(2) of the PA2008.</p> <p>This is consistent with the summary provided in the Application Form (Doc ref 1.2) in Box (4) which states that the application is for an NSIP that comprises up to two generating stations each with a gross electrical output capacity of over 50 megawatt.</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)

	consent is required?	
3	Summary – s55(3)(a) and s55(3)(c)	The draft DCO (Doc ref 3.1) Schedule 1 and Box (4) of the Application Form (Doc ref 1.2) demonstrate that the application as submitted is an application for an order granting development consent under the PA2008.
s55(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 ⁴ , 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>Yes.</p> <p>The Applicant notified the Secretary of State under EIA Regulation 8(1)(b) that it proposed to provide an Environmental Statement in respect of the development in paragraph 3 of the Scoping Report (Doc ref. 6.4.3.1).</p> <p>Due to the change in the red line boundary, the Applicant submitted a second Regulation 8(1)(b) notification via email on 21 May 2018.</p>
5	Have any adequacy of consultation representations ⁵ 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>There are 14 host and neighbouring authorities, of which 5 provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/or that they had “no comments”, these were:</p> <p>Host (“B, C”) Authorities</p> <ul style="list-style-type: none"> • Swale Borough Council • Kent County Council • Canterbury City Council <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Thurrock Council • Ashford Borough Council

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

		<p>Responses were invited but were not received from the following authorities:</p> <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Maidstone Borough Council • Medway Council • London Borough of Bexley • London Borough of Bromley • East Sussex County Council • Surrey County Council • Folkestone and Hythe District Council • Thanet District Council • Dover District Council
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>The Applicant has provided a list of persons consulted under s42(1)(a) on 31 May 2018 at Appendix 5 of the Consultation Report (Doc Ref. 5.1.1a).</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"> • Harlaxton Gas Networks Limited • Murphy Gas Networks limited • Eclipse Power Network

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

		<p>The Applicant has not provided a justification for this, however, the Applicant's interpretation of the regulations appears justifiable.</p> <p>The Applicant's Consultation Report (Doc ref 5.1) does not give a clear explanation as to why the bodies identified above have not been consulted. It is noted that the licences held by Harlaxton Energy Networks Limited (HENL) cover Great Britain. The operational areas of this body however are not clear from information in the public domain. HENL has not been identified by the Applicant as being interested in the Order lands and are not listed in the Book of Reference (Doc ref 4.3).</p> <p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, PINS suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008 unless there is a specific justification why this is not necessary.</p> <p>S51 advice has been issued regarding this matter.</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Yes
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>The Applicant has consulted each local authority within s43 as described in Section 8 of the Consultation Report (Doc 5.1) on 31 May 2018.</p> <p>Host ("B, C") Authorities</p> <ul style="list-style-type: none"> • Swale Borough Council • Kent County Council • Canterbury City Council

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

		Neighbouring (“A, D”) Authorities <ul style="list-style-type: none"> • Ashford Borough Council • Maidstone Borough Council • Medway Council • Thurrock Council • London Borough of Bexley • London Borough of Bromley • East Sussex County Council • Surrey County Council • Folkestone and Hythe District Council • Thanet District Council • Dover District Council
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 ?	Yes The Applicant has consulted each person in one or more s44 categories as described in Section 8.26 of the Consultation Report (Doc 5.1) on 30 May 2018.
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	Yes The letter dated 31 May 2018 was sent to s42 consultees and confirms a deadline of responses being 13 July 2018, which is more than 28 days after the date of the s42 notification letter (Appendix 9 of the Consultation Report - Appendices 1 to 13)

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

	documents?	(Doc 5.1.1a).
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 gave notice under s46 on 31 May 2018, which was on or before the beginning of s42 consultation.</p> <p>A copy of the letter dated 31 May 2018 (Appendix 4) and consultation documents (listed on page 7 of Appendix 1) sent to the Secretary of State is included in the Consultation Report - Appendices 1 to 13 (Doc 5.1.1a).</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 produced a Statement of Community Consultation (SoCC) on (9 November 2017) which is supplied with the application (Appendix 9 of the Consultation Report - Appendices 1 to 13 (Doc 5.1.1a)).</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 (Swale Borough Council and Kent County Council (‘B Authorities’) and Canterbury City Council which is now a ‘B’ authority on (2 October 2017) and set a deadline of (31 October 2017) for responses (Appendix 7 of the Consultation Report - Appendices 1 to 13 (Doc 5.1.1a)).</p> <p>Although Canterbury City Council were not a B authority at this time, it was consulted on the draft SoCC as a B authority owing to the proximity of the council boundary. When the boundary change was made in May 2018, it was agreed that Canterbury City Council had already been consulted on the content of the draft SoCC and re-consultation was not required.</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>The Applicant has explained at Table 6 page 50 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, Kent CC (KCC) stated that the Applicant</p>

		<p>should ensure the consultation is accessible to all members of the community.</p> <p>In response the Applicant ensured that copies of the SoCC were made available at Faversham Library, Boughton-under-bean Library, Teynham Library and Sheppey Gateway. KCC libraries also helpfully displayed materials at 14 other libraries which served as Local Information Points for the wider consultation area.</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 SoCC was made available at eight places, which is reasonably convenient having regard to the location of the scheme. Notices stating when and where it could be inspected were published in:</p> <ul style="list-style-type: none"> • Kentish Gazette - 9 November 2018 • Kent Messenger - 9 November 2018 <p>In addition to the above title publications supported by Appendix 10, the SoCC advertisement was also reproduced in the following publications: Faversham News, Whitstable Gazette, Herne Bay Gazette, Medway Messenger (Section 6.12 of the Consultation Report Doc 5.1).</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 Appendix 9 of the Consultation Report - Appendices 1 to 13 (Doc 5.1.1a) sets out at paragraph 7 that the scheme 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>Yes</p> <p>The Applicant has set out evidence of this in Table 8 of the Consultation Report (Doc 5.1) the activities that have been carried out and how the commitments in the SoCC have been met. This is also supported by Adequacy of Consultation responses received for the local authorities.</p>

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).

s48: Duty to publicise the proposed application			
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	Yes Examples of the Advertisements can be found in Appendix 18 (5.1.1b Consultation Appendices) . The Applicant has described the newspapers and dates of s48 publicity in Chapter 9 paragraph 9.10, table 19 (Consultation Report 5.1) as set out below:	
		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;	Sheerness Times Guardian Sittingbourne New Extra Guardian	23 May 2018 and 30 May 2018 23 May 2018 and 30 May 2018
	once in a national newspaper;	The Guardian	31 May 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	31 May 2018
	where the proposed application relates to offshore development –	(i) Lloyd's List	31 May 2018
	(i) once in Lloyds List; and	(ii) Fishing News	31 May 2018
	(ii) once in an appropriate fishing trade journal?		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The Applicant has supplied an example of the published Section 48 in Consultation Report Appendices and can be found in Appendix 17 (Consultation Report 5.1.1b) . The Applicant has submitted the advertisements supplied to the newspapers which can be found in the Consultation Report Appendices Appendix 18 (Consultation Report	

		5.1.1b).			
	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	3
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	4	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7 and 8	h)	details of how to respond to the publicity	9
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 other observations with regard to the s48 notice.				

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</p> <p>Yes the notice was sent to all identified consultee's under s42. Confirmation of this can be found in document 5.1 Consultation Report paragraph 9.9.</p> <p>The notice was sent to the EIA consultation bodies on 31 May 2018 as confirmed in document 5.1.1a Appendix 6 (Consultation Report Appendices).</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>Chapter 10 and 11 of the Consultation Report (Doc 5.1) set out how the Applicant has complied with its duty under section 49 of the 2008 Act to take account of consultation responses received under section 42,47 and 48 of the 2008 Act.</p> <p>Appendix 2 of the Consultation Report (Doc 5.1) provides a summary of responses received to s47 consultation and how they responded to the views gathered.</p> <p>Appendix 3 of the Consultation Report (Doc 5.1) provides a summary of responses received to s42 consultation and how they responded to the views gathered.</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>
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 ?	<p>The Consultation Compliance table in Appendix 1 of the Consultation Report (Doc 5.1) provides a table that explains how the Applicant has had regard to DCLG guidance on the pre-application process.</p> <p>Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.</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).

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)	The application contains evidence that the Applicant has complied with Chapter 2 of Part 5 of the PA2008 for all relevant. There are some consultation discrepancies and s51 advice has been provided to the Applicant to remedy these.
	s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)	
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the 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 5.1) explains why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form provides a brief non-technical description of the site, whilst Box 6 provides the location of the proposal. A Location Plan (Doc 6.2.1) has been provided.</p>
27	Is it accompanied by a consultation report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (1-13 (Doc 5.1.1a), 14-20 (Doc 5.1.1b) & 21-33 (Doc 5.1.1c)).</p>
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	<p>2.1 Land Plan – First plan is called ‘Index Sheet’ instead of Key Plan</p> <p>2.10 Open Space Land Plan – First plan is called ‘Index Sheet’ instead of key plan</p> <p>2.7 Crown Land Plan – No Key Plan</p>
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes</p> <p>The documents and information required by regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) are set out in the documents and locations within the application as listed below:</p>

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

Information		Document	Information		Document
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Yes Doc Ref 6.1 - 6.5	b)	The draft proposed order	Yes Doc Ref 3.1
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		Is this of a satisfactory standard?	Yes
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Yes Doc Ref 3.2	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Yes Doc Ref 4.3
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
e)	A copy of any flood risk assessment	Doc Ref 6.4.10.1	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	Doc Ref 5.3
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Yes Doc Ref 4.1	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	Doc Ref 2.1 (Land Plans)

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

				<p>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>	<p>Doc Ref 2.10 (Special Category Land Plans)</p>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
j)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the 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 order</p>	Doc Ref 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 creation of rights of way or public rights of navigation	<p>Doc Ref 2.3 (Rights of Way)</p> <p>Doc Ref 2.8 (Streets and Access Plan)</p>
	Is this of a satisfactory standard?	Yes (with minor discrepancies noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies noted in Box 30)
l)	Where applicable, a plan with	Yes	m)	Where applicable, a plan with accompanying	Shown on Figures

<p>accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an</p>	<p>(i) Statutory/non-Statutory sites or features of nature conservation - shown on Figures 1-7 in Doc 2.4; Figures 8.3 in Doc 6.2.8; 9.2 in Doc 6.2.9; and Figure 1 in Doc 5.2. An assessment of effects is provided in Doc 6.1.8, Doc 6.1.9, Doc 6.1.10 and Doc 5.2.</p> <p>Landscape designations are shown on Figure 7.8 (Doc 6.2.7). An assessment of effects is provided in Doc 6.1.7.</p> <p>ii) Habitats and locations of protected species are shown on Figures 8.1, 8.2(a-j) and 8.5 (Doc 6.2.8). An assessment of effects is provided in Doc 6.1.8, Doc 6.1.9 and Doc 5.2.</p> <p>iii) Water bodies in a river basin</p>	<p>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</p>	<p>1-7 in Doc 2.6; and Figures 11.1, 11.2 and 11.3 in Doc 6.2.11.</p> <p>Assessment of effects in Doc 6.1.11.</p>
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	assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development	management plan – shown on Doc 2.5 . Assessment of effects is provided in Doc 6.1.10 .			
	Is this of a satisfactory standard?	Yes (with minor discrepancy noted in Box 30).		Is this of a satisfactory standard?	Yes (with minor discrepancy noted in Box 30).
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Yes Doc 2.7 Crown Land Plan	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	Yes 2.1 Land Plan 2.2 Works Plan 2.3 Rights of Way Plan 2.4 Stat and non-Stat Nature cons plan 2.5 Water Bodies Plan 2.6 Stat and non-Stat Historic Env Plan 2.7 Crown Land Plan 2.8 Streets and Access Plan 2.9 Location Limits Plan

					2.10 Open Space Land Plan
	Is this of a satisfactory standard?	Yes (with minor discrepancies noted in Box 30)		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations: <i>Grid Connection Statement</i>	Doc Ref 5.4	q)	Any other documents considered necessary to support the application.	
	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?				
	Section 51 advice has been issued to the Applicant regarding clarity of the following observations. The key observations are identified below and further detail is included within the s51 advice: Environmental Statement <ul style="list-style-type: none">The Climate Change aspect chapter of the ES (Doc 6.1.15) and the modelling in the flood risk assessment (Doc 6.4.10.1) have been based on the UKCP09 Climate Projections. The Inspectorate notes that the UKCP18 Climate Projections were published on 26 November 2018 (after the application was submitted). Section 51 advice has been issued in preparation for an examination.Some of the study areas on the figures and appendices supporting the ES aspect assessments (e.g. Figures 8.1 and 8.2 (Doc 6.2.8) and Figures 11.1 to 11.4 (Doc 6.2.11)) do not include the land required for the proposed Freshwater Grazing Marsh Habitat Management Area (FGM HMA), located in the eastern part of the application site.The ES (Docs 6.1 – 6.5) and Report to Inform Appropriate Assessment (Doc 5.2) state that no development is proposed within the FGM HMA area. The application documents suggest that the FGM HMA is included in the Proposed Development “...for the purposes of offering enhanced management for the benefit of wildlife and the features for which the SSSI is notified” (Doc 5.2, para 75). However Work No.8 in the draft DCO (Doc 3.1) authorises “works to create and maintain a habitat management area, comprising a) earth works, b) means of access and c) drainage” in the proposed FGM HMA. Section 51 advice has been issued in this regard.				
	Regulation 5(2)(i)				

Land Plans

- All black cut lines between sheets are taken to be the plot boundaries.
- Two potential unnumbered plots have been identified; West of 3/01A within 1/04, 1/05 & 1/07.
- Scale given on sheet may not match that on the scale bar.

Special Category Land Plans:

- Some plots (1/08, 2/02, 3/02A, 3/02B, 3/10) are subdivided (only a given area of a plot is used for 'open space').
- Plot 1/08 states in the Book of Reference – part 5 that only a part of the plot is required, all other plots where only part of the plot is depicted on the plans as needed for 'open space' just state the plot number.

Plots 4/01 - 4/03 in the Book of Reference are not separately identified on the plans

Regulation 5(2)(j)

Works Plans

- **Works plans (Doc Ref 2.2)** are indicative, showing only areas for works and no specific detail.
- Work No.2 & 3 overlap completely.

Regulation 5(2)(k)

Plans showing Rights of Way (PRoW) and Streets and Access Plan

- On the **Streets and Access plans (Doc Ref 2.8)**. There appear to be three new tracks that are to be created but these are not identified separately in the Works Schedule.
- **Rights of Way plans (Doc Ref 2.3)** show existing route of footpaths/rights of way, but do not contain information on which parts of the routes are to be stopped up (some of the paths fall outside of the order limits).
- Distinction between start and end of given paths is unclear. **Figure 3** shows paths ZR692 & CW90 as one complete footpath but there is no point at which one becomes the other (same for ZR484 & CW55).
- 'Proposed Permissible Footpath' (as shown on **Figure 3** of the **Rights of Way plans (Doc Ref 2.3)** does not appear to be cited in the draft

<p>DCO.</p> <p>Regulation 5(2)(n)</p> <p>Crown Land Plans</p> <ul style="list-style-type: none"> The inset sections detailing the smaller plots (used on the land plans (Doc Ref 2.1) are missing from the Crown Land plans – this can make seeing the affected plot difficult without also viewing the land plans. <p>Regulation 5(2)(q)</p> <p>Documents necessary to support the application</p> <p>The Applicant submitted the following additional documents; Outline Design Principles; Mitigation Schedule; Statement of Need; Planning Statement; Statement of Common Ground with Natural England; Heritage Statement; Order limits and Grid coordinates plans; outline construction environmental management plan; outline decommissioning and restoration plan; outline design principles; outline landscape and biodiversity management plan; outline special protection area; construction noise management plan; outline written scheme of investigation.</p>		
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, & c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? ¹⁵	<p>Yes</p> <p>A Habitats Regulations Assessment Report is provided in Doc Ref 5.2.</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	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	<p>Yes</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

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?	Yes 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.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate considers that the submitted application accords with the requirements of s55(3)(f) having regard to s55(5A) and concludes that the application is of a satisfactory standard and can be accepted. 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 ?	Yes Application Fee was received before submission of the application on 12 November 2018

Electronic Signature	<i>TA Williams</i>	Date 14 December 2018
Case Leader	<i>Tracey Williams</i>	14 December 2018
Acceptance Inspector	<i>Pauleen Lane</i>	14 December 2018

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.

Section 55 Acceptance of Applications

Appendix One

Application Checklist

Cleve Hill Solar Park

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates