



The Planning Inspectorate

# Section 55

## Acceptance of Applications Checklist

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

Date: Monday 28 March 2022

## Longfield Solar Farm 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 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 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
		<b>28 February 2022</b>	<b>28 March 2022</b>	<b>28 March 2022</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
<b>Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent</b>				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (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 <sup>2</sup> (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 to 30	<p><b>Yes.</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of an onshore generating station with a gross electrical output capacity exceeding 50 megawatts (MW) and satisfies section 14 (1)(a) and section 15 (2) of the PA2008.</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.3)</b> which states that the application is for an NSIP.</p>		

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

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

	<p>does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in 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?</p>	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, 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><b>Yes.</b></p> <p>On 30 October 2020 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 1 June 2021.</p> <p>A copy of the notification letter is provided at <b>Appendix B-1</b> of the <b>Consultation Report (Doc 5.3)</b>.</p>
5	<p>Have any Adequacy of Consultation Representations<sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they</p>	<p><b>Yes.</b></p> <p>There are 23 host and neighbouring authorities, of which 10 responded to the</p>

<sup>3</sup> 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)

<sup>4</sup> 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

<p>confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 28 February 2022. All 10 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> <ul style="list-style-type: none"> <li>• Babergh District Council (‘A’ authority)</li> <li>• Braintree District Council (‘B’ authority)</li> <li>• Brentwood Borough Council (‘A’ authority)</li> <li>• Cambridgeshire County Council (‘D’ authority)</li> <li>• Chelmsford City Council (‘B’ authority)</li> <li>• Colchester Borough Council (‘A’ authority)</li> <li>• Essex County Council (‘C’ authority’)</li> <li>• London Borough of Redbridge (‘D’ authority)</li> <li>• Rochford District Council (‘D’ authority)</li> <li>• Southend on Sea Borough Council (‘D’ authority)</li> </ul> <p>Colchester Borough Council responded that it had not been consulted by the Applicant under s42. Whilst noting the Adequacy of Consultation Representation of Colchester Borough Council, it appears from <b>Appendix J1-J5</b> of the <b>Consultation Report (Doc 5.11)</b> that Colchester Borough Council has replied to the Statutory Consultation. As such the Inspectorate is satisfied that Colchester Borough Council has been consulted.</p> <p>The Inspectorate also notes the representation from the London Borough of Redbridge, claiming it had not been consulted under s42 of PA2008. The Authority was identified in <b>Table 6-1</b> of the <b>Consultation Report (Doc 5.1)</b> as a ‘D’ authority who were consulted under s42 of PA2008. <b>Paragraph 6.2.17</b> of the <b>Consultation Report (Doc 5.10)</b> states that all parties under s.42 (1) (b) had been sent a letter by recorded delivery on 28 May 2021, outlining the context, consultation materials and methods for responding to the consultation. The Inspectorate also notes that the</p>
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		<p>Authority was consulted at the point of EIA Scoping in November 2020 and, as such, were aware of the project.</p> <p>The Authority now has the opportunity to register as an Interested Party, and participate fully in the Examination, if it wishes to do so. All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/?ipcsection=docs">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/longfield-solar-farm/?ipcsection=docs</a></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 <sup>5</sup> ?	<p><b>Yes.</b></p> <p>The Applicant has provided a list of persons who were consulted on 28 May 2021 under s42(1)(a) at <b>Appendix E-1</b> of the <b>Consultation Report (Doc 5.6)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.7)</b>.</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"> <li>• Highways England Historical Railways Estate</li> <li>• ES Pipelines Ltd</li> <li>• ESP Networks Ltd</li> <li>• Fulcrum Pipelines Limited</li> </ul>
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<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

- Harlaxton Gas Networks Limited
- Leep Gas Networks Limited
- Murphy Gas Networks limited
- Squire Energy Limited
- ESP Electricity Limited
- Forbury Assets Limited
- Independent Power Networks Limited
- Indigo Power Limited
- Last Mile Electricity Ltd
- National Grid Electricity System Operator Limited

The Applicant's **Consultation Report (Doc 5.1)** does not explain why the bodies identified above have not 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.

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 4.3)**.

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest 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 the PA2008, unless there is a specific justification why this is not necessary.

7	Section 42(1) (aa) the Marine Management Organisation <sup>6</sup> ?	<b>Not Applicable.</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes.</b></p> <p><b>Appendix E-1 of the Consultation Report (Doc 5.6)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 28 May 2021.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Braintree District Council</li> <li>• Chelmsford City Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Babergh District Council</li> <li>• Basildon Borough Council</li> <li>• Brentwood Borough Council</li> <li>• Colchester Borough Council</li> <li>• Epping Forest District Council</li> <li>• Maldon District Council</li> <li>• Rochford District Council</li> </ul>

<sup>6</sup> 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

<sup>7</sup> 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"> <li>• South Cambridgeshire District Council</li> <li>• Uttlesford District Council</li> <li>• West Suffolk Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Cambridgeshire County Council</li> <li>• Hertfordshire County Council</li> <li>• London Borough of Enfield</li> <li>• London Borough of Havering</li> <li>• London Borough of Redbridge</li> <li>• London Borough of Waltham Forest</li> <li>• Medway Council</li> <li>• Southend-on-Sea Borough Council</li> <li>• Suffolk County Council</li> <li>• Thurrock Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.7)</b>.</p> <p>The Applicant has identified the Greater London Authority as a 'D' authority within <b>Appendix E-1</b> of the <b>Consultation Report (Doc 5.6)</b> and have consulted this body. This was not required as this authority is a consultee under section 43 (1)(c) for applications within the Greater London.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p><b>Yes.</b></p> <p>Although the Applicant has identified that the scheme is located within the area of Essex County Council, and therefore does not fall within Greater London, the Applicant consulted the Greater London Authority.</p>



10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes.</b></p> <p><b>Appendix E-2</b> of the <b>Consultation Report (Doc 5.6)</b> states that all persons identified under s42(1)(d) were consulted on 28 May 2021.</p> <p><b>Paragraphs 6.2.7 to 6.2.9</b> of the <b>Consultation Report (Doc 5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>. These paragraphs outline the approach taken to identify relevant land interests.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix E-2</b> of the <b>Consultation Report (Doc 5.6)</b>.</p> <p>A sample of the letter is provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.7)</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
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><b>Yes.</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.7)</b>.</p> <p>The sample letter dated 28 May 2021 confirmed that consultation commenced on 1 June 2021 and closed on 13 July 2021, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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	<p><b>Yes.</b></p> <p>The Applicant gave notice under s46 on 27 May 2021, which was before the beginning of s42 consultation.</p>

<sup>8</sup> 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.

	before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	A copy of the s46 notification letter is provided at <b>Appendix G-1</b> of the <b>Consultation Report (Doc 5.8)</b> but no copy of s46 notification acknowledgement letter has been provided. Nevertheless, a copy of the s46 notification acknowledgement letter is available on the project page of the National Infrastructure Planning website at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010118/EN010118-000070-Acknowledgement%20of%20receipt%20of%20information_.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010118/EN010118-000070-Acknowledgement%20of%20receipt%20of%20information_.pdf</a> .
<b>Section 47: Duty to consult local community</b>		
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?	<b>Yes.</b> A copy of the final SoCC is provided at <b>Appendix D-1</b> of the <b>Consultation Report (Doc 5.5)</b> .
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?	<b>Yes.</b> <b>Section 5.5</b> of the <b>Consultation Report (Doc 5.1)</b> provides information that the Applicant sent the draft SoCC to Braintree District Council and Chelmsford City Council ('B Authority'); and Essex County Council ('C' authority) on 10 March 2021 and set a deadline of 9 April 2021 for responses; providing more than the required minimum time for responses to be received.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<b>Yes.</b> <b>Appendix C-4</b> of the <b>Consultation Report (Doc 5.4)</b> provides a summary of the consultation responses from Braintree District Council, Essex County Council and Chelmsford City Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content. Examples of changes from the draft SoCC to the final SoCC include: <ul style="list-style-type: none"> <li>• materials in alternative formats, such as an alternative language, will be provided on request.</li> <li>• the Applicant changed the consultation start date so that it did not clash</li> </ul>

		<p>with the local post-election period.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>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>	<p><b>Yes.</b></p> <p>The Applicant has made the SoCC publicly available on its website (<a href="https://www.longfieldsolarfarm.co.uk/downloads/">https://www.longfieldsolarfarm.co.uk/downloads/</a>) from 20 May 2021. The Government has confirmed that placing materials on a website maintained by or on behalf of the Applicant meets the requirement to place information on public deposit in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.</p> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Braintree and Witham Times – 27 May 2021</li> <li>• Chelmsford and Mid Essex Times – 27 May 2021</li> <li>• Essex Chronicle – 27 May 2021</li> </ul> <p>The published SoCC notice, provided at <b>Appendix D-1</b> of the <b>Consultation Report (Doc 5.5)</b>, states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.5)</b>.</p>
17	<p>Does the SoCC set out whether the development is EIA development<sup>9</sup>; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p><b>Yes.</b></p> <p><b>Paragraphs 1.6.1 to 1.6.3</b> of the final SoCC at <b>Appendix D1</b> of the <b>Consultation Report (Doc 5.5)</b> set out that the development is EIA development and how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes.</b></p> <p><b>Table D3.1</b> in <b>Appendix D3 (Doc 5.5)</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendix D3</b> of the <b>Consultation Report (Doc 5.1)</b> provide evidence that the commitments within the final SoCC have been carried out.</p>
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**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?	<p><b>Yes.</b></p> <p><b>Paragraph 6.5.1</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“S48 of the PA 2008 imposes a duty on the Applicant to publish a notice of the proposed application in accordance with Regulation 4 of the APFP Regulations.”</i></p> <p><b>Table 6-6</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix I1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix I1</b> of the <b>Consultation Report (Doc 5.1)</b>:</p>
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		<b>Newspaper(s)</b>	<b>Date</b>
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"> <li>• Braintree and Witham Times</li> <li>• Essex Chronicle</li> <li>• Chelmsford and Mid Essex Times</li> </ul>	<p>27 May 2021 and 3 June 2021</p> <p>27 May 2021 and 3 June 2021</p> <p>27 May 2021 to 26 June 2021</p>

b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Guardian</li> </ul>	1 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"> <li>The London Gazette</li> </ul>	1 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  <ul style="list-style-type: none"> <li>N/A</li> <li>N/A</li> </ul>	N/A  N/A N/A																							
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes.</b> The published s48 notice, supplied at <b>Appendix I-1</b> of the <b>Consultation Report (Doc 5.1)</b> , contains the required information as set out below:																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>the name and address of the Applicant.</td> <td style="text-align: center;">1</td> <td>b)</td> <td>a statement that the Applicant intends to make an application for development consent to the Secretary of State</td> <td style="text-align: center;">1</td> </tr> <tr> <td>c)</td> <td>a statement as to whether the application is EIA development</td> <td style="text-align: center;">3</td> <td>d)</td> <td>a summary of the main proposals, specifying the location or route of the Proposed Development</td> <td style="text-align: center;">2</td> </tr> <tr> <td>e)</td> <td>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</td> <td style="text-align: center;">4 &amp; 5</td> <td>f)</td> <td>the latest date on which those documents, plans and maps will be available for inspection</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>					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	3	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 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	4 & 5	f)	the latest date on which those documents, plans and maps will be available for inspection	5
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	Proposed Development) and times set 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	8	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	10		
21	Are there any observations in respect of the s48 notice provided above?			
	<b>No.</b>			
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 <sup>10</sup> ?	<b>Yes.</b> A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 6.5.6</b> of the <b>Consultation Report (Doc 5.1)</b> . A sample of the s42 consultation letter provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.		
<b>s49: Duty to take account of responses to consultation and publicity</b>				
23	Has the Applicant had regard to any relevant	<b>Yes.</b>		

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

	responses to the s42, s47 and s48 consultation?	<p><b>Chapter 7 and Tables 7-1 to 7-21 of the Consultation Report (Doc 5.1)</b> set 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. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Paragraph 9.1.7 of the Consultation Report (Doc 5.1)</b> states that the Applicant considers that it has taken into consideration all relevant statutory and other guidance. <b>Appendix M1 of the Consultation Report (Doc 5.14)</b> provides information on compliance with all relevant statutory and other guidance.</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	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
<b>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)</b>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> </ul>	<p><b>Yes.</b></p> <p><b>Section 4 of the Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5 of the Application Form (Doc 1.3)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p>

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

	<ul style="list-style-type: none"> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	A <b>Location Plan (Doc 2.5)</b> has been provided.			
27	Is it accompanied by a Consultation Report?	<b>Yes.</b> The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2 to 5.14)</b> .			
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes.</b>			
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:			
<b>Information</b>		<b>Document</b>	<b>Information</b>		<b>Document</b>
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Environmental Statement (Doc 6.1)</b> <b>EIA Scoping Opinion (Doc 6.2 1B)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>
	Is this of a satisfactory standard?	Yes (with some minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with some minor discrepancies as noted in Box 30)

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

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations



c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.3)</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with some minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>Flood Risk Assessment (Doc 6.2 9A)</b>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>Statutory Nuisance Statement (Doc 7.5)</b>
	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)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.2)</b>	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	<b>Land Plans (Doc 2.1)</b>

			<p>Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	
	Is this of a satisfactory standard?	Yes (with some minor discrepancies as noted in Box 30)	Is this of a satisfactory standard?	Yes
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be</p>	<b>Work Plans (Doc 2.2)</b>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p><b>Streets, Rights of Way and Access Plans (Doc 2.3)</b></p>

	carried out and any limits of deviation provided for in the draft DCO				
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-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, together with an assessment of any effects on such sites, features, habitats or</p>	<p><b>(i) Figure 2.1: Environmental Constraints (Doc 6.3)</b></p> <p><b>Figure 8.2: Non-statutory Ecological Sites within 2km of the Order limits (Doc 6.3)</b></p> <p><b>Figure 10.4: National Landscape Character Areas (Doc 6.3)</b></p> <p><b>Figure 10.4: National Landscape Character Areas (Doc 6.3)</b></p> <p><b>Figure 10.5: County Landscape Character Areas (Doc 6.3)</b></p> <p><b>Figure 10.6: District Landscape Character Areas (Doc 6.3)</b></p> <p><b>Figure 10.7: Local</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>Figure 7.1: Archaeological Assets (Doc 6.3)</b></p> <p><b>Figure 7.2: Built Heritage Assets (Doc 6.3)</b></p> <p><b>Assessment of effects is provided in ES Chapter 7 (Doc 6.1) and Appendices 7A to 7D (Doc 6.2)</b></p>

<p>bodies likely to be caused by the Proposed Development</p>	<p><b>Landscape Character Areas (Doc 6.3)</b></p> <p><b>Assessments of effects are provided in ES Chapters 8, 10 and 16 (Doc 6.2) and Appendices 10E, 10F and 16A (Doc 6.2)</b></p> <p><b>(ii) Figure 8.1: Statutory Designated Ecological Sites (Doc 6.3)</b></p> <p><b>Figure 8.2: Non-statutory Ecological Sites (Doc 6.3)</b></p> <p><b>Assessments of effects are provided in ES Chapter 8 (Doc 6.1), Appendices 8C to 8K (Doc 6.2), and Habitats Regulations Assessment (Doc 6.7)</b></p> <p><b>(iii) Figure 9.1: Water Resource Features and Attributes (Doc 6.3)</b></p> <p><b>Assessments of effects are provided in ES Chapter 9 (Doc 6.1) and Appendices 9A and 9B</b></p>		
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		<b>(Doc 6.3)</b>		
	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	<b>N/A</b>	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  <b>Traffic Regulation Plans (TTM) (Doc 2.4)</b> <b>Location Plan (Doc 2.5)</b>
	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:	<b>Grid Connection Statement (Doc 7.4)</b>	q)	Any other documents considered necessary to support the application  <b>Statement of Need (Doc 7.1)</b> <b>Planning Statement (Doc 7.2)</b> <b>Design Statement (Doc 7.3)</b> <b>Design Principles (Doc 7.3.A)</b> <b>Biodiversity Design (Doc 7.3.B)</b>

				<b>Outline Battery Safety Management Plan (Doc 7.6)</b> <b>Mineral Safeguarding Assessment (Doc 7.7)</b> <b>Minerals Infrastructure Impact Assessment (Doc 7.8)</b> <b>Waste Infrastructure Impact Assessment (Doc 7.9)</b> <b>Outline Construction Environmental Management Plan including as an Appendix the Outline Soils Resource Management Plan (Doc 7.10)</b> <b>Outline Operational Environmental Management Plan (Doc 7.11)</b> <b>Decommissioning Strategy (Doc 7.12)</b> <b>Outline Landscape and Ecology Management Plan (Doc 7.13)</b>
	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?			
	Below are the examples of some of errors and inconsistencies identified within the application document suite:			

**Draft Development Consent Order (dDCO) (Doc 3.1) – Schedule 13** “Documents and plans to be certified” fails to correctly address the “vegetation removal plan” document reference.

**Draft Development Consent Order (dDCO) (Doc 3.1) – The Bulls Lodge substation extension drainage strategy (Doc 6.2\_9D)** is included in document reference 6.2 as opposed to 6.1.

**Draft Development Consent Order (dDCO) (Doc 3.1) – The Flood Risk Assessment (Doc 6.2\_9A)** is included in document reference 6.2 as opposed to 6.1.

**Draft Development Consent Order (dDCO) (Doc 3.1) – The Biodiversity Design Strategy (Doc 7.3B)** is referred to in **Schedule 13** of the **dDCO** as 7.3.

**Draft Development Consent Order (dDCO) (Doc 3.1) – The Outline Design Principle (Doc 7.3A)** document is referred to in **Schedule 13** of the **dDCO** as 7.3.

**Planning Statement (Doc 7.2)** – There are a number of broken citations within the text of chapter 2, Appendix D and the Planning Conformity Tables of this document.

**Minerals Infrastructure Impact Assessment (Doc 7.8)** – There are broken citations within the text of this document.

**Appendix E1 of the Consultation Report (Doc 5.6)** – All authorities consulted under s42 of the PA2008 are referred to as host authorities.

**Consultation Report (Doc 5.1)** – The Applicant has referred to **Appendix E-1** in section 22 of their **s55 checklist (Doc 1.4)** and in **Paragraph 6.5.6** of the **Consultation Report (Doc 5.1)** as containing the sample of the s42 consultation letter. However, the relevant Appendix which shows “a sample of the s42 consultation letter” appears to be in **Appendix F-1** of the **Consultation Report (Doc 5.7)**.

**ES Chapter 7: Cultural Heritage (Doc 6.1)** - When describing the embedded design measures, paragraphs 7.7.3, 7.7.4 and 7.7.6 all refer to Figures 3-1 to 3-3. No Figure 3-3 has been submitted with the application and Figures 3-1 and 3-2 do not appear to relate to the embedded measures.

**ES Chapter 10: Landscape and Visual (Doc 6.1)** - The ‘Mitigation/Enhancement measures’ in Tables 10-7 to 10-10 all state ‘as above’, including the first rows. As such, no information is provided in these columns.

**Statement of Reasons (Doc 4.1) and Book of Reference (Doc 4.3)**

SoR refers to Part 6 in BoR in relation to SUs (**Paragraphs 9.3.1, 9.3.5 and 9.3.6**). Part 6 is not clearly identified, and the file is titled BoR parts 1-5. Also note that National Grid, Network Rail, Northumbrian Water and Eastern Power Networks Ltd are identified in BoR all of which would be potential SUs for the purposes of section 127 PA 2008. The Applicant should ensure the SoR and/or BoR is updated in next iteration to remove any ambiguity and clearly identify Part 6 (and the SUs affected). Updates should also be provided on any discussions that have taken place with all SUs whose interests may be affected.

SoR also refers to discussions taking place with Anglian Water as SU (**Paragraph 9.6.3**). Anglian Water are not identified in BoR and it is unclear what interests would be affected by CA powers sought.

Typographical error identified in BoR Plot No 7/1D - “..together withand..”

BoR - Plot no 8/1D/1 – refers to Essex CC in respect of FP113\_33. FP 113\_33 not included in description.

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)?<sup>14</sup>

**Yes.**

A Habitat Regulations Assessment (HRA) Report has been provided (**Doc 6.7**).

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.

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.

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations



32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>No hard copies requested.</b>
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?	<b>Yes.</b> <b>Section 1.3</b> of the <b>Covering Letter (Doc 1.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.  The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 21 February 2022; before the application was made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	Simon Raywood	28-3-22
Acceptance Inspector	Rory Cridland	28-3-22

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

<sup>16</sup> 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