



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: August 2022

Oaklands Farm Solar Park 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
		8 February 2024	7 March 2024	5 March 2024
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 (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?	<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 section 14 of the PA2008. The development is for the construction of a Generating Station and satisfies section 15 of the PA2008; including subsection 1, and subsection 2.</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>		

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)

	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?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) 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?	Yes On 14 April 2022 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 21 April 2022 . A copy of the notification letter is provided at Appendix 10.4 of the Consultation Report (Doc 5.2) .
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?	Yes There are 21 host and neighbouring authorities, of which 14 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 8 February 2024.

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

		<p>All 14 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 objections to make. These local authorities were:</p> <ul style="list-style-type: none"> • Amber Valley Borough Council (A authority) • Erewash Borough Council (A authority) • East Staffordshire Borough Council (A authority) • North West Leicestershire District Council (A authority) • Derby City Council (A authority) • Lichfield District Council (A authority) • South Derbyshire District Council (B authority) • Derbyshire County Council (C authority) • Cheshire East Council (D authority) • Nottinghamshire County Council (D authority) • Sheffield City Council (D authority) • Staffordshire County Council (D authority) • Stockport Metropolitan Borough Council (D authority) • Peak District National Park Authority (D authority) <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010122/documents</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) at Appendix 10.1 of the Consultation Report (Doc 5.2). The consultation ran from Thursday 21 April 2022 until 6 June 2022.</p> <p>A sample of the letter dated 20 April 2022 sent to s42(1)(a) consultees is provided at Appendix 10.6 of the Consultation Report (Doc 5.2).</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"> • Canal and River Trust • UK Health Security Agency • The Crown Estate • The Office for Nuclear Regulation • Network Rail • National Highways Historical Railways Estate • Northern Gas Networks Limited • Wales and West Utilities Ltd • Squire Energy Limited (now Stark Works) • Mua Electricity Limited • Optimal Power Networks Limited • National Grid System Operation 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</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>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 4.3).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000335 and https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000334</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	N/A
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 10.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b).</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • South Derbyshire District Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Derbyshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Amber Valley Borough Council • Derby 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"> • Derbyshire Dales District Council • East Staffordshire Borough Council • Erewash Borough Council • Lichfield District Council • North West Leicestershire District Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Barnsley Metropolitan Borough Council • Cheshire East Council • Kirklees Metropolitan Council • Leicestershire County Council • Nottinghamshire County Council • Oldham Metropolitan Borough Council • Peak District National Park • Rotherham Metropolitan Borough Council • Sheffield City Council • Staffordshire County Council • Stockport Metropolitan Borough Council • Tameside Metropolitan Borough Council <p>A sample of the letter dated 20 April 2022 sent to s42(1)(b) relevant authorities is provided at Appendix 10.6 of the Consultation Report (Doc 5.2).</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>Chapter 19 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted.</p> <p>Paragraph 17.2.1 of the Consultation Report (Doc 5.1) lists an additional 4 parties who fall under s42(1)(d) but had not previously been identified and/or formally consulted. Paragraph 17.2.4 of the Consultation Report (Doc 5.1) confirms that these parties were consulted on 7 February 2024 running until 7 March 2024.</p> <p>Sections 8.5 and 10.6 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).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix 10.1 of the Consultation Report (Doc 5.2).</p> <p>Samples of the letters are provided at Appendix 10.3 (dated 13 April 2022) and Appendix 17.1 (dated 7 February 2024) of the Consultation Report (Doc 5.2).</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 10.6 of the Consultation Report (Doc 5.2).</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.

		The sample letter dated 20 April 2022 confirmed that consultation commenced on 21 April 2022 and closed on 6 June 2022, providing more than the required minimum time for receipt of responses.
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 14 April 2022, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 10.4 of the Consultation Report (Doc 5.2) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 10.5 of the Consultation Report (Doc 5.2).</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 11.2 of the Consultation Report (Doc 5.2).</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 South Derbyshire Council ('B' Authority) and Derbyshire County Council ('C' authority) on 16 December 2021 and set a deadline of 31 January 2022 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Table 11.2 of the Consultation Report (Doc 5.3) provides a summary of the consultation responses from South Derbyshire District Council, Derbyshire County Council and North West Leicestershire District Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p>

		<p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • The Applicant has committed to placing section 47 notices in the Burton Mail as well as the Derby Telegraph in the final SoCC. • All neighbouring Parish Councils have been included in the mailing of consultation information for statutory consultation, this was reflected in updated wording in the SoCC. • Additional engagement with other social media accounts will be sought wherever possible and engagement with local groups and media organisations will seek to encourage sharing of consultation information via their own social media accounts. Confirmation of this approach has been inserted into the final SoCC. <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 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 is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Swadlincote Library and Information Centre, Swadlincote Library, Civic Way, Swadlincote, Derbyshire, DE11 0AD • Barton Under Needwood Community Library, Barton Under Needwood Library, Dunstall Road, Barton-under-Needwood, Staffordshire, DE13 8AX • Burton Library, Riverside, Burton upon Trent, Staffordshire, DE14 1AH • On the project website: www.baywa-re.co.uk/en/solar/oaklands-solar-farm <p>A notice stating when and where the final SoCC could be inspected was published in:</p>

		<ul style="list-style-type: none"> • Burton Mail on 7 April 2022 • Derby Telegraph on 7 April 2022 <p>The published SoCC notice, provided at Appendix 11.3 and Appendix 11.4 of the Consultation Report (Doc 5.2) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 11.4 of the Consultation Report (Doc 5.2).</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 1.14 and 1.16 of the final SoCC at Appendix 11.2 of the Consultation Report (Doc 5.2) sets out that the development is EIA development and sets 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>Sections 11.7 - 11.13 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Appendices 11.3 - 11.19 of the Consultation Report (Doc 5.2) provide evidence that the commitments within the final SoCC have been carried out.</p>
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 (as amended) APFP Regulations 2009?	<p>Yes</p> <p>Paragraph 12.7.1 of the Consultation Report (Doc 5.1) states that as required under section 48 of the 2008 Act, the application was published to seek views from the public on the proposed development.</p> <p>Table 12.1 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</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

		<p>A copy of the s48 notice is provided at Appendix 12.1 of the Consultation Report (Doc 5.2).</p> <p>Clippings of the published notices set out below are provided at Appendix 12.2 of the Consultation Report (Doc 5.2).</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"> The Derby Telegraph The Burton Mail 	21 April 2022 28 April 2022 21 April 2022 28 April 2022
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Times 	21 April 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> The London Gazette 	21 April 2022
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 the (as amended) APFP Regulations 2009?	<p>Yes</p> <p>The published s48 notice, supplied at Appendix 12.1 and Appendix 12.2 of the Consultation Report (Doc 5.2), contains the required information as set out below:</p>	
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 and 4
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 and 14	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	8 and 9	h)	details of how to respond to the publicity	10
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	11			

21	<p>Are there any observations in respect of the s48 notice provided above?</p> <p>Yes.</p> <p>The s48 notice states that a full set of consultation documents can be provided free of charge on a USB drive, however no fee is stated for documents requested in hard copy format.</p> <p>The place on the website where the documents, plans and maps may be inspected is not stated.</p>	
22	<p>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 Regulations¹⁰?</p>	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 12.7.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 10.6 of the Consultation Report (Doc 5.2) confirms a copy of the s48 notice was enclosed.</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>		
23	<p>Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Yes</p> <p>Chapter 13 and Chapter 14 of the Consultation Report (Doc 5.1) and Appendix 13.1 and 14.1 of the Consultation Report (Doc 5.2) 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. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p> <p>The application was submitted to the Inspectorate with a targeted consultation ongoing, running from 7 February 2024 until 7 March 2024. Paragraph 17.2.1 of the Consultation Report (Doc 5.1) lists an additional 4 parties who fall</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

		under s42(1)(d) but had not previously been identified and/or formally consulted. Whilst parties should be given early notice of projects, and an opportunity to express their view regarding them, the Inspectorate considers that, in this instance, the Applicant has satisfactorily explained at Chapter 17 of the Consultation Report how it has dealt with any new interests in land having regard to their duties to consult and take account of any responses.
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 4.2 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 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.
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 1.2) explains why the development falls within the remit of the Planning Inspectorate. 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. A Site Location Plan (Doc 2.1) has been provided.

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

27	Is it accompanied by a Consultation Report?	Yes The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.2) .
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:
Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement Volume 1: main text (Doc 6.1) Volume 2: Figures (6.1) Volume 3: Appendices (Doc 6.1) Volume 4: Visualisations (Doc 6.1) Non-technical summary (Doc 6.2) Appendix 2.2 - Scoping Opinion (Doc 6.1)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
Information		Document
b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)

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

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 4.3)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	Appendix 8.1: Flood Risk Assessment and Outline Drainage Strategy (Doc 6.1)	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	Statement in Respect of Statutory Nuisance (Doc 7.4) The statement identified the following potential nuisances as a result of the Proposed Development: <ul style="list-style-type: none"> • air emissions; • artificial light; and • noise and vibration. Mitigation measures are proposed to be included within a Construction Environmental Management Plan (CEMP) which will seek to limit adverse effects from air emissions (specifically dust) and noise and vibration and artificial lighting. The CEMP will be secured in the draft Development Consent Order.
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement	Statement of Reasons (Doc 4.1)	i)	A Land Plan identifying:-	Land Plan (Doc 2.2)

	(where the application involves any Compulsory Acquisition)	Funding Statement (Doc 4.2)		(i) the land required for, or affected by, the Proposed Development;	
				(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;	
				(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	
				(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		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	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,	Streets, Access and Rights of Way Plan (Doc 2.4)

	<p>proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>		<p>extinguishments or creation of rights of way or public rights of navigation</p>	
	<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies as noted in Box 30)</p>	<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies as noted in Box 30)</p>
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p>	<p>(i) Figure 6.1: Statutory Designated Sites (Appendix 6.5 Phase 1 Habitat Survey Report) (Doc 6.1)</p> <p>Figure 6.2: Non-statutory Designated Sites (Appendix 6.5 Phase 1 Habitat Survey Report) (Doc 6.1)</p> <p>(ii) Figure 6.5.1a: Phase 1 Habitat Plan North (Appendix 6.5 Phase 1 Habitat Survey Report) (Doc 6.1)</p> <p>Figure 6.5.1b: Phase 1 Habitat Plan South</p>	m)	<p>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</p> <p>Figure 7.1: Heritage assets identified as potentially susceptible to effects (Chapter 7 Figures 7.1) (Doc 6.1)</p> <p>An assessment of effects on these sites is presented in ES Chapter 7: Historic Environment.</p>

<p>(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</p>	<p>(Appendix 6.5 – Phase 1 Habitat Survey Report) (Doc 6.1)</p> <p>Figure 6.15a: Important Hedgerow Assessment North (Appendix 6.15) (Doc 6.1)</p> <p>Figure 6.15b: Important Hedgerow Assessment South (Appendix 6.15) (Doc 6.1)</p> <p>(iii) Figure 8.1: Catchment of the River Mease (Chapter 8 Figures 8.1 to 8.3) (Doc 6.1)</p> <p>Figure 8.3: Site location and River Basin Management Plan catchments (Chapter 8 Figures 8.1 to 8.3). (Doc 6.1)</p> <p>An assessment of effects on these sites and features is presented in Environmental Statement Chapters 5: Landscape and Visual, Chapter 6: Ecology and Chapter 8 Water resources and Flood Risk.</p>		<p>the Proposed Development</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	N/A
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard?	N/A
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Grid Connection Statement (Doc 7.3)	q)	Any other documents considered necessary to support the application	Consents and Agreements Position Statement (Doc 3.3) Planning Statement (Doc 7.1) Design Statement (Doc 7.2)
	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?				
	Land Plan (Doc 2.2) No labelling to identify which sheet is being viewed despite the cut lines included on each sheet referring to other sheets.				

Plot boundaries are not clearly outlined/identifiable.

Temporary Possession not included in key. The Book of Reference (BoR) refers to Temporary Possession plots as coloured in yellow on the Land Plan.

Plots 01-021 and 03-058 are shown coloured pink in the Land Plan but are listed as Temporary Possession in the Book of Reference (BoR).

Works Plan (Doc 2.3)

Works no. 2, 3, 4d, 6 and 8 are not labelled on Sheets 3 and 4.

Works Plan (Doc 2.3) and Streets, Access and Rights of Way Plan (Doc 2.4)

Roads referred to in the draft Development Consent Order are not named on the plans.

Draft Development Consent Order (Doc 3.1)

AS-A2 marked on Sheet 1 of the Streets, Access and Rights of Way Plan is omitted from Schedule 4.

Schedule 6 includes plot 03-057 as Temporary Possession which is not in the BoR, however plot number 03-058 is listed as Temporary Possession in the BoR.

Explanatory Memorandum (Doc 3.2)

Work no. 5b is omitted.

Book of Reference (BoR) (Doc 4.3)

Plots 02-055 and 02-056 include Cross Britain Way, a public right of way however the relevant highways authority is not listed in Part 1 of the BoR.

Consultation Report (Doc 5.1)

Paragraph 10.8.3 states that a letter was issued by post to all identified section 42 consultees on 14 April 2022. The letter at Appendix 10.3 is dated 13 April 2022 and at Appendix 10.6 is dated 20 April 2022.

Table 10.3 includes several references to 2024 in the date column.

Consultation Report Appendices (Doc 5.2)

The letter at Appendix 10.3 titled 'Section 42 Letter to Landowners, Occupiers and those with an interest 20 April 2022' is dated 13 April 2022.

The title page reference has been duplicated for Appendix 11.15 Statutory Consultation Exhibition Boards and Appendix 11.15 Statutory Consultation Virtual Exhibition.

Paragraph numbers are omitted from Appendix 11.2 Final Published Statement of Community Consultation.

ES Chapter 8 Appendix 8.1 Flood Risk Assessment and Outline Drainage Strategy (Doc 6.1)

No evidence of agreement of approach with the Environment Agency.

Footnote references are included within the main text, but no actual footnotes are included so it is not possible to know exactly what is being referred to.

Section 51 advice has been issued to the Applicant in respect of the above matters:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000335>

and

<https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000334>

<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</p>	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report is provided at Appendix 6.2 of the Environmental Statement has been provided (Doc 6.2).</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>
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¹⁴ 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 ¹⁵	No hard copies requested.
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>The application covering letter (Doc 1.1) 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: https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000335 and https://infrastructure.planninginspectorate.gov.uk/document/EN010122-000334</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 24 January 2024; before the application was made.

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

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>Naoual Margoum</i>	5 March 2024
Acceptance Inspector	<i>Stuart Cowperthwaite</i>	5 March 2024

