

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
		29 May 2018	26 June 2018	26 June 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 Development Consent Order (dDCO) (Document 3.1) is a Nationally Significant Infrastructure Project (NSIP), which is a development falling within the categories in s14(1)(a) and s15(2) of the PA2008.</p> <p>This is consistent with the summary provided in the Application Form (Document 1.3) in Box 4 which concludes that the application is for an NSIP.</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)	Box 4 of the Application Form (Document 1.3) confirms that the Applicant has demonstrated 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?	(a) No , the Applicant did not request a screening opinion in respect of the development (b) Yes , on 13 September 2017, before the start of s42 consultation on 16 January 2018. Paragraph 7.2.2 of the Consultation Report (Document 5.1) confirms: <i>‘On 13th September 2017, the Applicant notified the SoS under regulation 8(1)(b) of the EIA Regulations 2017 it proposed to provide an Environmental Statement (ES) in respect of the Proposed Scheme.’</i>
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?	There are 18 host and neighbouring authorities, of which 12 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: Host (“B,C”) Authorities <ul style="list-style-type: none"> • Selby District Council • North Yorkshire County Council Neighbouring (“A, D”) Authorities <ul style="list-style-type: none"> • Cumbria County Council • Darlington Borough Council • Doncaster Metropolitan 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

- Durham County Council
- East Riding of Yorkshire Council
- Lancashire County Council
- Leeds City Council
- Redcar and Cleveland Borough Council
- Wakefield Metropolitan District Council
- Yorkshire Dales National Park Authority

Responses were invited but were not received from the following authorities:

Neighbouring (“A,D”) Authorities

- Bradford Metropolitan District Council
- City of York Council
- Harrogate Borough Council
- Middlesbrough Borough Council
- North York Moors National Park Authority
- Stockton-on-Tees Borough Council

These AoCRs have been carefully considered and are available to view on the [Drax Re-power project](#) page of the National Infrastructure Planning website. There were no concerns raised by the Local Authorities.

During the acceptance period a representation was also received from Friends of the Earth which raised concerns about the adequacy of consultation. This included concerns regarding the consultation publicity and public engagement activities.

Chapter 3 of the **Consultation Report (Document 5.1)** provides information about the non-statutory consultation and engagement activities undertaken by the Applicant. **Chapter 6** of the **Consultation Report (Document 5.1)** contains details about the statutory publication of the proposed application. Furthermore, **Appendix 25 (Document 5.1.25)** of the Consultation Report contains copies of the s48 notices as they appeared in the press and **Appendix 7 (Document 5.1.7)** of the Consultation

		<p>Report contains photographs of the consultation exhibition events.</p> <p>The Planning Inspectorate has considered the matters raised and is of the view that the Applicant has carried out its duties in accordance with s47 and s48 of the PA2008. Boxes 19 and 20 below provide further information. The details provided in Box 18 below confirm that the Applicant carried out the consultation in accordance with the SoCC.</p>
<p>s42: Duty to Consult</p>		
<p>Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
<p>6</p>	<p>s42(1)(a) persons prescribed⁶?</p>	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) in Appendix 8 (Document 5.1.8) of the Consultation Report.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that appear not to have been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Energy Assets Networks Limited • Energy Assets Power Networks Limited • Murphy Power Distribution Limited • Vattenfall Networks Limited <p>The Applicant's Consultation Report (Document 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 Energy Assets Networks Limited, Energy Assets Power Networks Limited, Murphy Power Distribution Limited and Vattenfall Networks Limited all cover Great Britain. The operational areas of these bodies however 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</p>

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

		<p>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 ?	<p>Yes</p> <p>The Applicant has consulted the Marine Management Organisation (MMO) as detailed in Appendix 8 (Document 5.1.8) of the Consultation Report.</p> <p>Section 8.5 of the Consultation Report (Document 5.1) provides a summary of the responses received by the Applicant from the MMO.</p>
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 5.3 of the Consultation Report (Document 5.1) and confirmed in Appendix 8 (Document 5.1.8) of the Consultation Report. These are:</p> <p>Host (“ B, C”) Authorities</p> <ul style="list-style-type: none"> • Selby District council • North Yorkshire County Council <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Bradford Metropolitan District Council • City of York Council • Cumbria County Council • Darlington Borough 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

		<ul style="list-style-type: none"> • Doncaster Metropolitan Borough Council • Durham County Council • East Riding of Yorkshire Council (voluntarily considered as a “B” authority because some of the highway powers sought in the DCO may be exercised within this administrative area) • Harrogate Borough Council • Lancashire County Council • Leeds City Council • Middlesbrough Borough Council • North York Moors National Park Authority • Redcar and Cleveland Borough Council • Stockton-on-Tees Borough Council • Wakefield Metropolitan District Council • Yorkshire Dales National Park Authority <p>Other local authorities consulted as a result of East Riding of Yorkshire being voluntarily considered as a “B” authority:</p> <ul style="list-style-type: none"> • Hull City Council • North Lincolnshire Council • Ryedale District Council • Scarborough Borough 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 ?	<p>No</p> <p>The Applicant consulted each person in one or more s44 categories as described in Sections 5.6 and 5.7 of the Consultation Report (Document 5.1) and confirmed in Appendix 10 (Document 5.1.10) of the Consultation report, with one exception.</p> <p>One person is listed in the Book of Reference (Document 4.3) as a Category 1 person in respect of Plot 4 and a Category 2 person in respect of Plots 2 & 7.</p> <p>Table 10.1 of Appendix 10 (Document 5.1.10) of the Consultation Report provides a list of ‘<i>Section 42(1)(d) interests within Book of Reference that have been consulted</i>’. The person referred to above is not included in the list.</p> <p>Table 10.3 of Appendix 10 (Document 5.1.10) of the Consultation Report lists ‘<i>Interests within the Book of Reference that have not been consulted as section 42(1)(d) consultees</i>’ (PINS emphasis). This list includes the person referred to above in respect of Plots 2, 4 and 7.</p> <p>S51 advice has been issued regarding this matter and PINS is satisfied that steps can be taken by the Applicant to ensure that the person referred to above will not be disadvantaged through their omission from the statutory consultation exercise.</p> <p>Also, Paragraphs 5.8.2 of the Consultation report (Document 5.1) states: <i>‘In one case, a new interest has been created in the Site since consultation; Drax has recently granted a grazing licence over agricultural land that it owns – this relates to plot number 6 in the Book of Reference (document reference 4.3)’</i></p> <p>The Book of Reference (Document 4.3) does not list this person as having an interest in Plot 6.</p> <p>Page 35 of Appendix 1 (Document 5.1.1) of the Consultation Report states: <i>‘One new interest was created in the Site shortly prior to submission of the Application. This interest was as grazing licence granted by Drax over its own land, and the owner of</i></p>
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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><i>the interest was made aware of the Proposed Scheme.'</i></p> <p>PINS notes that this person is the same person referred to above in respect of Plots 2, 4 and 7. S51 advice has been issued regarding this matter.</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 30 days or more starting with the day after receipt of the consultation documents?	<p>Yes</p> <p>Paragraph 5.9.1 of the Consultation report (Document 5.1) confirms that the consultation ran from Tuesday 16 January 2018 to Tuesday 27 February 2018, which was a total of 42 days. This exceeded the statutory minimum of 30days.</p> <p>The s42 notification letters dated 12 January 2018 at Appendix 14 (Document 5.1.14) of the Consultation report confirms the above statement.</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 gave notice under s46 on 12 January 2018, which was on or before the beginning of s42 consultation.</p> <p>A copy of the letter dated 12 January 2018, and PINS acknowledgement letter dated 19 January 2018, is included in Appendix 18 (Document 5.1.18) of the Consultation Report</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) which is provided in Appendix 22 (Document 5.1.22) of the Consultation Report</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	<p>Yes</p> <p>Paragraphs 4.41 to 4.5.6 of the Consultation Report (Document 5.1) outlines the Applicant's 2 stage approach to developing the draft SoCC with relevant Local</p>

	(where applicable) “C” authorities received the consultation documents?	<p>Authorities.</p> <p>Paragraph 4.4.1 of the Consultation Report (Document 5.1) confirms that the Applicant sent the first draft SoCC to Selby District Council (‘B Authority’) and North Yorkshire County Council (‘C authority’) on 15 September 2017 and set a deadline of 16 October 2017 for responses.</p> <p>A copy of the letters dated 15 September 2017 is included in Appendix 19 (Document 5.1.21) of the Consultation Report.</p> <p>Paragraph 4.5.2 of the Consultation Report (Document 5.1) confirms that the Applicant sent the final draft SoCC to Selby District Council (‘B Authority’) and North Yorkshire County Council (‘C authority’) on 23 November 2017 and set a deadline of 21 December 2017 for responses (28 days). The Applicant also sent the final draft SoCC to East Riding of Yorkshire Council as a non-prescribed host authority on 23 November 2017 setting the same deadline for response.</p> <p>A copy of the letters dated 23 November 2017 is included in Appendix 21 (Document 5.1.21) of the Consultation Report.</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Appendix 20 (Document 5.1.20) of the Consultation Report provides responses from Selby District Council and North Yorkshire County Council on the Applicant’s first draft SoCC, and responses from North Yorkshire County Council and East Riding of Yorkshire Council on the Applicant’s final draft SoCC. These confirm that no issues were raised regarding the draft SoCC.</p> <p>Paragraphs 4.5.6 of the Consultation Report (Document 5.1) confirms that as no suggestions were received the draft SoCC was not revised.</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>Paragraphs 4.6.2 of the Consultation Report (Document 5.1) confirms that the SoCC was made available at Selby Library, Snaith Library, Goole Library, Selby District Council – Access Selby, East Riding of Yorkshire Council Customer Service Centre and North Yorkshire County Council, County Hall which is reasonably convenient having regard to the location of the scheme.</p> <p>A notice stating when and where the SoCC could be inspected was published on 2</p>

		January 2018 in the Yorkshire Post. Appendix 24 (Document 5.1.24) of the Consultation Report includes a copy of the notice.
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?	Yes The SoCC at Appendix 22 (Document 5.1.22) of the Consultation Report sets out in section 2.3 (The Environmental Impact Assessment (EIA) that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.
18	Has the applicant carried out the consultation in accordance with the SoCC?	Yes The Applicant has set out in Table 4-1 (Summary of how Drax carried out statutory consultation in accordance with the final SoCC) of the Consultation Report (Document 5.1) the activities that have been carried out and how the commitments in the SoCC have been met. Selby District Council has confirmed in their adequacy of consultation response (dated 7 June 2018) that the Applicant has complied with their duties under the PA2008, stating: <i>'...this local authority is satisfied in terms of local community consultation and publicity and that the Applicant has complied with all of its duties under the 2008 Act.'</i>
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 The Applicant has described the newspapers and dates of s48 publicity in Paragraph 6.2.1 of the Consultation Report (Document 5.1) , as set out below:
		Newspaper(s)
		Date

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).

	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"> • Yorkshire Post 	5 January 2018 and 12 January 2018
	once in a national newspaper;			<ul style="list-style-type: none"> • The Times 	10 January 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and			<ul style="list-style-type: none"> • The London Gazette 	5 January 2018
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?			<ul style="list-style-type: none"> • Lloyd's List • Fishing News 	5 January 2018 11 January 2018
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes</p> <p>Copies of the published s48 notice (as detailed in Box 19, above) are supplied in Appendix 25 of the Consultation Report (Document 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 6	d)	a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 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	Paragraph 7	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 7

	in the notice				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 11	h)	details of how to respond to the publicity	Paragraph 13
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	Paragraph 14			
21	Are there any observations in respect of the s48 notice provided above?				
	N/A				
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 ?	Yes The notice was sent to the EIA consultation bodies on 12 January 2018 as confirmed in Paragraph 6.2.2 of the Consultation Report (Document 5.1) .			
s49: Duty to take account of responses to consultation and publicity					
23	<i>Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</i>	Yes Paragraphs 8.3.1 to 8.4.1 of the Consultation Report (Document 5.1) provides details of the responses received in relation to the s42 consultation and Tables 8.2 to 8.14 of the Consultation Report (Document 5.1) describes the regard the Applicant had to the s42(1)(a), s42(1)(b) and s42(1)(d) comments. Paragraphs 8.9.1 to 8.18.3 of the Consultation Report (Document 5.1) provides details of the responses received in relation to the s47 consultation and Tables 8.15 to 8.27 of the Consultation Report (Document 5.1) describes the regard the Applicant had to the s47 comments. Paragraphs 8.19.1 to 8.19.6 of the Consultation Report (Document 5.1) provides details of the responses received from the campaign group Biofuelwatch and Table 8.28 of the Consultation Report (Document 5.1) describes the regard the Applicant			

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>had to the comments.</p> <p>The Tables referred to above clearly indicate where a response has not led to a change in the application and also indicates whether this did lead to a change to the scheme/design. It is sufficiently clear that regard was had to each response.</p> <p>Paragraph 9.1.4 of the Consultation Report (Document 5.1) provides details of amendments made to the scheme following consultation. The changes the consultation report states have been made in response to consultation appear to be reflected in the final form of the application submitted.</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 ?	Appendix 1 (Document 5.1.1) of the Consultation Report explains how the Applicant has had regard to the DCLG guidance on the pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.
25	Summary - s55(3)(e)	The application as made by the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. All relevant duties have been complied with. Whilst there are some consultation discrepancies, 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	<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 (Document 1.3) 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 development, whilst Box 6 provides the location of the proposal. A Location Plan (Document 2.1) has been provided.</p>

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

27	Is it accompanied by a consultation report?	Yes The application is accompanied by a Consultation Report (Document 5.1) and Consultation Report Appendices (Documents 5.1.1 to 5.1.35) .					
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 (Documents 6.1.1 to 6.1.18, 6.2, 6.3)		b)	The draft proposed order	Draft Development Consent Order (Document 3.1)	
	Is this of a satisfactory standard?	Yes			Is this of a satisfactory standard?	Yes (but with discrepancies as noted in Box 30)	
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Explanatory Memorandum (Document 3.2)		d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Book of Reference (Document 4.3)	
	Is this of a satisfactory standard?	Yes			Is this of a satisfactory standard?	Yes	
e)	A copy of any flood risk assessment	Flood Risk Assessment (Document 6.8)		f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to	Statutory Nuisance Statement (Document 5.3)	

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)

				mitigate or limit them	
	Is this of a satisfactory standard?	Yes (but with omissions of detail 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)	Statement of Reasons (Document 4.1) Funding Statement (Document 4.2)	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	Box 11 of the Application Form (1.3) identifies the relevant Land Plans (Document 2.2) which identify the land required for the proposed development.
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (but with discrepancies as noted in Box 30)
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	Box 12 of the Application Form (Document 1.3) identifies the relevant Works Plans (Documents 2.3A, 2.3B & 2.3C) associated with the proposed development	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	Box 21 of the Application Form (Document 1.3) identifies the relevant Access and Rights of Way Plans (Document 2.4) associated with the proposed development

	Is this of a satisfactory standard?	Yes (<i>but with discrepancies as noted in Box 30</i>)		Is this of a satisfactory standard?	Yes
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (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, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<ul style="list-style-type: none"> (i) Figures 3.1a and 3.1b of Document 6.1.3. Figure 9.1 of Document 6.1.9. Figures 10.1, 10.4 and 10.5 of Document 6.1.10. (ii) Figures 9.3a to 9.3j of Document 6.1.9 (iii) Figures 12.1a to 12.1b of Document 6.1.12 <p>Assessment in Document 6.1.9 (Biodiversity); Document 6.1.10 (Landscape and Visual Amenity); Document 6.1.11 (Ground Conditions); and Document 6.1.12 (Water Resources, Quality and Hydrology).</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p>Figures 8.1a to 8.1r and 8.2 of Document 6.1.8. Figures 10.3 and 10.5 of Document 6.1.10.</p> <p>Assessment in Document 6.1.8 (Historic Environment)</p>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes

n)	Where applicable, a plan with any accompanying information identifying any Crown land	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	Box 23 of the Application Form (Document 1.3) identifies other plans, drawings etc submitted in support of the application. (listed in Box 30 below)
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard?	Yes (<i>but with discrepancies as noted in Box 30</i>)
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Grid Connection Statement (Document 5.4) under Regulation 6(1)(a)(i) Gas Connection Statement (Document 5.5) under Regulation 6(1)(a)(ii)	q)	Any other documents considered necessary to support the application.	Box 23 of the Application Form (Document 1.3) identifies other documents submitted in support of the application (listed in Box 30 below).
	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?				
	Box 29(b) - Regulation 5(2)(b) and Regulation 5(2)(J) Schedule 5 of the draft Development Consent Order (Document 3.1) refers to Article 12 however it is considered that the reference should be to Article 11				

Schedule 3 of the draft Development Consent Order (**Document 3.1**) makes two references to Work 7 in relation to Rusholme Lane however it is considered that the reference should be to Work 6D '*... creation of up to two construction access routes from Rusholme Lane*'.

The plan for Work 7B (**Document 2.3A**) includes a key which refers to 'Temporary Construction for Gas Supply pipeline' however Schedule 1 of the draft Development Consent Order (**Document 3.1**) describes Work 7B as 'temporary construction laydown areas'.

Box 29(e) - Regulation 5(2)(e)

A Flood Risk Assessment (**Document 6.8**) has been provided with the Application; however, supporting Appendices A to K are missing from the submission. [S51 advice](#) has been issued regarding this matter.

Box 29(i) - Regulation 5(2)(i)

The cut lines depicted on the Land Plans (**Document 2.2**) do not reflect the continuation described, for example Land Plan sheet 3 of 9 shows a cut line for continuation on sheet 4 passing through the two northernmost cooling towers of the southern block of towers on the site, whilst the cut line depicted on sheet 4 of 9 for continuation on sheet 3 is shown north of these cooling towers.

Box 29(o) - Any other plans, drawings etc

2.1 – Site Location Plan

2.5A - Two Unit Option Indicative Plant Layout

2.5B - One Unit Option Indicative Plant Layout

2.6A - Indicative Plant Elevations

2.6B - Indicative Gas Receiving Facility and Gas Compressor Building Elevations

2.6C - Indicative Above Ground Gas Installation Elevations

2.7 - Site Reconfiguration Works Plans

2.8 - Pedestrian Bridge Plan

The Indicative Above Ground Installation (AGI) Elevations drawing (**Document 2.6C**) depicts a building and a nearby satellite dish (shown on the plan view to the far east of the plot and also on the isometric view). These are also shown clearly to the far right of the South Elevation drawing and the far left of the North Elevation drawing, however when comparing this to the Indicative Plant Layout plans for the AGI (sheet 8), for both the 'one unit option' and the 'two unit option' (Documents 2.5A and 2.5B) this same building and satellite dish are not illustrated.

Box 29(q) - Any other documents considered necessary to support the application.

1.1 - Application Cover Letter

1.2 - Application Guide

- 1.4 - Section 55 Checklist
- 1.5 - Electronic Application Index
- 1.6 - Glossary
- 5.2 - Planning Statement
- 5.6 - Combined Heat and Power Statement
- 5.7 - Carbon Capture Readiness Statement
- 6.4 - Environmental Statement Commitments Register
- 6.5 - Outline Construction Environmental Management Plan
- 6.7 - Outline Landscape and Biodiversity Strategy
- 7.1 - Proposed Heads of Terms for a Development Consent Obligation),

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

Yes

A Habitat Regulations Assessment Report is provided in **Document 6.6**.

The report identifies relevant European sites and the likely effects on those sites. Appendix 3, described within the report as containing copies of the latest Site of Special Scientific Interest (SSSI) Condition Assessments, has not been provided. [S51 advice](#) has been issued regarding this matter.

It is considered that the information provided in the report is adequate for acceptance.

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.

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

32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	Yes
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	Whilst there is no specific reference to DCLG ' <i>Planning Act 2008: Application form guidance</i> ' within the Consultation Report, on reviewing the application the Applicant has identified and has had regard to relevant guidance, and the overall standard of the application is satisfactory.
34	Summary - s55(3)(f) and s55(5A)	The application as submitted is of a satisfactory standard. A number of discrepancies / inconsistencies are evident upon inspection of the application documents and will need to be remedied in due course, however, none are considered to significantly reduce the ability of prospective participants in the examination from appreciating the extent and effects of the application.
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 ?	Application Fee was received on 21 May 2018, before submission of the application.

Electronic Signature	Name	Date
Case Leader	<i>Michele Gregory</i>	22/06/18
Acceptance Inspector	<i>Rynd Smith</i>	22/06/18

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

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.