

The Planning Act 2008

Section 55 Acceptance of Applications*

(Appendix 3 [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

Riverside Energy Park: Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		16 November 2018	14 December 2018	14 December 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a nationally significant infrastructure project ² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order ³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)? If the development does not fall within the	<p>Yes</p> <p>The Application Form (Doc 1.4) in box 4 states that the application is for an NSIP. Paragraph 2.7 of the Explanatory Memorandum sets out that this onshore electricity generating station will have a capacity of more than 50MW but without an upper limit which is defined through the assessment parameters in the Environmental Statement.</p> <p>The Environmental Statement Transport Assessment (Doc 6.2, Appendix B.1) at paragraph 1.5.1 states that the proposed energy recovery facility is envisaged to have a nominal throughput of approximately 655,000 tonnes per annum (tpa) and for the purpose of the EIA and Transport Assessment</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)

	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?	an annual maximum throughput of 805,920 tpa is assumed. On the basis of these assessed throughputs it is considered that the proposal will have a generating capacity in excess of 50MW by comparison to equivalent recovery facilities.
3	Summary – s55(3)(a) and s55(3)(c)	On the basis of the description of the proposed development in Box (4) of the Application Form (Doc 1.4) and paragraph 2.7 of the Explanatory Memorandum and the information provided within the Environmental Statement (Doc 6.1) the Planning Inspectorate is satisfied that the application submitted is an application for an order granting development consent and that development consent is required.
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?	Yes The Applicant notified the Planning Inspectorate that it proposed to provide an Environmental Statement in respect of the development on 27 November 2017 before the start of s42 consultation on 18 June 2018, as outlined in the Consultation Report (Doc 5.1) . A copy of the notification is provided in annex E.5 of the Consultation Report (Doc 5.1) .
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	There are 20 host and neighbouring authorities, of which 15 provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the

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

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

<p>the duties under s42, s47 and s48?</p>	<p>PA2008 and/or that they had “no comments”, these were:</p> <p>Host ('B, C') Authorities</p> <ul style="list-style-type: none"> • London Borough of Bexley • Dartford Borough Council • London Borough of Havering • London Borough of Barking and Dagenham • Kent County Council <p>Neighbouring ('A, D') Authorities</p> <ul style="list-style-type: none"> • Thurrock Council • Royal Borough of Greenwich • Tower Hamlets Council • Greater London Authority • Gravesham Borough Council • East Sussex County Council • Epping Forest District Council • Brentwood Borough Council • Tower Hamlets Council • London Borough of Newham • Medway Council <p>Responses were invited but were not received from the following authorities:</p> <p>Host ('B, C') Authorities</p>
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		<ul style="list-style-type: none"> • London Borough of Havering <p>Neighbouring ('A, D') Authorities</p> <ul style="list-style-type: none"> • London Borough of Bromley • Sevenoaks District Council • Surrey County Council • London Borough of Redbridge <p>Responses were received raising concerns from the following authorities:</p> <p>Neighbouring ('A, D') Authorities</p> <ul style="list-style-type: none"> • London Borough of Newham: The Council was not consulted during pre-application and will review documentation during the Examination period and make any representations at that time. <p>These AoCRs have been carefully considered and are available to view on the Riverside Energy Park of the National Infrastructure Planning website.</p> <p>The Planning Inspectorate notes that all host authorities were consulted during pre-application and four 'A' category authorities have responded without comments or to note they would review documents during the examination period. No authority made substantial comments regarding the Adequacy of Consultation and the Planning Inspectorate concludes that on this basis the consultation was satisfactory.</p> <p>Please see box 8 for further consideration of consultation with local authorities.</p>
s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	

6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 16 November in Table 6.1 and Appendix B.1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Murphy Gas Networks limited • Barking Power Limited • Eclipse Power Network Limited • Murphy Power Distribution Limited • Vattenfall Networks Limited • Western Power Distribution (West Midlands) plc • Peel Electricity Networks Limited (PENL) <p>The Applicant's Consultation Report (Doc 5.1) does not give a clear explanation as to why the bodies identified above have not been consulted.</p> <p>It is noted that the licences held by Peel Electricity Networks Limited (PENL) cover Great Britain. The operational area of this body is not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as being interested in the Order lands and are not listed in the Book of Reference (Doc 4.3).</p> <p>Given the individual circumstances of this case, and taking a precautionary</p>
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⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		<p>approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008 unless there is a specific justification why this is not necessary.</p> <p>S51 advice has been issued regarding this matter.</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes</p> <p>As described in paragraph 2.6.2 of the Consultation Report (Doc 5.1)</p>
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>No</p> <p>On 18 June to 30 July 2018 the Applicant consulted the following local authorities within s43 as described in Section 6.4 and listed in Table 6.1 of the Consultation Report (Doc 5.1).</p> <p>London Borough of Bexley, Dartford Borough Council, Kent County Council, Royal Borough of Greenwich, London Borough of Bromley, London Borough of Havering, London Borough of Barking and Dagenham, Thurrock Council, Sevenoaks District Council, Gravesham Borough Council, Essex County Council, East Sussex County Council, Surrey County Council, Medway Council.</p> <p>The Applicant has drawn the works boundary to the middle of the River Thames to highlight that the jetty will be used as a material delivery site during construction; no work on the jetty or in the Thames is applied for in</p>

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

⁸ Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

this DCO. The drawing of this boundary means that two of the above authorities should be identified as hosts, and five new authorities neighbour those hosts.

The authorities identified by the Planning Inspectorate under s43 are:

Host ('B, C') Authorities

- London Borough of Bexley
- Dartford Borough Council
- Kent County Council
- London Borough of Barking and Dagenham - treated as a category 'A' by the Applicant
- London Borough of Havering – treated as a category 'A' by the Applicant

Neighbouring ('A, D') Authorities

- Thurrock Council
- Gravesham Borough Council
- Sevenoaks District Council
- Royal Borough of Greenwich
- London Borough of Bromley
- Medway Council
- Essex County Council
- Surrey County Council
- East Sussex County Council
- Epping Forest District Council
- Brentwood Borough Council
- London Borough of Redbridge

		<ul style="list-style-type: none"> • London Borough of Newham • Tower Hamlets Council <p>The following 'A' category authorities were not consulted by the Applicant, they were consulted by the Planning Inspectorate as part of Adequacy of Consultation and responded as follows:</p> <ul style="list-style-type: none"> • Epping Forest District Council – confirmed they would not be responding • Brentwood Borough Council – confirmed they had not been consulted, but felt it was not in the public interest to delay consideration of the project • London Borough of Newham – confirmed they were not formally consulted, and would register as an interested party to have the opportunity to make representations if the application is accepted. • Tower Hamlets Council – stated they had no comments to make • London Borough of Redbridge – have not responded <p>The Planning Inspectorate notes that all host authorities were consulted during pre-application and four 'A' category authorities have responded without comments or to note they would review documents during the examination period.</p> <p>The Planning Inspectorate strongly advises the Applicant to ensure these authorities are notified of the accepted application under s56(2)(a) of the PA2008.</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Yes</p> <p>As noted in section 6.5 and section 6.7.6 of the Consultation Report (Doc 5.1) the Greater London Authority was consulted. Appendix B.1 sets out that the consultation was received on 13/08/2018 with a deadline of 30/07/2018. The date (13/08/2018) appears to be a typographic error in</p>

		the Appendix, as the Adequacy of Consultation response received concludes that the Applicant did carry out consultation in line with s42(c) of the Planning Act 2008.
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>The Applicant consulted each person in one or more s44 categories as described in Section 6.6 of the Consultation Report (Doc 5.1) on 18 June 2018. The persons are listed in Appendix B.2.</p> <p>Further statutory consultation was carried out for persons identified after the statutory consultation and for persons identified following changes to the application boundary. Copies of the letters are available at Appendix G and Appendix K.</p> <p>The Applicant identified six new land interests on 17 September 2018, which meant these persons would not receive the consultation materials in time for their responses to be considered to meet the Applicant's preferred submission window (a cut-off for responses had been set at 5 October 2018). The Applicant issued a letter explaining how they can take part in the examination process, if the application is accepted. As described in Appendix B.5 to the Consultation Report (Doc 5.1), copies of the letter are available in Appendix G.</p> <p>The Planning Inspectorate received a letter from a person in one or more of s44 categories, expressing concerns about the proposed compulsory acquisition of land. Appendix B.2 of the Consultation Report (Doc 5.1) sets out that a copy of the statutory consultation documents was sent to this person on 13 June 2018, with a response deadline of 30 July 2018. In addition, the letter makes reference to further communication between the two parties, between January 2018 and December 2018. The Planning Inspectorate is satisfied that issues raised do not bear on the decision whether or not to accept the application for examination, but can be</p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

		adequately dealt with during the course of the examination process. A copy of the letter has been published as part of the Adequacy of Consultation. The Planning Inspectorate is satisfied that the Applicant has sought to consult each person with one or more of the categories in s44 of the PA2008.
s45: Timetable for s42 Consultation		
11	Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	Yes The consultation opened on 18 June and confirms a deadline of responses being 30 July 2018, which is more than 28 days after the date of the s42 notification letter (Appendix G.1). Appendix B.1 confirms that statutory consultation documents were received by consultees on or before 27 June (most on 13 or 18 June), this provides for more than 28 days.
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?	Yes The Applicant gave notice under s46 of the Planning Act 2008 on 12 June 2018, which was before the commencement of s42 consultation carried out between 18 June and 30 July 2018. A copy of the notification letter sent to the Secretary of State is provided in Appendix G.3 to the Consultation Report (Doc 5.1) . A copy of the letter sent to all consultees is included in Appendix G.1 to the Consultation Report (Doc 5.1) . The Preliminary Environmental Information Report (PEIR) non-technical summary is in Appendix G.2 to the Consultation Report (Doc 5.1) and a USB drive was sent which contained the PEIR and appendices and the copy of s48 notice is provided in Appendix F.1 to the Consultation Report (Doc 5.1) .
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 was published on 6 June 2018 and is supplied with the application (Appendix H.3).</p>
14	Were "B" and (where relevant) "C" authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to London Borough of Bexley, Kent County Council and Dartford Borough Council as host authorities ('B and C Authorities') by email on 5 April at 6pm. The start of the consultation window was 6 April 2018 (the day after the day on which it was received), and the deadline for responses was set as 3 May 2019, as described in Table 7.1, paragraph 7.3.3, Consultation Report (Doc 5.1)</p> <p>The authorities identified by the Planning Inspectorate as Host ('B, C') Authorities are:</p> <ul style="list-style-type: none"> • London Borough of Bexley (LBB) • Dartford Borough Council (DBC) • Kent County Council (KCC) • London Borough of Barking and Dagenham (LBBD) - treated as a category 'A' by the Applicant • London Borough of Havering (LBH) – treated as a category 'A' by the Applicant <p>The LBB, DBC, KCC responded. LBBD and LBH were sent the documents on 9 April 2018, which is a 24 day window; they did not respond.</p> <p>It is noted that the Applicant accepted responses to consultations until 5 October 2018; and it seems likely that had LBBD or LBH responded late to the SoCC consultation their responses would have been considered.</p> <p>The Planning Inspectorate concludes that all Host authorities were given the opportunity to respond to the content of the draft SoCC.</p>

15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>The Applicant has explained at Appendix H.5 how the responses that were received as a result of consultation on the SoCC have been taken into consideration.</p> <ul style="list-style-type: none"> • Dartford Library included as a SoCC inspection venue and an additional public viewing location for the consultation documents, following advice from Dartford Borough Council. • The consultation zone was extended to include the whole of The Bridge development, following advice from Kent County Council. • Additional explanation that the consultation documents would be available online was added following advice from Kent County Council.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>The SoCC was made available at the Upper Belvedere Community Library, London Borough of Bexley Civic Offices and Dartford Library; see the published advert at Appendix H.2. This is reasonably convenient having regard to the location of the scheme.</p> <p>A notice stating when and where it could be inspected was published in:</p> <ul style="list-style-type: none"> • Bexley News Shopper, 6 June 2018
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes</p> <p>The SoCC (Appendix H.1) sets out at paragraph 1.5 that the scheme is EIA development and that the Applicant will publish a PEIR as part of the pre-application consultation. Section 1.7 sets out how the Applicant proposes to consult on the preliminary environmental information.</p>

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

18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant has set out at Appendix H.6 the activities that have been carried out and how the commitments in the SoCC have been met.</p> <ul style="list-style-type: none"> • The Applicant set out the dates for consultation and that they would consider responses received after this date (30 July 2018) where possible. The Applicant considered responses until 19 October 2018. • The Applicant set out the public exhibition dates and confirmed these were all held as described. • The Applicant stated a range of consultation methods would be utilised and carried out consultation at exhibitions, in newsletters, posters, websites and on social media. <p>No authority raised concerns with the SoCC consultation in their Adequacy of Consultation representations.</p>	
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</p> <p>The Applicant has described the newspapers and dates of s48 publicity in Appendix F to the Consultation Report (Doc 5.1), as set out below:</p>	
		Newspaper(s)	Date
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;		The Bexley News Shopper	13.06.2018 20.06.2018
once in a national newspaper;		The Guardian	13.06.2018

	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The London Gazette		13.06.2018	
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A		N/A	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes Evidence can be found in Appendix F to the Consultation Report (Doc 5.1) and contains the required information as set out below:			
	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 7	d)	a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 2 & 3
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	Paragraph 9	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 9
g)	whether a charge will be made for copies of any of the documents, plans or maps	Paragraph 11	h)	details of how to respond to the publicity	Paragraph 12-13

	and the amount of any charge				
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 16			
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>The notice was sent to the EIA consultation bodies on 13 June by post or 18 June 2018 by email, as confirmed in paragraph 5.3.3 of the Consultation Report (Doc 5.1).</p>			
s49: Duty to take account of responses to consultation and publicity					
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>The Applicant has set out in Appendix J to the Consultation Report (Doc 5.1) the actions that have been taken having had regard to the consultation responses received, (in the form of a schedule of response and the related actions). They have also described in Appendix J the consideration given to responses that did not lead to a change.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>			

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).

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 to the Consultation Report (Doc 5.1) explains how the Applicant has had regard to 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: Link to s51 advice
s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Secretary of State; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	Yes Box 4 of the Application Form (Doc 1.4) explains why the development falls within the remit of the Secretary of State. Box 5 of the Application Form provides a brief non-technical description of the site, whilst Box 6 provides the location of the proposal. A Location Plan (Works Plan, Doc 2.2) has been provided.
27	Is it accompanied by a consultation report?	Yes The application is accompanied by a Consultation Report (Doc 5.1) and

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

		Consultation Report Appendices (Docs 5.1 A to L).			
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	Doc 6.1 Scoping Opinion provided as Appendix A.1	b)	The draft proposed order	Doc 3.1
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		Is this of a satisfactory standard?	Yes
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Doc 3.2	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Doc 4.3
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
e)	A copy of any flood risk assessment	Doc 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	Doc 5.6

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)

				1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Doc 4.1 & 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	Doc 2.1
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		Is this of a satisfactory standard?	Yes
j)	A works plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of	Doc 2.2	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Doc 2.3

	deviation provided for in the draft order				
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <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>(i) Doc 6.2 - ES Figure contains Figure 3.1 which shows some of the statutory and non-statutory sites within the immediate vicinity of the site. Internationally and nationally important sites in terms of biodiversity within 15Km of the site are shown Doc 6.2 ES Figure 11.1.</p> <p>(ii) Habitats are shown on Document 6.2 ES Figures 11.3.</p> <p>(iii) Water</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>Doc 6.2 ES Figure 3.2 shows statutory/non-statutory sites or features of the historic environment.</p> <p>Doc 6.1 ES Chapter 10 assesses the effects of the proposal on statutory/non-statutory sites or features of the historic environment.</p>

		<p>bodies are shown on Doc 6.2 - ES Figure contains Figure 3.1</p> <p>The assessment of the effects of the proposed development on statutory and non-statutory sites is provided at Doc 6.1 – ES Chapters 7 – Air quality, Chapter 11 Terrestrial Ecology, Chapter 12, Hydrology and Chapter 13, Ground Conditions.</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	Doc 2.4, 2.5, 2.6

				parking and landscaping	
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
p)	<p>Any of the documents prescribed by Regulation 6 of the APFP Regulations:</p> <p><i>(1) If the application is for the construction or extension of a generating station the application must be accompanied by—</i></p> <p><i>(a) if the application is for a generating station, that is not an offshore generating station—</i></p> <p><i>(i) a statement of who will be responsible for designing and building the connection to the electricity grid; and</i></p> <p><i>(ii) if a gas fuelled generating</i></p>	Doc 5.3 Electricity Grid Connection Statement	q)	Any other documents considered necessary to support the application.	<p>Doc 5.4 Combined Heat and Power Assessment</p> <p>7.5 Outline Code of Construction Practice</p> <p>7.6 Outline Biodiversity and Landscape Mitigation Strategy</p>
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided above?</p> <p>Regulation 5(2)(a) (Environmental Statement, Doc 6.1)</p> <p>Chapter 11 – Terrestrial ecology identifies a significant effect associated with the loss of open mosaic habitat within the site of the Proposed Development. The ES does not quantify the degree of significance associated with the identified effects resulting from this loss.</p> <p>The Outline Biodiversity and Landscape Management Strategy (OBLMS) submitted as Document Ref 7.6 states that the habitat loss of open mosaic habitat will (in part) be compensated through creation of the same habitat type on the flood bank between the ERF building and the River Thames. The location and extent of the compensation on site is not shown or described neither</p>				

in the document nor in the ES. The OBLMS also states that the Applicant will additionally provide off-site compensation, and again no details of the proposed off-site compensation are provided.

Paragraph 3.3.1 of Technical Appendix G2 – The reptile survey notes that despite three reptile species being found present on the site no population assessment was conducted.

Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the ES. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the examination.

[Section 51](#) has been issued regarding this matter.

Regulation 5(2)(h) (Funding statement, Doc 4.2)

It is likely that the Examining Authority, when appointed, will request to see the costs for compensation clearly set out and separated from the total project costs of £490m.

[Section 51](#) has been issued regarding this matter.

Regulation 5(2)(j) (Works Plans, Doc 2.2)

The application contains two alternative routes for the cable connection, which makes for a wide range of Compulsory Acquisition rights; this will need to be considered at an early stage in the examination.

[Section 51](#) has been issued regarding this matter.

31	<p>Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)?¹⁵</p>	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Document 6.5.</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to</p>
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¹⁵ Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		obtain this during the statutory timetable of the examination.
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	No. One paper copy was requested and provided
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?	The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice will be provided to the Applicant. That advice will be published on the National Infrastructure Planning website, under s51 Advice .
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 before submission of the application on 13 November 2018

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.

Electronic Signature	Name	Date
Case Leader	<i>Dee Allen</i>	14 December 2018
Acceptance Inspector	<i>Paul Hudson</i>	14 December 2018

