



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Immingham 'B' OCGT Section 55 Acceptance of Applications Checklist

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

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		11 April 2019	9 May 2019	9 May 2019
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 2.1) includes development falling within the categories in s14 of the PA2008. The development is for the construction of an onshore gas-fired electricity station with a capacity of more than 50MW (up to 299 MW gross output capacity) and associated development and satisfies section 14 and 15 of the PA2008; including subsection 14(1)(a) and subsection 15(2).</p> <p>This is consistent with the summary provided in Section 4 of the Application Form (Doc 1.3) which states that the application is for an NSIP.</p>		

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

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

	ss14 to 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?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 2.1) includes development for which development consent is required.
Section 55(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 ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>Yes</p> <p>On 5 June 2018, by submitting an EIA Scoping Report, the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 23 October 2018.</p> <p>A copy of the acknowledgement letter to the s46 notification is provided at Appendix 9.2 of the Consultation Report (Doc 5.1).</p> <p>The Scoping Opinion is included in the Environmental Statement (Doc 6.4.1).</p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p>Yes</p> <p>There are 9 host and neighbouring authorities as identified from the GIS Shapefile submitted with the Application, of which 7 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 25 April 2019.</p> <p>All 7 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their</p>

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

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

authority had no comments/ objections to make. These local authorities were:

- North East Lincolnshire Council ('B' authority)
- North Lincolnshire Council ('B' authority)
- Nottinghamshire County Council ('A' authority)
- Lincolnshire County Council ('A' authority)
- Doncaster Metropolitan Borough Council ('A' authority)
- Bassetlaw District Council ('A' authority)
- East Lindsey District Council ('A' authority)

The following local authorities did not provide a response:

- West Lindsey District Council ('A' authority) *
- East Riding of Yorkshire Council ('A' authority)

Table 7.1 in the **Consultation Report (Doc 5.1)** sets out the relevant local authorities for the purposes of s43 and the proposed development. Amongst the list are four additional local authorities that are identified by the Applicant and which are not identified from the GIS Shapefile

- Boston Borough Council
- City of Lincoln Council
- Hull City Council
- North Kesteven Council

It appears that these four councils were consulted by the Applicant on a pre-cautionary basis due to their proximity to the site.

* West Lindsey District Council (WLDC) is not listed in **Table 7.1** of the **Consultation Report (Doc 5.1)**. However, this appears to be a drafting error/omission as WLDC are included in the list of local authorities that the Applicant consulted as stated in (**Appendix 6.1 – Stage 1 Consultee List** and **Appendix 10.4 – Section 42 Consultation responses received** of the **Consultation Report (Doc 5.1)**. They are also included in **Appendix 7.3 - Stage 2 Map of local authority boundaries** which

illustrates which local authorities were consulted under s43.

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/vpi-immingham-ocgt/>

Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 23 and 29 October 2018 at Appendix 7.1 of the Consultation Report (Doc 5.1). Paragraphs 10.3.1 and 10.3.2 explain that in a limited number of cases the Royal Mail were unable to deliver the letter, either because there was no one available to sign for the letter or the person was no longer at the address. Therefore, the Applicant re-sent the letter to an alternate address (on 29 October 2018) for the organisation/ person, or where appropriate sent it addressed to 'the current occupier', ensuring that the minimum 30-day consultation period was still provided.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Immingham Parish (Town) Council • South Killingholme Port • Heron Wind Limited • C.Gen Killingholme Limited
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

- E.ON UK Plc

Appendix 6.1 of Consultation Report (Doc 5.1) lists the following parties have been consulted only during Stage 1 non-statutory consultation:

- G2 Energy IDNO Limited
- Leep Electricity Networks Limited
- Vattenfall Networks Limited
- Immingham Parish (Town) Council

The Applicant's **Consultation Report (Doc 5.1)** does not explain why the bodies identified above have not been consulted during the statutory consultation period. However, it is noted that the licences held by G2 Energy IDNO Limited; Leep Electricity Networks Limited and Vattenfall Networks Limited cover Great Britain or various smaller areas, and the operational areas of each are not clear from information in the public domain. None of these parties listed above are listed in the **Book of Reference (Doc 3.1)**.

With regard to Immingham Parish Council it is noted that the **Consultation Report (Doc 5.1)** does refer to Immingham Town Council (which is the same organisation as Immingham Parish Council). **Appendix 8.7 of the Consultation Report (Doc 5.1)** states that Immingham Town Council Offices were one of the locations listed by the Applicant available to inspect the Application documents. (Notice of application and section 47(6) notice) and has been used for the public exhibitions. **Appendix 5.2 of the Consultation Report (Doc 5.1)** contains an email dated the 4 September 2018 from the Applicant responding to a query from North East Lincolnshire Council (NELC) that confirms they plan to consult Immingham Town Council.

There seems to be some discrepancy regarding names for the following parties:

- **Utility Distribution Networks Limited** have been consulted during Stage 1 and **Utility Assets Limited** (Cat 1) – during Stage 2.
- **Murphy Power Distribution Limited** have been consulted during Stage 1 and **Murphy Gas Networks Limited** (Cat 1) – during Stage 2.
- **Energy Assets Group Limited** (Cat 1) have been consulted. However, **Energy Assets Networks Limited** and **Energy Assets Power Networks Limited** are not

		<p>listed.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/EN010097-000322</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes</p> <p>The MMO was consulted and confirmed in their response that the proposed development would not affect any of the relevant areas (paragraph 7.2.9 of the Consultation Report (Doc 5.1)).</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 7.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 23 October 2018.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council • North Lincolnshire Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Bassetlaw District Council • Boston Borough Council • City of Lincoln Council • Doncaster Metropolitan Borough Council • East Lindsey District Council • East Riding of Yorkshire Council • Hull City Council

⁶ 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

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

		<ul style="list-style-type: none"> Lincolnshire County Council North Kesteven Council Nottinghamshire County Council <p>* As explained in section 5 of this s55 Acceptance Checklist West Lindsey District Council is <u>not</u> listed in Table 7.1 of the Consultation Report (Doc 5.1) – however they are included in the list of local authorities that the Applicant consulted as stated in Appendix 6.1 – Stage 1 Consultee List. Appendix 10.4 – Stage 2 Section 42 consultation responses, includes an acknowledgement letter from West Lindsey District Council. They are also included in Appendix 7.3 - Stage 2 Map of local authority boundaries which illustrates which local authorities were consulted under s43.</p> <p>The Project Land is not within the area of an upper-tier county council, and therefore categories ‘C’ and ‘D’ authorities from section 43 are not relevant (paragraph 7.2.16 of the Consultation Report (Doc 5.1)).</p> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 10.3.1 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 23 and 29 October 2018.</p> <p>Paragraphs 7.2.19 to 7.2.23 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in land affected by the Draft DCO (Doc 2.1). The full methodology undertaken by the Applicant is provided in paragraphs 7.2.17 to 7.2.23 of the Consultation Report (Doc 5.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix 7.4 of the Consultation</p>

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

		<p>Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p>It is noted that the list included at Appendix 7.2 of the Consultation Report (Doc 5.1) of Section 44 persons consulted at Stage 2 does not precisely match those included in the Book of Reference (Doc 3.1). In paragraph 7.2.23 of the Consultation Report (Doc 5.1) the Applicant provides a satisfactory explanation of why this is.</p>
Section 45: 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?	<p>Yes</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 10.1 of the Consultation Report (Doc 5.1). The letter confirms that statutory consultation would close on the 3 December 2018, therefore providing more than the minimum time for receipt of responses.</p> <p>Paragraphs 10.3.1 and 10.3.2 of the Consultation Report (Doc 5.1) explain the approach taken by the Applicant to consult s42 consultees, and that the Applicant issued the consultation material by Royal Mail registered delivery on the 23 and 29 October 2018.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes</p> <p>The Applicant gave notice under s46 on 22 October 2018, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 9.1 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 9.2 of the Consultation Report (Doc 5.1).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community	Yes

	Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	A copy of the final SoCC is provided at Appendix 5.4 of the Consultation Report (Doc 5.1) .
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>Paragraph 5.4.1 of the Consultation Report (Doc 5.1) states that the Applicant sent the initial draft SoCC (for non-statutory consultation) to North East Lincolnshire Council (NELC) and North Lincolnshire Council (NLC) ('B' Authorities) on the 23 August 2018 and set a deadline of the 30 August 2018 for responses. Appendix 5.1 of the Consultation Report (Doc 5.1) contains the comments made by NELC and NLC.</p> <p>This was followed by sending the draft SoCC for statutory consultation on the 5 September 2018 with a deadline for comments of the 3 October 2018. This period provided for response was 27 days from the day after NELC and NLC would have received it. Both NELC and NLC responded and Appendix 5.2 of the Consultation Report (Doc 5.1) contains the comments they made.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 5.1 of the Consultation Report (Doc 5.1) provides summary of the feedback received on the initial draft SoCC.</p> <p>NLC had no comments or objections in respect of the document. NELC requested that Immingham Town Council, Habrough Parish Council and the industrial premises along the South Humber Bank (i.e. ABP) to be consulted. The Applicant confirmed that these parties would be included in the consultation process.</p> <p>Paragraph 5.5.1 of the Consultation Report (Doc 5.1) states that VPIB issued a draft of the SoCC for consultation pursuant to Section 47 on the 5 September 2018. The draft SoCC was issued to NELC and NLC. NELC responded on 6 September with the same response that was given during the non-statutory consultation. No response was received from NLC.</p> <p>Appendix 5.2 of the Consultation Report (Doc 5.1) provides a copy of the correspondence from North East Lincolnshire Council and North Lincolnshire Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses</p>

		received when preparing the SoCC.
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 final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development. Table 5.3 lists the following inspection venues:</p> <ul style="list-style-type: none"> • Immingham Town Council • Immingham Library • North Lincolnshire Council Offices • North East Lincolnshire Council Offices <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Grimsby Telegraph on 11 October 2018, • Scunthorpe Telegraph on 11 October 2018. <p>The published SoCC notice, provided at Appendix 5.5 of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 5.6 of the Consultation Report (Doc 5.1).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes.</p> <p>Paragraphs 2.5 and 2.6 of the final SoCC at Appendix 5.4 of the Consultation Report (Doc 5.1) set out that the development is EIA development and set out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Section 8 of the Consultation Report (Doc 5.1) sets out how the community consultation during the statutory Stage 2 Consultation was carried out in line with the final SoCC.</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

Table 2.2 of the **Consultation Report (Doc 5.1)** sets out how the Applicant has complied with the commitments set out in the final SoCC.

Appendices 5.1, 5.2, 5.3 and 5.4 of the **Consultation Report (Doc 5.1)** provide evidence that the commitments within the final SoCC have been carried out within the Consultation Area, such as:

- Adverts in local newspapers, posters and site notices.
- Letters were sent to properties within the Inner Consultation Zone.
- The Applicant’s website was updated ahead of community consultations on both the home page and the dedicated public consultation page.
- Two public exhibitions were held at County Hotel, Immingham and South Killingholme Village Hall.
- Consultation documents were displayed at public inspection locations in the Consultation area.

Section 48: Duty to publicise the proposed application

19 Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?

Yes

Chapter 11, Paragraph 11.1.12 of the **Consultation Report (Doc 5.1)** states:

“11.1.2 Pursuant to Regulation 4(2), the Section 48 Notice for the Proposed Development was first published by VPIB on 25 October 2018, so as to coincide as closely as possible with the start of the Stage 2 Consultation. The Section 48 Notice was published in the Grimsby Telegraph, Scunthorpe Telegraph, the Guardian and the London Gazette.”

Table 11.1 of the **Consultation Report (Doc 5.1)** displays a list of the newspapers used and the dates of the for Section 48 notices were published.

Copies and clippings of the published s48 notices are provided at **Appendix 8.4** of the **Consultation Report (Doc 5.1)**.

Newspaper(s)

Date

a) for at least two successive weeks in one or more local

- Grimsby Telegraph

25 October 2018,

	newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> Scunthorpe Telegraph 	1 November 2018 25 October 2018, 1 November 2018		
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian 	24 October 2018		
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> London Gazette 	25 October 2018		
d)	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 The published s48 notice, supplied at Appendix 8.4 of the Consultation Report (Doc 5.1) , contains the required information as set out below:			
	Information	Paragraph	Information	Paragraph	
a)	the name and address of the Applicant.	9 and 10	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2, 3 and 4
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	8	f)	the latest date on which those documents, plans and maps will be available for inspection	8

	out in the notice			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	9	h)	details of how to respond to the publicity
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	12		
21	Are there any observations in respect of the s48 notice provided above?			
	No			
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 ¹⁰ ?	Yes A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in section 10.4.1 of the Consultation Report (Doc 5.1) . A sample of the s42 consultation letter provided at Appendix 10.1 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.		
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?	Yes Tables 12.1, 12.2 and 12.3 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application. The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.		

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	Section 2.4 and Table 2.1 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these, available here: http://infrastructure.planninginspectorate.gov.uk/document/EN010097-000322
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 Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	Yes Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate. Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development. A Location Plan (Doc 4.1) has been provided.
27	Is it accompanied by a Consultation Report?	Yes. The application is accompanied by a Consultation Report (Doc 5.1) .

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

28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes Doc 4.2 – Land Plan Doc 4.3 – Works Plan Doc 4.4 – Access and Rights of Way Plans
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
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	‘Environmental Impact Assessment: Environmental Statement’ (April 2019) (Doc 6.2); ‘Environmental Impact Assessment – Volume II: Figures (April 2019) (Doc 6.3); and ‘Environmental Impact Assessment – Volume III: Appendices (April 2019) (Doc 6.4). Scoping Opinion received from the Secretary of State (SoS) dated July 2018 (Appendix 1B, ES Volume III) (Doc. 6.4.2).
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
c)	An Explanatory	Explanatory Memorandum (Doc
Information		Document
b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 2.1)
	Is this of a satisfactory standard?	Yes
d)	Where applicable, a Book	Book of Reference (Doc 3.1)

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

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

e)	Memorandum explaining the purpose and effect of provisions in the draft DCO	2.2)	f)	of Reference (where the application involves any Compulsory Acquisition)	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
	A copy of any Flood Risk Assessment	'Environmental Statement (Volume III) Environmental Statement: Volume III Appendix 12A: Flood Risk Assessment (April 2019)' (Doc 6.4.26)		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	Statutory Nuisance Statement (April 2019) (Doc 5.5) Draft Development Control Order (Doc 2.1, Part 7, 36 (1)) <i>No matters have been assessed as potentially being significant, and the Applicant states that "no additional mitigation is necessary or proposed"</i> Statutory Nuisance Statement (April 2019) (Section 3, Doc 5.5)
	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)	Statement of Reasons (Doc 3.2) Funding Statement (Doc 3.3)	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	Land Plans (Doc 4.2)

			which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes	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 deviation provided for in the draft DCO	Works Plan (Doc 4.3)	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	Access and Rights of Way Plans (Doc 4.4)
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/ non-	(i) Designated Sites (Figure 2), Section 3.2 and Table 3.1 of the ' No Significant Effects Report ' (Doc 5.10);	m) Where applicable, a plan with accompanying information identifying any statutory/ non-statutory	'Environmental Statement: ES Volume III Appendix 13A: Designated Heritage Assets' (Doc 6.4.27) lists designated heritage assets within 3km study area

<p>statutory sites or features of nature conservation eg 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>(ii) Designated Sites (Figure 2), Section 3.2 and Table 3.1 of the 'No Significant Effects Report' (Doc 5.10); non-statutory/ other important habitats or diversity features are not listed or shown on a plan;</p> <p>(iii) Table 12.5 (Doc 6.2.12) lists the surface waterbodies identified in the vicinity of the site and shown on Figure 12.1 (ES Volume II, Doc 6.3) and are discussed in turn in section 12.7 (Doc 6.2.12).</p> <p>The assessment of effects on (i) and (ii) is provided in ES Chapter 9 (Doc 6.2.9) and ES Chapter 12 (Doc 6.2.12) for (iii).</p> <p>For (iii) the Applicant states that <i>“as there are no works directly affecting the local watercourses, including the River Humber, a standalone WFD Assessment has not been completed, but a summary of potential impacts on WFD classification status of relevant water bodies within the study area is included in Section 12.7 – Likely Impacts and Effects.”</i></p>	<p>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>but no plan has been provided.</p> <p>'Environmental Statement: Volume III Appendix 13B: Designated Heritage Assets-Outside Study Area' (Doc 6.4.28) lists heritage assets outside the study area of “high significance”.</p> <p>'Environmental Statement: Volume III Appendix 13C: Non-Designated Heritage Assets' (Doc 6.4.29) lists all non-designated heritage assets within a 1km study area.</p> <p>'Environmental Statement: Volume III Appendix 13E: Outline Written Scheme of Investigation' (Doc 6.4.31) - Annex 13E.1 'Identified Heritage Assets' table.</p> <p>The assessment of sites is provided in ES Chapter 13 (Doc 6.2.13) and supported by Figure 13.1 'Known Heritage Assets' (Doc 6.3.21); Figure 13.2 'Designated Heritage Assets' (Doc 6.3.22); Figure 13.3 'Designated Heritage Assets Within Brocklesby Park' (Doc 6.3.23); and Figure 13.4 'Indicative Areas of Archaeological Investigation' (Doc 6.3.24).</p>
<p>Is this of a satisfactory standard?</p>	<p>Yes</p>	<p>Is this of a satisfactory standard?</p>	<p>Yes</p>

n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	Location Plan (Doc 4.1) Land Plans (Doc 4.2) Works Plans (Doc 4.3) Access and Rights of Way Plans (Doc 4.4) Indicative Generating Station Plan (Doc 4.5) Indicative Gas Connection Plan (Doc 4.6) Indicative Electrical Connection Plan (Doc 4.7) Indicative Utilities and Services Connections Plan (Doc 4.8)
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	The Application includes: Grid Connection Statement (Doc 5.7) Gas Connection Statement (Doc 5.8)	q)	Any other documents considered necessary to support the application	The following documents have been included in support of the application: Application Cover Letter (Doc 1.1) Application Guide (Doc 1.2) Application Form (Doc 1.3) Notices for Statutory Publicity (Doc 1.4) Other Consents and Licences (Doc 5.2) Planning Statement (Doc 5.3) Design and Access Statement (Doc

				5.4) Indicative Lighting Strategy (Doc 5.6) Combined Heat and Power Assessment (Doc 5.9)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard? Yes
30	Are there any observations in respect of the documents provided above?			
	<p>Environmental Impact Assessment: Environmental Statement' (April 2019) (Docs 6.2-6.4) - page 28 of the Non-Technical Summary (NTS) contains track changes that are visible in red.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/EN010097-000322</p>			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	Yes	<p>A Habitat Regulations Assessment (HRA) Report has been provided as a 'No Significant Effects Report' (Doc 5.10).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>	
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	N/A	as Application submitted electronically	

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p>Yes</p> <p>Section 2 and Table 2.1 of the Application Guide (Doc 1.2) explain how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>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 has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: http://infrastructure.planninginspectorate.gov.uk/document/EN010097-000322</p>
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 2 April 2019 before the application was made.

Role	Electronic signature	Date
Case Manager Tracey Williams	<i>Tracey Williams</i>	9 May 2019
Acceptance Inspector Rory Cridland	<i>Rory Cridland</i>	9 May 2019

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

