

Riverside Energy Park

The Applicant's Section 55 Checklist

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Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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) 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 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 11 2018	15 12 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 ie which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes, the Proposed Development is an NSIP under section 14(1)(a) and 15 of the Planning Act 2008 (PA 2008), as it consists of the construction of a generating station in England, that is not an offshore generating station, with a capacity of more than 50 megawatts.</p> <p>The application states on the face of it that it is an application under s. 37 PA 2008 for a Development Consent Order (see Cover Letter (Document Reference 1.1) and Application Form (Document Reference 1.4)).</p> <p>The application specifies the category in section 14 - 30 that the Proposed Development falls within. Box 4 of the Application Form (Document Reference 1.4) states <i>“The authorised development comprises an onshore electricity generating station in England with a capacity of more than 50MW and therefore it constitutes a nationally significant infrastructure project (“NSIP”) under section 15(2) of the 2008 Act. Accordingly, it requires development consent under section 31 of the 2008 Act. Development consent may only be granted by order following an application to the Secretary of State under section 37 of the 2008 Act “</i></p>
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¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework 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)

3	<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>Sufficient evidence has been provided that this is an application for a DCO for an NSIP pursuant to sections 14 and 15 of the PA 2008.</p>
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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>(a) No – the Applicant did not request a screening opinion in respect of the development.</p> <p>(b) Yes</p> <p>The Applicant notified the Secretary of State in writing by a letter dated 27 November 2017 under Regulation 8(1)(b) of the EIA Regulations that the Applicant intended to provide an Environmental Statement with its DCO Application. A copy of the notification under Regulation 8(1)(b) has been submitted as Appendix E.1 of the Consultation Report (Document Reference 5.1).</p> <p>The notification was given prior to the consultation carried out by the Applicant under section 42.</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?	N/A - The adequacy of consultation representations will be requested by the Planning Inspectorate.
s42: Duty to Consult		
Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		

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

6	s42(1)(a) persons prescribed ⁶ ?	Yes, the Applicant undertook Statutory Consultation under section 42 (1)(a) of the Planning Act 2008 with prescribed bodies. Refer to Section 6.3 and 6.7 of the Consultation Report (Document Reference 5.1) for a description of the Statutory Consultation undertaken with section 42(1)(a) prescribed bodies. Appendix B.1 of the Consultation Report (Document Reference 5.1) contains the list of prescribed s42(1)(a) bodies that were consulted by the Applicant.
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Yes, the Applicant undertook Statutory Consultation under section 42(1)(aa) of the Planning Act 2008 with the Marine Management Organisation. Refer to Section 6.3 and 6.7 of the Consultation Report (Document Reference 5.1) for a description of the Statutory Consultation undertaken with section 42(1)(aa) the Marine Management Organisation.

8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes, the Applicant undertook Statutory Consultation under section 42(1)(b) with local authorities within section 43 of the Planning Act 2008. Section 6.4 and 6.7 of the Consultation Report (Document Reference 5.1) outlines the local authorities within section 43 that were consulted on the Proposed Development under section 42(1)(b).</p> <p>The local authorities that have been consulted on the Proposed Development in accordance with the categories in s. 43 PA2008 are:</p> <p>‘B’ Authorities</p> <ul style="list-style-type: none"> • London Borough of Bexley (LBB); and • Dartford Borough Council (DBC). <p>‘C’ Authorities</p> <ul style="list-style-type: none"> • Kent County Council (KCC) <p>‘A’ Authorities</p> <ul style="list-style-type: none"> • Royal Borough of Greenwich; • London Borough of Bromley; • London Borough of Havering; • London Borough of Barking and Dagenham; • Thurrock Council; • Sevenoaks District Council; and • Gravesham Borough Council. <p>‘D’ Authorities</p> <ul style="list-style-type: none"> • Essex County Council; • East Sussex County Council; • Surrey County Council; and • Medway Council.
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Yes, the Applicant undertook Statutory Consultation under section 42(1)(c) of the Planning Act 2008 with the Greater London Authority (GLA). Refer to Section 6.5 and 6.7 of the Consultation Report (Document Reference 5.1) for a description of the Statutory Consultation undertaken with the GLA.</p>

10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes, the Applicant undertook Statutory Consultation under section 42(1)(d) of the Planning Act 2008 with Category 1, 2 and 3 land interests under section 44 for the purposes of the statutory consultation. Section 6.6 and Appendix G.5 of the Consultation Report (Document Reference 5.1) describes the process of the identification of section 44 parties and the statutory consultation undertaken.</p> <p>Appendices B.1 to B.5 of the Consultation Report (Document Reference 5.1) contains an anonymised list of all s42(1)(d) land interests that were consulted.</p>
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s45: Timetable for s42 Consultation

11	<p>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>	<p>Yes, the section 42 consultees were notified of the deadline for receipt of consultation responses in the letters sent with the consultation materials. Copies of the cover letters sent to section 42 consultees are provided in Appendix G.1 of the Consultation Report (Document Reference 5.1). All letters contain a clear notification of the deadline for receipt of responses. As noted above, the Applicant's statutory consultation under section 42 commenced on 18th June 2018 and concluded on 30th July 2018; allowing more than the statutory minimum of 28 days.</p> <p>Additional section 42(1)(d) consultees were identified as a result of ongoing diligent inquiries after 12th June 2018 and as a result of minor refinements to the Indicative Application Boundary. In total, 43 additional consultation packs were issued to section 42(1)(d) consultees between 15th June 2018 and 18th September ensuring the Applicant provided a deadline which allowed more than the statutory minimum of 28 days starting the day after receipt of the consultation documents. The deadline was clearly provided in each cover letter. This is explained in Sections 6.6 and 8.5 of the Consultation Report, and a copy of all cover letters are provided in Appendix K.1 of the Consultation Report (Document Reference 5.1).</p> <p>Any Category 1, 2 and 3 land interests identified through ongoing diligent inquiry up to the 21st September were consulted under section 42(1)(d) and, where necessary, provided with a bespoke consultation window (ensuring the Applicant allowed more than the statutory minimum of 28 days'). Section 6.6 and 8.5 of the Consultation Report (Document Reference 5.1) describes the Statutory Consultation process undertaken with additional land interests identified.</p> <p>Through ongoing engineering review and development of the project proposals several minor refinements were made to the Indicative Application Boundary which was displayed on the materials made available during the statutory consultation (13th June 2018 – 31st July 2018). These minor refinements identified 20 land interests; the Applicant therefore undertook a further statutory consultation between 31st July - 7th September 2018 with the additional land interests identified under section 42(1)(d) of the 2008 Act. Section 8 of the Consultation Report (Document Reference 5.1) describes the Minor Refinements Consultation process undertaken with additional land interests identified.</p> <p>As a precautionary approach, all new land interests identified after the 13th June 2018 (i.e. the start date of the Minor Refinements Consultation) received a copy of both the Statutory Consultation materials and the Minor Modification Consultation materials.</p> <p>Details of the consultation window provided for each land interest are provided in Appendix B.2-B.5 of the Consultation Report (Document Reference 5.1).</p>
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⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ 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

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

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, the section 46 notification (dated 12th June 2018) was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. A copy of the notification letter is provided in Appendix G.3 of the Consultation Report (Document Reference 5.1). The information provided in accordance with section 46 comprised:</p> <ul style="list-style-type: none"> • A covering letter; • Notification pursuant to Section 48 of the 2008 Act and Regulation 13 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009; • A USB drive containing an electronic copy of the Preliminary Environmental Information Report (PEIR) and its technical appendices; and • A paper copy of the Non-Technical Summary (NTS) of the PEIR. <p>The Planning Inspectorate sent an acknowledgement of receipt of the section 46 notification on 20th June 2018.</p> <p>The notification under section 46 was provided on 12th June 2018, the commencement of the statutory consultation period was 18th June 2018. The Secretary of State was therefore notified before Statutory Consultation under section 42 of the Planning Act 2008 commenced.</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. The Applicant prepared a Statement of Community Consultation (SoCC) on how it intended to carry out the Statutory Consultation in accordance with section 47 of the Planning Act 2008 (a copy of the SoCC is provided in Appendix H.3 of the Consultation Report (Document Reference 5.1)). Section 7.3 of the Consultation Report describes the approach taken to the SoCC.</p>

14	<p>Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>Yes. The Applicant consulted with LBB and DBC as the ‘B’ local authorities and KCC as the ‘C’ local authority on the content of the SoCC. The Applicant also informally engaged with relevant ‘A’ and ‘D’ local authorities on the draft SoCC, allowing them an opportunity to provide comments.</p> <p>Section 7.3 of the Consultation Report (Document Reference 5.1) outlines both the non-statutory engagement and the statutory consultation undertaken on the draft SoCC.</p> <p>On 23rd March 2018, the Applicant issued a draft SoCC to LBB, DBC and KCC for informal (i.e. non-statutory) comment. Appendix H.7 of the Consultation Report Appendices includes copies of the cover letters.</p> <p>On 5th April 2018, the Applicant issued an updated draft SoCC to LBB, DBC and KCC for statutory consultation. See Appendix H.7, H.8 and H.9 for copies of the cover letters, draft SoCC and draft SoCC Explanatory Statement. The draft SoCC Explanatory Statement stated that <i>“In accordance with section 47(3) of the 2008 Act local authorities have 28 days in which to respond to this consultation. Therefore, comments must be submitted to Cory by 3rd May 2018 to ensure that they are incorporated in the published version of the SoCC”</i>. LBB and DBC provided their statutory response on the draft SoCC on 2nd May 2018 and KCC provided their statutory response on 3rd May 2018 (see Appendix H.5 of the Consultation Report (Document Reference 5.1)).</p>
15	<p>Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes. Section 7.3 and Appendix H.5 of the Consultation Report (Document Reference 5.1) sets out the responses received on the draft SoCC and explains how the Applicant had regard to the responses when preparing the final SoCC for publication.</p> <p>After having regard to the consultation feedback, the Applicant published the final SoCC on 6th June 2018.</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>Section 7.3 of the Consultation Report (Document Reference 5.1) details how the SoCC has been made available for inspection and how a SoCC notice was published in a newspaper circulating the vicinity of the land.</p> <p>A SoCC notice was published in the Bexley News Shopper on 6th June 2018.</p> <p>The SoCC notice provided details of three public inspection locations where the full SoCC could be inspected. In addition, it provided details of the seven public exhibition events to be held, as well as providing details of the Riverside Energy Park website, where the SoCC and consultation materials could be downloaded.</p> <p>The SoCC was made available from the 6th June 2018 in the following locations within the vicinity of the land:</p> <ul style="list-style-type: none">• Upper Belvedere Community Library;• London Borough of Bexley Civic Offices; and• Dartford Library. <p>The final published SoCC and SoCC Notice detailing inspection venues where the SoCC could be viewed are provided in Appendix H of the Consultation Report (Document Reference 5.1).</p>
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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, the SoCC states at paragraph 1.5.1: “<i>REP is classified as ‘EIA development’ for the purpose of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (‘EIA Regulations 2017’)</i>”.</p> <p>At paragraph 1.5.2 the SOCC states: “<i>Cory will publish a Preliminary Environmental Information Report (PEIR) as part of the pre-application consultation and will be seeking views on this information.</i>” Under Section 1.7 of the SoCC, paragraph 1.7.2 states: “<i>Cory will provide information on the outline design parameters of the REP proposal including any refinements made in response to previous consultation feedback, provide preliminary information on environmental impacts and proposed mitigation measures based on the findings from the published PEIR.</i>”</p> <p>Section 4 of the Consultation Report (Document Reference 5.1) outlines the approach taken to consultation under the EIA Regulations.</p>	
18	Has the applicant carried out the consultation in accordance with the SoCC?	Yes. The Applicant has consulted fully in accordance with the SoCC. Details of the consultation carried out in accordance the SoCC are set out in Section 7.3 of the Consultation Report, as well as the SoCC Compliance Checklist (Appendix H.6 of the Consultation Report (Document Reference 5.1)).	
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?	<p>Yes (see details below).</p> <p>Copies of the section 48 notices as they appeared in the papers listed below are provided in Appendix F of the Consultation Report (Document Reference 5.1).</p>	
		<i>Newspaper(s)</i>	<i>Date</i>

for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	A section 48 notice was published for two successive weeks in the Bexley News Shopper.	13 th June 2018 20 th June 2018
once in a national newspaper;	A section 48 notice was published in the Guardian.	13 th June 2018
once in the London Gazette and, if land in Scotland is	A section 48 notice was published in the London Gazette. The Proposed Development does not involve land in Scotland and as such there was no requirement to publish a section notice in the Edinburgh Gazette.	13 th June 2018

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).

	affected, the Edinburgh Gazette; and				
	where the proposed application relates to offshore development – (i)) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?		N/A. The Proposed Development does not involve offshore development and as such there was no requirement to publish a section 48 notice in the Lloyds List or within an appropriate fishing journal.		N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes (see details below).			
	Information	Paragraph		Information	Paragraph
a)	The name and address of the applicant.	Paragraph 1 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states: “ <i>Cory Environmental Holdings Limited (trading as Cory Riverside Energy) (‘the Applicant’) of 2 Coldbath Square, London, EC1R 5HL (company number 05360864),...</i> ”	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	Paragraph 1 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states “... <i>intends to make an application (‘the Proposed Application’) to the Secretary of State under Section 37 of the Planning Act 2008 (‘the 2008 Act’) for a Development Consent Order (‘DCO’) authorising the construction, operation and maintenance of an integrated energy park, known as Riverside Energy Park, at Norman Road in Belvedere in the London Borough of Bexley and an Electrical Connection to the Littlebrook substation located in the Borough of Dartford (‘the Proposed Development’).</i> ”

c)	a statement as to whether the application is EIA development	Paragraph 7 ((Appendix F.1 of the Consultation Report (Document Reference 5.1)) states: <i>“The Proposed Development is ‘EIA Development’ for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.”</i>	d)	a summary of the main proposals, specifying the location or route of the proposed development	<p>Paragraph 2 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states: <i>“The Proposed Development would comprise: the Riverside Energy Park, located to the north of Belvedere off Norman Road; the Electrical Connection, running underground between the Riverside Energy Park site and the Electrical Connection Point at Littlebrook substation into an existing National Grid building in Dartford; the Main Temporary Construction Compounds located to the south of the Riverside Energy Park site and west of Norman Road; and Other Cable Route Temporary Construction Compounds required to support the construction of the chosen Electrical Connection route.”</i></p> <p>Paragraph 3 states: <i>“The primary components of the Riverside Energy Park, with a nominal rated electrical output of up to 96 MWe, comprise: an Energy Recovery Facility (ERF); an Anaerobic Digestion facility; a Solar Photovoltaic Installation; Battery Storage; and Enabling infrastructure for Combined Heat and Power to the site boundary to provide for potential future local district heating pipe connection. The Proposed Application will also seek authorisation for the compulsory acquisition of interests in and rights over land, the temporary use of land and the overriding of easements and other rights.”</i></p>
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e)	<p>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</p>	<p>Paragraph 9 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states: <i>“The PEIR together with plans, maps and other documents, which show the nature and location of the Proposed Development (‘the consultation documents’) are available for inspection free of charge from 18th June to 30th July 2018: on the project website at www.riversideenergypark.com; and at the locations and times set out in the following table (opening days and times may be subject to change):</i></p> <table border="1" data-bbox="465 592 1032 959"> <thead> <tr> <th>Venue name and location</th> <th>Opening times</th> </tr> </thead> <tbody> <tr> <td>Upper Belvedere Community Library Woolwich Road, Upper Belvedere, DA17 5EQ</td> <td>Monday 09.30-13.00 Tuesday 09.30-17.30 Wednesday 13.45-17.30 Thursday CLOSED Friday 09.30-17.30 Saturday 09.30-14.30 Sunday CLOSED</td> </tr> <tr> <td>London Borough of Bexley Civic Offices 2 Watling Street, Bexleyheath, Kent, DA6 7AT</td> <td>Monday 09.00-17.00 Tuesday 09.00-17.00 Wednesday 09.00-17.00 Thursday 09.00-17.00 Friday 09.00-17.00 Saturday CLOSED Sunday CLOSED</td> </tr> <tr> <td>Dartford Library Central Park, Market Street, Dartford, Kent, DA1 1EU</td> <td>Monday 08.30-18.00 Tuesday 08.30-18.00 Wednesday 08.30-18.00 Thursday 08.30-20.00 Friday 08.30-18.00 Saturday 09.00-17.00</td> </tr> </tbody> </table>	Venue name and location	Opening times	Upper Belvedere Community Library Woolwich Road, Upper Belvedere, DA17 5EQ	Monday 09.30-13.00 Tuesday 09.30-17.30 Wednesday 13.45-17.30 Thursday CLOSED Friday 09.30-17.30 Saturday 09.30-14.30 Sunday CLOSED	London Borough of Bexley Civic Offices 2 Watling Street, Bexleyheath, Kent, DA6 7AT	Monday 09.00-17.00 Tuesday 09.00-17.00 Wednesday 09.00-17.00 Thursday 09.00-17.00 Friday 09.00-17.00 Saturday CLOSED Sunday CLOSED	Dartford Library Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday 08.30-18.00 Tuesday 08.30-18.00 Wednesday 08.30-18.00 Thursday 08.30-20.00 Friday 08.30-18.00 Saturday 09.00-17.00	f)	<p>the latest date on which those documents, plans and maps will be available for inspection</p>	<p>Paragraph 9 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states: <i>“The PEIR together with plans, maps and other documents, which show the nature and location of the Proposed Development (‘the consultation documents’) are available for inspection free of charge from 18th June to 30th July 2018 ...”</i></p>
Venue name and location	Opening times												
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Dartford Library Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday 08.30-18.00 Tuesday 08.30-18.00 Wednesday 08.30-18.00 Thursday 08.30-20.00 Friday 08.30-18.00 Saturday 09.00-17.00												

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 (Appendix F.1 of the Consultation Report (Document Reference 5.1) states: <i>“Electronic or hard copies of the consultation documents can be ordered using the contact details set out at the end of this notice. A reasonable copying charge may apply up to a maximum of £250 for the full set of documents and £10 for an electronic copy on CD or USB.”</i>	h)	details of how to respond to the publicity	Paragraphs 12-15 (Appendix F.1 of the Consultation Report (Document Reference 5.1) state: <i>“The consultation leaflet and the project website (www.riversideenergypark.com) explain the specific topics on which the Applicant is seeking feedback. Consultees are not however restricted to commenting on these issues, and the Applicant welcomes feedback on any aspect of the Proposed Development. Responses can be made in the following ways: Website: by completing a comments form on the project website at www.riversideenergypark.com. Email: by email to info@riversideenergypark.com Freepost: in writing to FREEPOST RIVERSIDE ENERGY PARK”</i>
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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	Paragraphs 16 (Appendix F.1 of the Consultation Report (Document Reference 5.1)) states: ' <i>Please note that the deadline for receipt of consultation responses on the Proposed Application is 5.00pm on 30th July 2018.</i> ' Thereby providing more than the statutory minimum of 28 days.	
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 ?	<p>Yes.</p> <p>Section 5 of the Consultation Report (Document Reference 5.1) describes that a copy of the section 48 notice was sent by Royal Mail Special Delivery to the EIA consultation bodies and to any person notified to the Applicant in accordance with the regulation 13 of the EIA Regulations on 12th June 2018. A list of bodies that received the section 48 notice is contained at Appendix B.1 of the Consultation Report (Document Reference 5.1).</p> <p>Section 4.4 of the Consultation Report (Document Reference 5.1) states that the Applicant complied with regulation 11 of the EIA Regulation by sending a copy of the s. 48 notice to those bodies identified by the Applicant as part of its consultation undertaken pursuant to section 42 (1)(a), (aa), (b) and (c) of the PA 2008. No bodies were notified to the Applicant under regulation 11(1)(c) of the EIA Regulations.</p> <p>A sample of the letter and enclosures sent to the above persons is contained at Appendix G of the Consultation Report (Document Reference 5.1)</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Section 9.1 – 9.5 of the Consultation Report (Document Reference 5.1) provide a summary of the issues raised in the consultation responses received and Section 9.6 details how the Applicant has had regard to any relevant responses received to the section 42, 47 and 48 consultation, in addition to the responses received to the non-statutory consultation that was carried out prior to the statutory consultation.</p> <p>The Environmental Statement (Document Reference 6.1) also sets out how consultation responses have been taken into account in the Environmental Impact Assessment of the Proposed Development.</p>

Section 9.6 of the Consultation Report (Document Reference 5.1) provides an overview of how consultation activities have informed the ongoing process of developing the proposals, and influenced the iterative nature of the consultation approach and mitigation commitments including informing statutory consultation information, Development of Design Principles and approach to Assessment and Commitment to Mitigation Measures.

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 ?	Annex 1 of the Consultation Report (Document Reference 5.1) sets out how the Applicant has had regard to the DCLG (2015) The Planning Act 2008: Guidance on the pre-application process.
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25	Summary - s55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure). All relevant duties have been complied with.
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s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the

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

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. An Application Form (Document Reference 1.4) has been submitted in the prescribed form.</p> <p>Section 4 of the Application Form sets out a brief statement which explains why it falls within the remit of the Secretary of State, as follows:</p> <p><i>“The authorised development comprises an onshore electricity generating station in England with a capacity of more than 50MW and therefore it constitutes a nationally significant infrastructure project (“NSIP”) under section 15(2) of the 2008 Act. Accordingly, it requires development consent under section 31 of the 2008 Act. Development consent may only be granted by order following an application to the Secretary of State under section 37 of the 2008 Act “</i> Section 6 of the Application Form includes the following brief statement that clearly identifies the location of the application site, including the linear element comprising the Electrical Connection:</p> <p><i>“The REP site is located in Belvedere, in the LBB, in an area bounded to the north by the River Thames and the adjacent Thames Path long distance trail. It is bounded to the east by a boundary fence onto a public footpath linking Norman Road with the Thames Path, and to the west by a boundary fence onto the adjacent undeveloped Crossness Nature Reserve, between the REP site and Thames Water’s Crossness Sewage Treatment Works (STW) site, approximately 200 m away. Within this area a public footpath links the Crossness Local Nature Reserve (LNR) with the Thames Path. A number of ditches and small watercourses surround the REP Site.</i></p> <p><i>The REP site is accessed by river via the existing jetty and by pedestrians and vehicles from Norman Road, a single carriageway road linking to the dual carriageway A2016 Picardy Manor Way.</i></p>

		<i>The proposed Electrical Connection route runs southwards from the REP site towards the existing Littlebrook substation, in Dartford. A number of alternative route options were identified through studies undertaken by UK Power Networks (UKPN), the local distribution network operator, and are shown in the Work Plans (Document Reference 2.2). Only one overall route would be required to connect from the REP site to the Electrical Connection Point..”</i>
27	Is it accompanied by a consultation report?	Yes. The application is accompanied by a Consultation Report (Document Reference 5.1).
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. A Key Plan is included within the Land Plan(s) (Document Reference 2.1), Work Plan(s) (Document Reference 2.2) and Access and Public Rights of Way Plan(s) (Document Reference 2.3) which comprise more than three separate sheets.
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. Details 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	Yes. The application is accompanied by an Environmental Statement (Document Reference 6.1), Environmental Statement Figures (Document Reference 6.2), Environmental Statement Appendices (Document Reference 6.3) and a Non-Technical Summary (Document Reference 6.4). The Scoping Report and Scoping Opinion are contained within Appendix A.1 of the Environmental Statement Appendices (Document Reference 6.3). The Environmental Statement was submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.	b)	The draft proposed order	The draft Riverside Energy Park Order (Document Reference 3.1) has been submitted with the Application. The draft Order is in the Statutory Instrument template format.
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	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.
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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)

c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	An Explanatory Memorandum has been submitted with the application (Document Reference 3.2).	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	A Book of Reference has been submitted with the application (Document Reference 4.3). The Book of Reference meets the requirements of DCLG's 'Planning Act 2008: guidance related to procedures for the compulsory acquisition of land' (2013).
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.

e)	A copy of any flood risk assessment	A Flood Risk Assessment has been undertaken and submitted with the application (Document Reference 5.2).	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	A Statutory Nuisance Statement has been submitted with the application (Document Reference 5.6). Chapter 2 of the Statutory Nuisance Statement (Document Reference 5.6) considers the types of impacts associated with the proposals that could potentially engage one or more of the matters set out in s79(1) of the EPA along with how the Applicant proposes to mitigate or limit them. Chapter 3 of the Statutory Nuisance Statement (Document Reference 5.6) concludes that <i>“the application of secured mitigation measures is expected to avoid any impacts giving rise to a statutory nuisance under section 79(1) of the Environment Protection Act 1990.”</i>
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.

h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	A Statement of Reasons (Document Reference 4.1) and a Funding Statement (Document Reference 4.2) have been submitted with the application.	i)	<p>A land plan identifying:-</p> <ul style="list-style-type: none"> (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 	Land Plan(s) identify the land required, or affected by, the proposed development and Special Category Land (Document Reference 2.1).
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	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard
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;</p> <p>and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</p>	<p>Works Plan(s) showing the proposed location and route of the development; and the limits within which the development and works may be carried out (Document Reference 2.2) have been submitted with the application.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Access and Public Rights of Way Plan(s) 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 have been submitted with the application (Document Reference 2.3).</p>

	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard
I)	<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 eg 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>	<p>A Plan(s) of statutory/non-statutory sites or features (nature conservation, habitats, marine conservation zones, water bodies etc.) has been submitted with the application (Figure 3.1 of the Environmental Statement Figures, Document Reference 6.2).</p> <p>Chapters 11 and 12 of the ES (Document Reference 6.1) provides an assessment of potential effects on statutory / non statutory sites or features.</p>	M)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (eg 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>A Plan(s) showing statutory and non-statutory historic or scheduled monument sites has been submitted with the application (Figure 3.2 of the Environmental Statement Figures, Document Reference 6.2).</p> <p>Chapter 10 of the ES (Document Reference 6.1) provides an assessment of effects on statutory and non statutory historic or scheduled monuments.</p>
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard

n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A. There is no Crown Land within the proposed development Order Limits.	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	<p>Illustrative Site layout plan (Document Reference 2.4)</p> <p>Illustrative Elevation drawings (Document Reference 2.5)</p> <p>Illustrative Circulation Plan (Document Reference 2.6)</p>
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	An Electricity Grid Connection Statement has been submitted with the application (Document Reference 5.3).	q)	Any other documents considered necessary to support the application.	<p>The following additional documents have been submitted pursuant to Regulation 5(2)(q):</p> <ul style="list-style-type: none"> Covering Letter (Document Reference 1.1) The Applicant's Section 55 Checklist (Document Reference 1.2) Project Glossary (Document Reference 1.6) Guide to the Application (this document) (Document Reference 1.3) Notices for Statutory Publicity (Document Reference 1.5) Combined Heat and Power Assessment (Document Reference 5.4) Other Consents and Licences (Document Reference 5.5) Planning Statement (Document Reference 7.1) The Project and its Benefits (Document Reference 7.2) Design and Access Statement (Document Reference 7.3) Design Principles (Document Reference 7.4) Outline Code of Construction Practice (CoCP) (Document Reference 7.5) Outline Biodiversity and Landscape Mitigation Strategy (Document Reference 7.6)
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	Are they of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Are they of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.
30	Are there any observations in respect of the documents provided above?				
	N/A				
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 Habitats Regulations No Significant Effects Report (Document Reference 6.5) accompanies the application. The report identifies relevant European sites and the likely effects on those sites.			

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	As requested by the Case Manager in PINS letter issued 24 th October 2018 (reference EN010093), one paper copy of the Application Form (Document Reference 1.4) and other supporting documents and plans have been submitted to the Planning Inspectorate.
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 Applicant has had regard and complied with the DCLG guidance in order to prepare an application which is of a satisfactory standard as set out in Annex 1 of the Consultation Report (Document Reference 5.1).
34	Summary - s55(3)(f) and s55(5A)	The Application complies with the requirements of section 55(3)(f) and section 55(5A) of the PA 2008. The Applicant considers it is of a satisfactory standard.
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁷ ?	The Application fee of £6,939.00 was paid on 12 th November 2018 via BACS with reference EN010093 Riverside.

Electronic Signature	Name	Date
Case Leader		
Acceptance Inspector		

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.