



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

## Section 55

# Acceptance of Applications Checklist

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

Version: January 2019

## West Burton C Section 55 Acceptance of Applications Checklist

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

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

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		<b>30 April 2019</b>	<b>28 May 2019</b>	<b>23 May 2019</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project<sup>1</sup> (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<sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary</p>	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 2.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of an onshore electricity generating station with a capacity of more than 50MW (up to 299 MW gross output capacity) and associated development and satisfies section 14 and 15 of the PA2008; including subsection 14(1)(a) and subsection 15(2).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</b> which states that the application is for an NSIP.</p>		

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

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

	of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 2.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p><b>Yes</b></p> <p>a) The Applicant did not request a screening opinion in respect of the Proposed Development.</p> <p>b) On 25 April 2017 the Applicant notified the Planning Inspectorate in accordance with Regulation 6(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 7 September 2017.</p> <p><b>Paragraph 8.2.2</b> of the <b>Consultation Report (Doc 4.1)</b> states that the Applicant submitted a request for a Scoping Opinion and it was received by the Secretary of State on 27 April 2017.</p> <p><b>Paragraph 8.3.3</b> of the <b>Consultation Report (Doc 4.1)</b> states that the EIA Scoping Report was submitted to the Planning Inspectorate on 25 April 2017.</p> <p>The Applicant's Scoping Opinion is appended to the <b>Environmental Statement (Doc 5.2)</b>.</p>
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so do they confirm that the	<p><b>Yes</b></p> <p>There are 13 host and neighbouring authorities, of which 9 responded to the Planning</p>

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

<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

<p>Applicant has complied with the duties under s42, s47 and s48?</p>	<p>Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 14 May 2019.</p> <p>All 9 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> <li>• Bassetlaw District Council ('B' authority)</li> <li>• Nottinghamshire County Council ('C' authority')</li> <li>• West Lindsey District Council ('A' authority)</li> <li>• Newark and Sherwood District Council ('A' authority)</li> <li>• Bolsover District Council ('A' authority)</li> <li>• Lincolnshire County Council ('D' authority)</li> <li>• Doncaster Council ('D' authority)</li> <li>• Derbyshire County Council ('D' authority)</li> <li>• North Lincolnshire Council ('D' authority)</li> </ul> <p>Newark and Sherwood District Council advised that it had no record of being consulted by the Applicant. However, it acknowledges that the site is some considerable distance from its District and it is unlikely any concerns would have been raised.</p> <p>The Applicant has confirmed that it wrote to Newark and Sherwood District Council's Newark office (Kelham Hall) on 6 September 2017, and a copy of the letter has been published to the project page of our website below. As such the Inspectorate is satisfied that the District Council has been consulted.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/">https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/</a></p>
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**Section 42: Duty to consult**

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 6 September 2017 at <b>Appendix 6.1</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>No sample of the letter sent to s42(1)(a) consultees has been provided.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• NHS Bassetlaw CCG</li> <li>• West Burton Parish Council</li> <li>• Scunthorpe and Gainsborough Water Management Board</li> <li>• Cadent Gas Limited</li> <li>• Energetics Gas Limited</li> <li>• Energy Assets Pipelines Limited</li> <li>• ES Pipelines Ltd</li> <li>• ESP Connections</li> <li>• ESP Networks</li> <li>• ESP Pipelines</li> <li>• ESP Electricity Limited</li> <li>• Harlaxton Gas Networks Limited</li> <li>• Fulcrum Pipelines Limited</li> <li>• GTC Pipelines Limited</li> <li>• Independent Pipelines Limited</li> <li>• Independent Power Networks Limited</li> </ul>
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<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<ul style="list-style-type: none"> <li>• Indigo Pipelines Limited</li> <li>• Murphy Gas Networks Limited</li> <li>• Murphy Power Distribution Limited</li> <li>• Quadrant Pipelines Limited</li> <li>• Scotland Gas Networks Plc</li> <li>• Eclipse Power Network</li> <li>• Energetics Electricity Limited</li> <li>• Energy Assets Networks Limited</li> <li>• Leep Electricity Networks Limited</li> <li>• The Electricity Network Company Limited</li> <li>• UK Power Distribution Limited</li> <li>• Utility Assets Limited</li> <li>• Vattenfall Networks Limited</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 4.1)</b> does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</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, the Planning Inspectorate 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>
7	Section 42(1)(aa) the Marine Management Organisation (MMO) <sup>6</sup> ?	<p><b>Yes</b></p> <p><b>Section 6.4</b> of the <b>Consultation Report (Doc 4.1)</b> states that the MMO has been</p>

<sup>6</sup> 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

		consulted.
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 6.5.2</b> of the <b>Consultation Report (Doc 4.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 7 September 2017.</p> <p>Maps showing the boundaries of the local authorities relative to the location of the Site are provided in <b>Appendix 6.2</b> (County Councils) and <b>Appendix 6.3</b> (District Councils) of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Bassetlaw District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Nottinghamshire County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• West Lindsey District Council</li> <li>• Mansfield District Council</li> <li>• Newark and Sherwood District Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Derbyshire County Council</li> <li>• Leicestershire County Council</li> <li>• Lincolnshire County Council</li> <li>• Nottingham City Council</li> </ul> <p>No sample of the letter sent to s42(1)(b) relevant authorities has been provided.</p> <p><b>Paragraphs 10.4.1 to 10.4.3</b> of the <b>Consultation Report (Doc 4.1)</b> explain that it has</p>

<sup>7</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p>been identified that due to an administrative error the following four local authorities had been omitted from statutory consultation in 2017:</p> <ul style="list-style-type: none"> <li>• Bolsover District Council ('A' authority)</li> <li>• North Lincolnshire Council ('D' authority)</li> <li>• Rotherham Metropolitan Borough Council ('D' authority).</li> <li>• Doncaster Council ('D' authority)</li> </ul> <p>These authorities have been contacted on 26 March 2019, seeking responses by 26 April 2019. A copy of the letter is provided in <b>Appendix 10.3</b> of the <b>Consultation Report (Doc 4.1)</b>, although the Annex is incorrectly titled as 'Letters to Authorities (26<sup>th</sup> April 2019)'.</p> <p>Doncaster Council ('D' authority) raised comments regarding consultation within areas around Doncaster. However, it also confirmed that the Highways department were consulted and raised no objections.</p> <p>As these authorities have been consulted, and have had the required period of time in which to respond, it is not considered that their interests have been prejudiced by their omission from the statutory consultation.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Not Applicable</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p>The Applicant has not submitted a Book of Reference therefore the <b>Consultation Report (Doc 4.1)</b> does not include a list of persons consulted under s42(1)(d).</p> <p>In <b>paragraph 6.6.3</b> of the <b>Consultation Report (Doc 4.1)</b> the Applicant lists the following section 44 persons (including duals, i.e. pursuant to both s42 and s44) for the statutory stage of consultation:</p> <ul style="list-style-type: none"> <li>• East Midlands Electrical Board</li> </ul>

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



		<ul style="list-style-type: none"> <li>• George Frederick Murgatroyd (and unknown successors in title)</li> <li>• The Crown and the Crown Estate Commissioners (dual)</li> <li>• The Canal and River Trust (East &amp; West Midlands) (dual)</li> <li>• National Grid Electricity Transmission Plc (dual)</li> <li>• National Grid Gas Plc (dual)</li> <li>• Severn Trent Water Limited (dual)</li> <li>• Western Power Distribution (dual).</li> </ul>
<b>Section 45: Timetable for s42 consultation</b>		
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><b>Yes</b></p> <p>No sample of the letter sent to s42 consultees has been provided. However, a copy of the public notice has been provided in <b>Appendix 6.6</b> of the <b>Consultation Report (Doc 4.1)</b> stating that the statutory consultation will run between 7 September 2017 and 16 October 2017, providing more than the required minimum time for receipt of responses.</p> <p><b>Appendix 6.7</b> of the <b>Consultation Report (Doc 4.1)</b> provides copies of public notice published in the newspapers on 7 September and 14 September 2017.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 6 September 2017, which was before the beginning of s42 consultation.</p> <p><b>Paragraph 1.1.20</b> of the <b>Consultation Report (Doc 4.1)</b> states the following:</p> <p>Copies of the s46 notification letter are provided at <b>Appendix 6.4</b> of the <b>Consultation Report (Doc 4.1)</b> and copies of s46 notification acknowledgement letter from the Planning Inspectorate are provided at <b>Appendix 6.5</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
<b>Section 47: Duty to consult local community</b>		

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><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix 4.1</b> of the <b>Consultation Report (Doc 4.1)</b>.</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><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Bassetlaw District Council ('B' Authority) and Nottinghamshire County Council ('C' authority) on 7 June 2017 and set a deadline of 6 July 2017 for responses; providing the appropriate time for responses to be received.</p> <p>In addition, draft SoCC was issued to West Lindsey District Council ('A' authority) and Lincolnshire County Council ('D' authority) as stated in <b>paragraph 4.6.1</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Table 4.3</b> of the <b>Consultation Report (Doc 4.1)</b> provides a summary of the consultation responses from Nottinghamshire County Council and Lincolnshire County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Depositing the additional set of consultation documents at Gainsborough Library</li> <li>• Holding three exhibitions; two in Nottinghamshire and one in Lincolnshire</li> </ul> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Gainsborough Library</li> <li>• Retford Library</li> <li>• Bassetlaw District Council's office in Worksop</li> </ul>

		<ul style="list-style-type: none"> <li>• Bassetlaw District Council's office in Retford</li> <li>• West Lindsey District Council's office in Gainsborough</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• The Times on 7 September 2017</li> <li>• The London Gazette on 7 September 2017</li> <li>• Retford Times on 7 and 14 September 2017</li> <li>• Gainsborough Standard on 7 and 14 September 2017.</li> </ul> <p>The published SoCC notice, provided at <b>Appendix 4.1</b> of the <b>Consultation Report (Doc 4.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix 6.7</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Section 7</b> of the final SoCC at <b>Appendix 4.1</b> of the <b>Consultation Report (Doc 4.1)</b> sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Chapter 4</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table 4.2</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC, using the following methods:</p> <ul style="list-style-type: none"> <li>• Newsletters</li> <li>• Public Exhibitions</li> <li>• Community Posters</li> <li>• Newspaper Notices / Adverts</li> </ul>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	<ul style="list-style-type: none"> <li>• Project Website</li> <li>• Deposit locations</li> <li>• Parish Council Meetings</li> </ul> <p><b>Chapter 4</b> of the <b>Consultation Report (Doc 4.1)</b> provides evidence that the commitments within the final SoCC have been carried out.</p>
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#### Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p><b>Yes</b></p> <p><b>Paragraph 6.10.2</b> of the <b>Consultation Report (Doc 4.1)</b> provides details of where the Notices were published.</p> <p><b>Table 6.1</b> of the <b>Consultation Report (Doc 4.1)</b> displays the newspapers and dates of s48 publicity.</p> <p>A copy of the s48 notice is provided at <b>Appendix 6.6</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>Clippings of the published notices are provided at <b>Appendix 6.7</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
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		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• The Retford Times</li> <li>• The Gainsborough Standard</li> </ul>	7 and 14 September 2017 (for both)
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul>	7 September 2017
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• London Gazette</li> </ul>	7 September 2017

d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? <b>Note:</b> where an application will contain a draft Deemed Marine Licence, the Planning Inspectorate will consider that the proposed application relates to offshore development	Not Applicable	Not Applicable																													
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes</b> The published s48 notice, supplied at <b>Appendix 6.6</b> of the <b>Consultation Report (Doc 4.1)</b> , contains the required information as set out below:																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>the name and address of the Applicant.</td> <td style="text-align: center;">1</td> <td>b)</td> <td>a statement that the Applicant intends to make an application for development consent to the Secretary of State</td> <td style="text-align: center;">1</td> </tr> <tr> <td>c)</td> <td>a statement as to whether the application is EIA development</td> <td style="text-align: center;">4</td> <td>d)</td> <td>a summary of the main proposals, specifying the location or route of the Proposed Development</td> <td style="text-align: center;">3</td> </tr> <tr> <td>e)</td> <td>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</td> <td style="text-align: center;">4</td> <td>f)</td> <td>the latest date on which those documents, plans and maps will be available for inspection</td> <td style="text-align: center;">4</td> </tr> <tr> <td>g)</td> <td>whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge</td> <td style="text-align: center;">5</td> <td>h)</td> <td>details of how to respond to the publicity</td> <td style="text-align: center;">6</td> </tr> </tbody> </table>					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	4	g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	5	h)	details of how to respond to the publicity	6
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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	6	
21	Are there any observations in respect of the s48 notice provided above?		
	<b>No</b>		
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 <sup>10</sup> ?	<b>Yes</b>	A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 6.10.5</b> of the <b>Consultation Report (Doc 4.1)</b> .
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<b>Yes</b>	<b>Appendix 7.1</b> (additional <b>Appendix 6.1</b> within it) of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.  The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.
<b>Guidance about pre-application procedure</b>			
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<b>Section 6</b> of the <b>Consultation Report (Doc 4.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.  Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.	
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the	

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

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

PA2008.

**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"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 3.1)</b> has been provided.</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 4.1)</b>.</p>
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?<sup>12</sup></p>	<p><b>Not Applicable</b></p>
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p><b>Yes</b></p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below.</p>

Information		Document	
a)	Where applicable, the Environmental Statement	<b>Environmental Statement Chapters 1 to 17 (Doc 5.2)</b>	b) The draft Development Consent Order (DCO)
		<b>Doc 2.1</b>	

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<p><b>Environmental Statement Volume II Appendices 1, 2, 6, 7 and 9 to15 (Doc 5.2)</b></p> <p><b>Environmental Statement Volume III Figures 1, 3, 4, 6, 8, 9, 10, 14, 15 and 16 (Doc 5.2)</b></p> <p><b>Environmental Statement Non-Technical Summary (Doc 5.1)</b></p> <p><b>Environmental Statement Contents and Glossary (Doc 5.2)</b></p> <p><b>The applicant requested a scoping opinion from the Secretary of State (SoS)</b></p> <p><b>The SoS issued a Scoping Opinion on the 7 June 2017 and was submitted with the application in Appendix 1B (Doc 5.2)</b></p> <p><b>Matters Addressed from the Scoping Opinion is provided in Appendix 1C (Doc 5.2)</b></p>		
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard? <b>Yes</b>
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Doc 2.2</b>	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition) <b>Not Applicable</b>
	Is this of a satisfactory	<b>Yes</b>		Is this of a satisfactory <b>Not Applicable</b>

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations



	standard?			standard?	
e)	A copy of any Flood Risk Assessment	<b>Environmental Statement Appendix 12A (Doc 5.2)</b>	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	<b>Doc 6.3</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Not Applicable</b>	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	<b>Land Plan (Doc 3.3)</b> (i) Yes (ii) Not Applicable (iii) Not Applicable (iv) Not Applicable



n)	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	<b>ES Appendix 9C: Preliminary Ecological Appraisal (Doc 5.2)</b>  (iii) <b>There is no explicit plan identifying water bodies within a river basin management plan but ES Chapter 12 identifies the main watercourses in the vicinity of the site including the River Trent, Wheatley Beck, Catchwater Drain and Railway Dyke Drain (Doc 5.2)</b>  <b>An assessment of effects on these identified waterbodies is provided in ES Chapter 12, section 12.6 (Doc 5.2)</b>  <b>ES Figure 3.5: Flood Zones within the Order Limits (Doc 5.2)</b>  <b>The Flood Risk Assessment identifies that the Proposed Development lies within the Humber River Basin District (Doc 5.2)</b>	o)	effects on such sites, features or structures likely to be caused by the Proposed Development	
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Not Applicable</b>		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	<b>Indicative Layout Plans Sheet 1 of 2 (Doc 3.4)</b> <b>Indicative Layout Plans Sheet 2 of 2 (Doc 3.4)</b> <b>Indicative Elevation Drawings Sheet 1 of 2 (Doc 3.6)</b> <b>Indicative Elevation Drawings Sheet 2 of 2 (Doc 3.6)</b>

p)			q)	vehicular and pedestrian access, any car parking and landscaping	
	Is this of a satisfactory standard?	<b>Not Applicable</b>		Are they of a satisfactory standard?	<b>Yes</b>
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Grid Connection Statement (Doc 6.1)</b> <b>Gas Connection Statement (Doc 6.2)</b>		Any other documents considered necessary to support the application	<b>Non-Technical Summary (Doc 5.1)</b> <b>Planning Statement (Doc 7.1)</b> <b>Combined Heat and Power Assessment (Doc 7.2)</b> <b>Framework Construction Environmental Management Plan (Doc 7.3)</b> <b>Lighting Strategy (Doc 7.4)</b> <b>Landscaping and Biodiversity Management and Enhancement Plan (Doc 7.5)</b> <b>Framework Construction Transport Management Plan (Doc 7.6)</b> <b>Framework Construction Workers' Travel Plan (Doc 7.7)</b> <b>Outline Drainage Strategy (Doc 7.8)</b> <b>Outline Written Scheme of Investigation (Doc 7.9)</b>
	Are they of a satisfactory standard?	<b>Yes</b>	Are they of a satisfactory standard?	<b>Yes</b>	
30	Are there any observations in respect of the documents provided above?				
	<b>No</b>				

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)? <sup>14</sup>	<p><b>Yes</b></p> <p>A '<b>No Significant Effects Report</b>' (<b>NSER</b>) was submitted with the application (<b>Doc 4.3</b>).</p> <p>No screening matrices have been completed or submitted as specified in <b>Doc 4.3, paragraph 3.1.3</b> as no potential effects on European sites are expected.</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<p><b>No</b></p> <p>The Planning Inspectorate did not request two paper copies of the application form and other supporting documents and plans.</p>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p><b>Yes</b></p> <p><b>Section 6.4</b> of the <b>Application Cover Letter (Doc 1.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 15 April 2019, before the application was made.

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Hefin Jones</i>	23 May 2019
Acceptance Inspector	<i>Alex Hutson</i>	23 May 2019

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<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

