



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Date of issue: 2 August 2022

Medworth Energy from Waste Combined Heat and Power Facility - Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist 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 Department for Levelling Up, Housing and Communities.

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
		7 July 2022	4 August 2022	2 August 2022
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	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14 of the PA2008. The development is for the construction of a Generating Station and satisfies section s15(1) and 15(2) and s115(2) of the PA2008.</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)

	<p>relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 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?</p>	<p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.2) which states that the application is for an NSIP.</p> <p>Section 4 of the Application Form (Doc 1.2) states:</p> <p><i>“The Proposed Development as described in Schedule1 of the Draft DCO is an NSIP as it includes the development within the categories in s(14) of the Planning Act 2008. The development satisfies s14(1) and s15 of the Planning Act 2008 as it is for the construction of an onshore generating station in England, and it has a capacity of more than 50 megawatts.”</i></p>
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</p>	<p>The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.</p>
<p>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>		
4	<p>In accordance with the EIA Regulations³, 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>	<p>Yes</p> <p>On 3 December 2019 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.</p> <p>In the same letter dated 3 December 2019 the Applicant also submitted a Scoping Report to inform their request for a Scoping Opinion under Regulation 10(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. A copy of the Regulation 8(1)(b) and Regulation 10(1) letter is provided within Appendix 1C of the Environmental Statement (ES) (Doc 6.4). A copy of the Scoping Opinion is provided in Appendices 1D and 1E of</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)

		<p>the ES (Doc 6.4). A copy of the Scoping Report is not provided with the application documents.</p> <p>The notification was received before the start of statutory consultation on the 5 December 2019.</p>
5	<p>Have any Adequacy of Consultation Representations⁴ 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>	<p>Yes</p> <p>There are 19 host and neighbouring authorities, of which 15 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 8 July 2022.</p> <p>All 15 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and / or that their authority had no comments / objections to make. These local authorities were:</p> <p>Host (“B, C”) Authorities</p> <ul style="list-style-type: none"> • Norfolk County Council • Cambridgeshire County Council • Fenland District Council • Borough Council of King’s Lynn and West Norfolk Borough Council <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Essex County Council • South Holland District Council • Central Bedfordshire Council

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

		<ul style="list-style-type: none">• Huntingdonshire District Council• Bedford Borough Council• West Suffolk Council• Peterborough City Council• Suffolk County Council• North Norfolk District Council• Breckland Council• East Cambridgeshire District Council <p>Responses were invited but were not received from the following neighbouring authorities:</p> <ul style="list-style-type: none">• Hertfordshire County Council• Lincolnshire County Council• North Northamptonshire County Council• The Broads Authority <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/?ipcsection=docs</p> <p>Additionally, the Planning Inspectorate has received submissions from a Councillor from Norfolk County Council and two members of the public. These have been published here https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/?ipcsection=docs</p>
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		<p>The representation from the County Councillor highlighted concerns with the Applicant's consultation.</p> <p>The Consultation Report (Doc 5.1) explains how, at a project wide level, the Applicant has had regard to consultation responses, as set out in Box 23 of this checklist.</p> <p>The submissions from the two members of the public included comments about the merits of the proposal and whether the Examining Authority would visit the area, which are not directly relevant to the adequacy of consultation and will be matters that parties can raise in Relevant Representations and during the course of the Examination.</p> <p>The Inspectorate has taken into account all representations relating to the adequacy of consultation and is of the view that the Applicant has complied with its statutory obligations under s42, s46, s47 and s48.</p>
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Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 23 June 2021 at Appendix R of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix H of the Consultation Report (Doc 5.1). This letter was undated, although on checking the s46 notification letter and information form, there is evidence that consultation was carried out and the sample letter confirmed that responses should be received by 13 August 2021.</p>
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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)

		<p>On 30 June 2021 the Applicant sent out the formal notification of the start of its statutory consultation for a second time after identifying an error in the addressed envelopes. Evidence of such can be found on at the end of Appendix H of the Consultation Report (Doc 5.1). The second notification provided more than the minimum required for the statutory consultation period.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:</p> <ul style="list-style-type: none">• Energy Assets Pipelines Ltd• Indigo Power Limited• Leep Gas Networks Limited• Last Mile Electricity Ltd• Last Mile Gas Ltd• National Grid Electricity System Operator Limited• Optimal Power Networks Limited• Squire Energy Limited <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the bodies identified above do not appear to have been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.1).</p>
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		Section 51 advice has been issued to the Applicant in respect of the above matter and asking for clarification in regard to consultation with relevant Drainage Boards and can be found here; http://infrastructure.planninginspectorate.gov.uk/document/EN010110-000895
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	N/A
8	Section 42(1)(b) each local authority within s43 ⁷ ?	Yes Table 5.1 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 June 2021. The host 'B' authorities were consulted: <ul style="list-style-type: none"> • Fenland District Council • Borough Council of Kings Lynn and West Norfolk The host 'C' authority were consulted: <ul style="list-style-type: none"> • Cambridgeshire County Council • Norfolk County Council The boundary 'A' authorities were consulted: <ul style="list-style-type: none"> • Huntingdonshire District 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"> • North Norfolk District Council • East Cambridgeshire District Council • South Holland District Council • Breckland Council • The Broads Authority • West Suffolk Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Northamptonshire Council • Peterborough City Council • Suffolk County Council • Bedford Borough Council • Central Bedfordshire Council • Essex County Council • Hertfordshire County Council • Lincolnshire County Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix H 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>Appendix H of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 28 June 2021.</p> <p>Paragraphs 5.5.4 to 5.5.9 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 lands affected by the Draft DCO (Doc 3.1). The full methodology undertaken by the Applicant is provided in Chapter 5 of the Consultation Report (Doc 5.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix H of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix H of the Consultation Report (Doc 5.1).</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 H of the Consultation Report (Doc 5.1). The sample letter dated 23 June 2021 confirmed that consultation commenced on 28 June 2021 and closed on 13 August 2021, providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		

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.

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 14 June 2021, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix G of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix CC of the Consultation Report (Doc 5.1).</p>
Section 47: 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>A copy of the final SoCC is provided at Appendix M of the Consultation Report (Doc 5.1).</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 the Borough Council of Kings Lynn and West Norfolk and Fenland District Council ('B Authorities') and Norfolk County Council and Cambridgeshire County Council ('C' authorities) on 26 February 2021 and set a deadline of 27 March 2021 for responses; providing the required minimum time for responses to be received. An example of the SoCC cover letter is included in Appendix D of the Consultation Report (Doc 5.1).</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Appendix E* of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from the Borough Council of King's Lynn and West Norfolk and Fenland District Council ('B Authorities') and Norfolk County Council and Cambridgeshire County Council ('C' authorities) in respect of the draft SoCC</p>

		<p>and demonstrates how the Applicant had regard to their content. A number of comments were made resulting in several changes.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • Bullet 2 of paragraph 4.4.2 of the SoCC was updated to make it clear that Town and Parish Councils are included as Prescribed Consultees and that they would be consulted in line with the requirements of s42 of the Planning Act, following comment from Fenland District Council. • Paragraph 4.6.20 was updated to remove the reference to “reasonable” queries and consultation responses, following comment from Cambridgeshire County Council and Norfolk County Council, so all enquirers/ responders would receive a response. • The inclusion of publication of press notices in “Your Local Paper” which is the free local paper used for King’s Lynn and West Norfolk, following comment from the Borough Council of King’s Lynn and West Norfolk. • The inclusion of publication of press notices in both the Lynn News and Eastern Daily Press, which circulate in the area, following comment from Norfolk County Council. <p>*The Planning Inspectorate notes that there are two documents titled Appendix E as part of the Consultation Report (Doc 5.1). This comment relates to the second of those Annexes ‘<i>Responses received to Draft SoCC</i>’.</p> <p>Where a comment by a local authority had not led to a change to the draft SoCC the schedule in Appendix E of the Consultation Report (Doc 5.1) includes an explanation of why the Applicant did not consider that any further changes were necessary to the draft SoCC.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
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16	<p>Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; 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>	<p>Yes</p> <p>The final SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Oasis Community Centre, St Michael’s Ave, Wisbech, PE13 3NR. • Wisbech St Marys Sports and Community Centre, Beechings Close, Wisbech St Mary, Wisbech, PE13 4SS. • Marshland Hall, 156 – 158 Smeeth Road, Wisbech, PE14 8JB. • Rosmini Centre, 69a Queens Rd, Wisbech, PE13 2PH. • Walton Highway Village Club, Lynn Road, Walton, Highway, Wisbech, PE14 7DF. <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Cambs Times Friday 18 June 2021 • Eastern Daily Press, Monday 14 June 2021 • Fenland Citizen, Wednesday 16 June 2021 • Lynn News, Friday 18 June 2021 • Your Local Paper, Friday 18 June 2021 <p>The Wisbech Standard is referenced within the SoCC as a publication to be used for press notices. However, no evidence has been provided in the Consultation Report (Doc 5.1) of a notice being published in this publication.</p>

		<p>However, a notice was placed in the Fenland Citizen which does cover the Wisbech area.</p> <p>The published SoCC notice is not included as an Appendix of the Consultation Report (Doc 5.1), however it is visible within the provided newspaper advertisement clippings, which evidences the notice states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix F 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 3.2.1 and 3.2.2 of the final SoCC at Appendix M of the Consultation Report (Doc 5.1) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information. Chapter 4 of the Consultation Report (Doc 5.1) contains further information on the approach to consultation. Paragraph 4.6.7 of the final SoCC refers to the inclusion of the PEIR and supporting environmental assessment documents being included in the statutory consultation documentation.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Paragraph 5.5.16 of the Consultation Report (Doc 5.1) sets out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 5.2 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in 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

		Appendices H, I, N, O, P, Q, R, S, T, U, V, FF and II and Tables 5.3, 5.4 and Section 5.6.2 of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.	
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 which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes</p> <p>Paragraph 2.5.1 of the Consultation Report (Doc 5.1) states:</p> <p>“Section 48(1) of the Planning Act 2008 requires the applicant to publicise the proposed application at the pre-application stage. Regulation 4 of the APFP Regulations prescribes the manner in which this publicity must be undertaken. Regulation 4(2) sets out the requirement for the applicant to publish a notice within local and national publications, and Regulation 4(3) provides detail of the matters which must be included in that notice.”</p> <p>Table 5.6 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix Q of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix I of the Consultation Report (Doc 5.1):</p>	
		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> • Cambs Times • Eastern Daily Press 	18 June 2021 25 June 2021 14 June 2021 21 June 2021

		<ul style="list-style-type: none"> • Fenland Citizen • Lynn News • Metro • Your Local Paper 	16 June 2021 23 June 2021 18 June 2021 25 June 2021 21 June 2021 18 June 2021 25 June 2021
b)	once in a national newspaper;	<ul style="list-style-type: none"> • Daily Mail (England & Wales and Scotland editions) 	21 June 2021
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 	21 June 2021
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	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	Yes The published s48 notice, supplied at Appendix Q 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.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> the nature and location of the Proposed Development The address of the website The place on the website A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 	6	f)	the latest date on which those documents, plans and maps will be available for inspection	6
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6	h)	details of how to respond to the publicity	8
i)	a deadline for receipt of those responses by the Applicant, being not less than 28	8			

	days following the date when the notice is last published		
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	<p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 4.4.3 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix H of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</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?	Yes	<p>Appendix JJ 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.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. For example, concern was raised that the installation of poles and overhead cables would have a detrimental effect on livestock and in the submitted application the grid connection no longer includes for the installation of overhead cables along the grid connection route.</p>

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

		Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.
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 ?	<p>Paragraphs 1.1.5 and 1.1.6 of the Consultation Report (Doc 5.1) state that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>To assist the Inspectorate in reaching this conclusion all responses to the Applicant's consultation under Part 5 of the PA2008 were requested under Regulation 5(5) of the APFP Regulations. The Inspectorate's request for these responses was made on 14 July and the Applicant provided the responses on the 18 and 19 July 2022.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here: http://infrastructure.planninginspectorate.gov.uk/document/EN010110-000895</p>
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)		

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

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? 	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 2.1) has been provided.</p>									
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1).</p>									
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									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required</td> <td>Volume 6.1 – ES Non-Technical Summary</td> <td>b) The draft Development Consent Order (DCO)</td> <td>draft Development Consent Order (Doc 3.1)</td> </tr> </tbody> </table>		Information	Document	Information	Document	a) Where applicable, the Environmental Statement required	Volume 6.1 – ES Non-Technical Summary	b) The draft Development Consent Order (DCO)	draft Development Consent Order (Doc 3.1)		
Information	Document	Information	Document								
a) Where applicable, the Environmental Statement required	Volume 6.1 – ES Non-Technical Summary	b) The draft Development Consent Order (DCO)	draft Development Consent Order (Doc 3.1)								

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

	under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Volume 6.2 – Environmental Statement Chapter 1 – 19 Volume 6.3 – Environmental Statement Figures MVV Volume 6.4 – Environmental Statement Appendices The Scoping Opinion is provided at Volume 6.4 Appendix 1D: EIA Scoping Opinion		
	Is this of a satisfactory standard?	Yes		Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a Book of Reference Book of Reference (Doc 4.1)
	Is this of a satisfactory standard?	Yes		Yes
e)	A copy of any Flood Risk Assessment	ES (Doc 6.4) – Appendix 12A: FRA	f)	A statement whether the proposal engages one or more of the matters ES (Doc 5.2) – Statement of Statutory Nuisance

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

			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	This document concludes that with mitigation measures in place, which will be secured in the CEMP, there is not expected to be a breach of Section 79(1) of the 1990 Act
	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 4.3) Funding Statement (Doc 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	Land Plan (Doc 2.2)

			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 (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Works Plan (Doc 2.3)	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 Public Rights of Way Plan (Doc 2.4)
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)

<p>l) Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development 	<ul style="list-style-type: none"> (i) ES (Doc 6.3) Figures 9.9(i) (National Character Areas), Figure 9.9(ii) (Landscape Character Types and Area) 9.10 (Townscape Character Areas) (ii) Features of Nature Conservation (Doc 2.5) (iii) ES (Doc 6.3) Figure 12.3(i) Water Environment (Proposed Development) and 12.3(ii) Water Environment (EfW CHP Facility Site and surroundings) <p>ES (Doc 6.3) Figure 12.5(i) Hydrological Receptors within the study area (Proposed Development)</p>	<p>m) Where applicable, a plan with accompanying information identifying any statutory or 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>Statutory and Non-Statutory Features of Historic Environment (Doc 2.6)</p> <p>ES (Doc 6.3) Chapter 10 Historic Environment Figures</p> <p>ES Doc (6.3) Figure 10.1 Designated Heritage Assets within a 2km study area.</p> <p>An assessment of historic statutory and non-statutory sites is provided in ES (Doc 6.2), Chapter 10, section 10.8</p>
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		<p>ES (Doc 6.3) Figure 12.5 (ii) Hydrological Receptors within the study area (EfW CHP Facility Site and surroundings).</p> <p>The above are assessed in ES (Doc 6.2) Chapter 11 (Biodiversity), Chapter 12 (Hydrology), Chapter 13 (Geology, Hydrogeology and Contaminated Land), Habitats Regulations Assessment No Significant Effects Report (Doc 5.3) and the relevant appendices in ES (Doc 6.4).</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)	<p>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</p> <p>Site Location Plan (Doc 2.1) EfW CHP Facility Elevations.pdf Functions Modified (Doc 2.7) Administration Building Elevations.pdf Functions Modified (Doc 2.8)</p>

			management, means of vehicular and pedestrian access, any car parking and landscaping	
	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:	Electricity Grid Statement (Doc 7.2)	q) Any other documents considered necessary to support the application	Statement of Statutory Nuisance (Doc 5.2) List of Other Consents and Licences (Doc 5.4) Planning Statement Executive Summary (Doc 7.1) Planning Statement (Doc 7.1) Waste Fuel Availability Assessment (Doc 7.3) Project Benefits Report (Doc 7.4) Design and Access Statement (Doc 7.5) Combined Heat and Power Assessment (Doc 7.6) Outline Landscape and Ecology Management Plan (Doc 7.7) Outline Employment and Skills Strategy (Doc 7.8)

				Outline Flood Emergency Management Plan (Doc 7.9) Outline Fire Prevention Plan (Doc 7.10) Outline Odour Management Plan (Doc 7.11) Outline Construction Environmental Management Plan (Doc 7.12) Tree Survey (Doc 7.13) Outline Community Benefits Strategy (Doc 7.14) Outline Operational Traffic Management Plan (Doc 7.15)
	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 at Box 29 (a) to (q) above?			
	Box 29(i) Land Plans (Doc 2.2) The Land Plans (Doc. 2.2) include several plots of land that span more than one sheet. According to the key, each plot must be demarked by a red line. However, for plots that span more than one sheet, this red line, necessary to define the beginning and/or end of a specific plot, is not clearly visible. Box 29(k) Access and Rights of Way Plans (Doc 2.4)			

<p>The cover sheet contains incorrect reference (2.5) and plots A6 and A7 are not clearly separated by a boundary.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters:</p> <p>http://infrastructure.planninginspectorate.gov.uk/document/EN010110-000895</p>	
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)?¹⁴</p>
	<p>Yes</p> <p>A No Significant Effects Report (NSER) has been provided as Habitat Regulations Assessment (HRA) No Significant Effects Report (NSER) (Doc 5.3).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is noted that the Wash and North Norfolk Coast Special Area of Conservation (SAC) was not screened. However, It is considered that the information provided in the report is adequate for acceptance.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters: http://infrastructure.planninginspectorate.gov.uk/document/EN010110-000895</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	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans¹⁵</p>
	<p>No hard copies requested.</p>

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>Chapter 2 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	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/EN010110-000895</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 27 June 2022; before the application was made.

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

Role	Electronic signature	Date
Case Manager	<i>Tracey Williams</i>	2 August 2022
Acceptance Inspector	<i>Andre Pinto</i>	2 August 2022

