



Mallard Pass

Solar Farm

Mallard Pass Solar Farm

Section 55 Checklist

November 2022

PINS Ref: EN010127

Document Ref: EN010127/APP/1.4

Revision P0

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
2009 - Reg 5 (2)(q)



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: October 2019

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 Housing, Communities and Local Government.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
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)?	Yes.	Mallard Pass Solar Farm (Proposed Development) is a Nationally Significant Infrastructure Project (NSIP) under Sections 14(1)(a) and 15(1) and (2) of the Planning Act 2008 (PA 2008), as it consists of a solar PV array electricity generating facility, which will have a capacity exceeding 50 megawatts (MW). The Proposed Development is set out in Schedule 1 of the draft Development Consent Order (DCO) [EN010127/APP/3.1] .	

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>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>	<p>This is set out in the Application Form [EN010127/APP/1.3] in Section 4 and explained further at paragraphs 1.1.2 and 1.1.4 of the Explanatory Memorandum [EN010127/APP/3.2] to the draft Development Consent Order (DCO). The Covering Letter [EN010127/APP/1.1] clearly states that this application (the Application) is for a development consent order under the Planning Act 2008.</p> <p>A non-technical description of the Proposed Development is included in the Guide to the Application [EN010127/APP/1.2]. A more detailed technical description of the Proposed Development is included in Chapter 5 of the Environmental Statement (ES) [EN010127/APP/6.1].</p>
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</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. A formal request for a Scoping Opinion was submitted to Planning Inspectorate (PINS) in accordance with Regulation 10(1) of the EIA Regulations on 7 February 2022. The Scoping Report is provided at Appendix 2.1 of the Environmental Statement (ES) [EN010127/APP/6.2]. The Scoping Opinion was received from PINS on 18 March 2022 and is provided at Appendix 2.2 of the ES [EN010127/APP/6.2]</p> <p>On 20th May 2022, the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of the Environmental Impact Assessment Regulations 2017 that they proposed to provide an ES in respect of the Proposed Development. The notification was given to the PINS before statutory consultation was commenced on 26 May 2022 pursuant to Section 42 of the PA 2008.</p> <p>A copy of the notification letter is provided at the Consultation Report [EN010127/APP/5.1].</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)

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?	No such representations were received; however, it is envisaged that the Planning Inspectorate will request upon submission of the Application that relevant local authorities provide an adequacy of consultation statement pursuant to PINS Advice Note 14.
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. The Applicant has provided a list of persons consulted under Section 42(1)(a) on 26 May 2022 at Appendix 3 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1].</p> <p>This list of persons consulted was produced using Schedule 1 of APFP, as well as individuals who were identified specifically by the Secretary of State within the Scoping Opinion submission. Regard was had to the Planning Inspectorate's Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies.</p> <p>The following information was provided to the consultees under Section 42(1)(a):</p> <ul style="list-style-type: none"> • Section 42 cover letter (please see a copy in Appendix 3 [EN010127/APP/5.2] of Consultation Document [EN010127/APP/5.1]); • Plan showing the location of the Proposed Development (see Appendix 3 [EN010127/APP/5.2] of Consultation Document [EN010127/APP/5.1]); • Copy of Section 48 Notice (see Appendix 3 [EN010127/APP/5.2] of Consultation Document [EN010127/APP/5.1]); • A link to all consultation materials, including the PEIR, PEIR NTS, Consultation booklet, consultation leaflet and consultation feedback form (see Appendix 3 [EN010127/APP/5.2] of Consultation Document [EN010127/APP/5.1]).

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

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Not applicable. The Marine Management Organisation (MMO) was not consulted as the Proposed Development does not involve offshore development or development within tidal waters. The MMO is not a relevant consultee in respect of the Proposed Development.
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes. Table 14 of the Consultation Report [EN010127/APP/5.1] lists the relevant local authorities that were consulted under Section 43 and Section 42(1)(b) of the PA 2009.</p> <p>The eight 'A' authorities consulted were:</p> <ul style="list-style-type: none"> • Melton Borough Council • Harborough District Council • North Northamptonshire Council • South Holland District Council • North Kesteven District Council • Newark and Sherwood District Council • Leicestershire County Council • Nottinghamshire County Council <p>The two 'B' authorities consulted were:</p> <ul style="list-style-type: none"> • Rutland County Council • South Kesteven District Council <p>The one 'C' authority consulted was:</p> <ul style="list-style-type: none"> • Lincolnshire County Council <p>The four 'D' authorities consulted were:</p>

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 Lincolnshire Council • Cambridgeshire County Council • Norfolk County Council • North East Lincolnshire Council. <p>Alongside the above authorities, the Applicant engaged with Peterborough City Council with the core consultation zone slightly extending into their administrative boundaries.</p> <p>The following information was provided to the above consultees under Section 42(1)(a):</p> <ul style="list-style-type: none"> • Section 42 cover letter (please see a copy in Appendix 3 of Consultation Document [EN010127/APP/5.1]); • Plan showing the location of the Proposed Development (see Appendix 3 of Consultation Document [EN010127/APP/5.1]); • Copy of Section 48 Notice (see Appendix 3 of Consultation Document [EN010127/APP/5.1]); • A link to all consultation materials, including the PEIR, PEIR NTS, Consultation booklet, consultation leaflet and consultation feedback form (see Appendix 3 of Consultation Document [EN010127/APP/5.1]).
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable. the Proposed Development does not fall within Greater London; therefore, Greater London Authority is not a relevant consultee in respect of the Proposed Development.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>As explained in Section 9.2 of the Consultation Report [EN010127/APP/5.1], in line with section 42(1)(d) of the PA 2008, the Applicant consulted with landowners, lessees, tenants or occupiers (Category 1 persons, as per s44(1)); those with an interest in the land or certain powers with respect to the land (Category 2 persons, s44(2)); and those</p>

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

		<p>who the Applicant considered would or might be entitled to make a relevant claim under s44(4) (Category 3 persons).</p> <p>Landowners, lessees, tenants or occupiers (Category 1 persons as per section 44(1)) were identified via a diligent inquiry process covering research methods: title information, land interest questionnaire, and internet-based research. Further details on the methodology of this diligent enquiry process are provided in Section 9.5 of the Consultation Report [EN010127/APP/5.1]. Those with an interest in the land or certain powers with respect to the land (Category 2 persons as per section 44(2)) were identified using title information, requests for information and collaboration with the wider project team to identify any interests not identified through the land referencing process.</p> <p>These people are listed in the Book of Reference [EN010127/APP/4.3].</p> <p>All relevant interests with the potential to make a claim under Section 10 (s10) of the Compulsory Purchase Act 1965 because they are in benefit of a restrictive right or covenant over land within the Order limits, have been included within the Book of Reference [EN010127/APP/4.3] as Category 2 and Category 3 persons.</p> <p>All relevant interests with the potential to make a claim under Section 152(3) of the PA 2008 because they are in benefit of a restrictive right or covenant over land within the Order limits, have been included within the Book of Reference [EN010127/APP/4.3] as Category 2 and Category 3 persons.</p> <p>The Applicant wrote by recorded delivery to consultees identified under s42(1)(d) of the PA 2008 on 26 May 2022 setting out the background to the Proposed Development, the Applicant's intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under s42(1)(d) of the PA 2008, the documents being provided as part of the consultation, and how to respond to the consultation. An example of the letter sent to consultees is included in Appendix 3.3 of the Consultation Report [EN010127/APP/5.2].</p>
<p>Section 45: Timetable for s42 consultation</p>		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the</p>	<p>Yes. The Applicant wrote formally to all consultees identified under s42 of the PA 2008 to notify them of the consultation. Each of the letters issued to the Section 42 consultees clearly stated a deadline for the receipt of consultation responses.</p>

	Applicant 28 days or more starting with the day after receipt of the consultation documents?	Each of the letters were issued on the 26 May 2022 and provided a deadline for comments no later than 04 August 2022, therefore allowing in excess of 28 days to provide comments. A copy of the letter can be found at Appendix 3 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1] .
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. Prior to commencing Section 42 consultation, the Applicant notified the Secretary of State of its intention to submit an application for development consent.</p> <p>The letter was sent to the Planning Inspectorate electronically on 20 May 2022, prior to the Section 42 consultation beginning on 23 May 2022. A copy of the letter can be found at Appendix 2 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1].</p> <p>A response, acknowledging receipt of this notification, was received from PINS on 23 May 2022 and can be found in Appendix 2.5 [EN010127/APP/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. A draft SoCC was produced setting out how the Applicant proposed to consult on the Proposed Development with the relevant local authorities, alongside Peterborough City Council. Alongside the above, the Applicant went on to share the draft SoCC with stakeholders as they saw fit, circulating the document with a number of Town Councils, Parish Councils and Meetings, and the campaign group MPAG.</p> <p>A copy of the final published SoCC can be found in Appendix 6 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/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. The draft SoCC was sent to the relevant local authorities (and Peterborough City Council) on 23 March 2022 providing the statutory 28-day response period for comments by giving a consultation period of 30 days, asking for all comments to be received by 22 April 2022.</p> <p>A copy of the letters sent to the relevant local authorities can be found in Appendix 6.1 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1].</p>

		Table 15 of the Consultation Report [EN010127/APP/5.1] sets out the preliminary comments received on the draft SoCC from the respective local authorities.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes. The Applicant had regard to all responses received from local authorities consulted when preparing the SoCC, as shown in Table 15 and Table 16 of the Consultation Report [EN010127/APP/5.1]. .
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes. As stated in Chapter 7 of the Consultation Report [EN010127/APP/5.1] the SoCC has been made publicly available for inspection in a way that is reasonably convenient for people living in the vicinity of the land. Following the SoCC being published on 19 May 2022, the Applicant made it available for the public to view, print and download via the Proposed Development website as well as delivered hard copies to CAP site across the core consultation zone.</p> <p>A notice was published in the Rutland and Stamford Mercury on 20 May 2022, which circulates within the vicinity of the land, which states where and when the SoCC can be inspected. A copy of this notice can be found within Appendix 6.4 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/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?	Yes. Table 16 and Table 17 of the Consultation Report [EN010127/APP/5.1] discusses whether the development is EIA development, alongside setting out how the Applicant intends to publicise and consult on preliminary environmental information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes. The commitments set out in the SoCC have been fulfilled as set out in Section 7.5 and Table 17 of the Consultation Report [EN010127/APP/5.1].
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes. A Section 48 Notice for the Proposed Development was published in the London Gazette on 20 May 2022, the Stamford Mercury on 20 and 27 May 2022 and the Guardian (a national newspaper) on 24 May 2022.

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

		A copy of the Section 48 Notice as published in the newspapers is provided at Appendix 8 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1].	
		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;	Stamford Mercury	20 and 27 May 2022
b)	once in a national newspaper;	The Guardian	24 May 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette No land in Scotland is affected by the Scheme, and there was therefore no requirement to publish in the Edinburgh Gazette.	20 May 2022
d)	where the proposed application relates to offshore development – (ii) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A – the Scheme does not relate to offshore development.	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. The published Section 48 Notice is provided at Appendix 8 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1]. Alongside this, copies of the published newspaper notices are provided at Appendix 8 [EN010127/APP/5.2] of the same document. The published S48 notices contain the required information as set out below:	

Information		Paragraph			
a)	the name and address of the Applicant.	Yes. Paragraph 1 of the Section 48 Notice states: <i>“Notice is hereby given that Mallard Pass Solar Farm Ltd (the “Applicant”) of S10</i>	b)	a statement that the Applicant intends to make an application for development	Yes. Paragraph 1 of the Section 48 Notice states: <i>“Notice is hereby given that Mallard Pass Solar Farm Ltd (the “Applicant”) of S10 Blyth Workspace Commissioners Quay, Quay Road, Blyth, England, NE24 3AG proposes to apply to</i>

		<i>Blyth Workspace Commissioners Quay, Quay Road, Blyth, England, NE24 3AG</i>		consent to the Secretary of State	<i>the Secretary of State for Business, Energy and Industrial Strategy under section 37 of the Planning Act 2008 for the above-mentioned Development Consent Order (the "Application")."</i>
c)	a statement as to whether the application is EIA development	Yes. Paragraph 5 of the Section 48 Notice states: <i>"The Project is an Environmental Impact Assessment (EIA) development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This means that the proposed works involved constitute development for which an EIA is required and the proposed application for a DCO will therefore be accompanied by an Environmental Statement (ES). A Preliminary Environmental Information Report (PEIR) will also be made available for consultation"</i>	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Yes. Paragraph 3 and 4 of the Section 48 Notice (appendix 8 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1] states: <i>"...Partly situated in South Kesteven, Lincolnshire, and partly in Rutland....</i> <i>The Proposed DCO will, among other things, authorise:</i> <ul style="list-style-type: none"> • <i>Construction, operation, maintenance and decommissioning of a solar PV electricity facility with a capacity of over 50MW;</i> • <i>Associated and/pr ancillary works including construction of a substation and cable works to connect to the National Grid substation, the creation of environmental mitigation and enhancement areas and the creation of permissive paths;</i> • <i>Alterations to streets, including the creation and modification of temporary and permanent accesses to the solar site, the temporary removal of street furniture and any necessary temporary diversion and/or stoppings up of public rights of way;</i> • <i>The permanent and/or temporary compulsory acquisition (if required) of land and/or rights;</i>

					<ul style="list-style-type: none"> • <i>The overriding of easements and other rights over or affecting land;</i> • <i>The application and/or disapplication of legislation including inter alia legislation relating to compulsory purchase and landlord and tenant matters; and</i> • <i>Such ancillary, incidental and consequential provisions, licenses, property rights, permits and consents as are necessary and/or convenient for the purposes of the Project.</i>
e)	<p>a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps</p>	<p>Yes. Paragraph 11, 12 and 13 of the Section 48 Notice states:</p> <p><i>“11. For further information or queries, please call 0808 196 8717 (free of charge); write to FREEPOST Mallard Pass Solar Farm (free of charge; you do not need a stamp); email info@MallardPassSolar.co.uk or visit</i></p> <p>████████████████████ ██████████</p> <p><i>12. All consultation materials and further details in relation to the Project can be found on the Project website</i></p> <p>████████████████████ ██████████) and will be</p>	f)	<p>the latest date on which those documents, plans and maps will be available for inspection on the website</p>	<p>Yes. Paragraph 12 of the Section 48 Notice states:</p> <p><i>“12. All consultation materials and further details in relation to the Project can be found on the Project website</i></p> <p>████████████████████) and will be kept online until at least 04 August 2022. These will be free to read, download and print.”</p>

		<p><i>kept online until at least 04 August 2022. These will be free to read, download and print.</i></p> <p><i>13. A full set of consultation documents can also be provided free of charge on USB upon request to the Applicant."</i></p>		
g)	<p>whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge</p>	<p>Yes. Paragraph 14 of the Section 48 Notice states:</p> <p><i>"Additional hard copies of the PEIR can be provided at a cost of £350 per copy. All other consultation documents can be made available in hard copy, large print, audio or braille format, free of charge upon request."</i></p>	h)	<p>details of how to respond to the publicity</p> <p>Yes. Paragraph 16 and 17 of the Section 48 Notice States:</p> <p><i>"16. Feedback forms will also be available to collect at public information events and at the aforementioned public locations (CAPs), to download from the Project website, and be issued upon request. Completed feedback forms can be emailed or posted back to the Applicant at the details provided, or submitted at the public information events.</i></p> <p><i>17. Any responses to or other representation in respect of the Project should be sent to the Applicant by email to info@MallardPassSolar.co.uk or by post (free of charge) to FREEPOST Mallard Pass Solar Farm."</i></p>
i)	<p>a deadline for receipt of those responses by the</p>	<p>Yes. Paragraph 18 of the Section 48 Notice States:</p>		

	Applicant, being not less than 28 days following the date when the notice is last published	<i>“Any response or representation in respect of the proposed DCO must (i) be received by the Applicant on or before Thursday 04 August 2022, (ii) be made in writing, (iii) state the grounds of the response or representation, and (iv) indicate who is making the response or representation.”</i>	
21	Are there any observations in respect of the s48 notice provided above?		
	The notice accords with Section 48 of the Planning Act 2008.		
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 ?	<p>Yes. A copy of the Section 48 Notice was sent to the EIA consultation bodies, as defined in Regulation 3 of the EIA Regulations, as part of the Section 42 consultation. A sample version of the Section 42 consultation letter is provided at Appendix 3 [EN010127/APP/5.2] of the Consultation Report [EN010127/APP/5.1] and confirms a copy of the Section 48 Notice was enclosed as part of the Section 42 consultation pack</p> <p>The Applicant did not receive notification of additional consultees under Regulation 11(1)(c) of the EIA Regulations.</p>	
s49: Duty to take account of responses to consultation and publicity			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes. All responses received to the Consultation under section 42, section 47 and section 48 of the Planning Act 2008 have been considered by the Applicant.</p> <p>Tables 15 and 16 within Chapter 7 of the Consultation Report [EN010127/APP/5.1] set out how the Applicant has had regard to the consultation responses received when preparing both the draft SoCC for consultation and the final SoCC published; including whether or not responses led to changes to the SoCC.</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

		<p>Table 34 within Chapter 11 of the Consultation Report [EN010127/APP/5.1] sets out a summary of the key comments received from section 47 stakeholders and the Applicant's response to each comment is addressed in full in Appendix 4 of the Consultation Report [EN010127/APP/5.2]. These responses have been sorted by EIA topic area.</p> <p>Table 35 within Chapter 12 of the Consultation Report [EN010127/APP/5.1] sets out a summary of the key comments received from the section 42 stakeholders and the Applicant's response to each comment is addressed in full in Appendix 5 of the Consultation Report [EN010127/APP/5.2]. These responses have been sorted by EIA topic area.</p>
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 ?	Paragraph 3.2.1 of the Consultation Report [EN010127/APP/5.1] evidences how the Applicant has complied with the Planning Act 2008: Guidance on the pre-application process.
25	Summary: Section 55(3)(e)	
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	<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"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and 	<p>Yes. The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations.</p> <p>Paragraph 1.1.2 of the Application Covering Letter [EN010127/APP/1.1] provides a brief statement as to why the Proposed Development falls within the remit of the Planning Inspectorate (PINS), as well as section 4 of the Application Form [EN010127/APP/1.3] and paragraph 1.1.5 of the Explanatory Memorandum [EN010127/APP/3.2].</p> <p>Section 5 of the Application Form [EN010127/APP/1.3] provides a brief non-technical description of the Site and Section 6 provides the location of the Proposed Development.</p>

¹¹ 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"> a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	A Site Location Plan [EN010127/APP/2.6] has been provided to show the location of the Proposed Development.									
27	Is it accompanied by a Consultation Report?	Yes. The Application is accompanied by a Consultation Report [EN010127/APP/5.1] and Appendices to the Consultation Report [EN010127/APP/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	<p>Yes. Several plans comprise of three or more separate sheets. These are as follows:</p> <ul style="list-style-type: none"> Land Plans [EN010127/APP/2.1] Works Plans [EN010127/APP/2.2] Illustrative Layout [EN010127/APP/2.3] Access and Rights of Way Plans [EN010127/APP/2.4] Hedgerows Plans [EN010127/APP/2.5] Location Plan [EN010127/APP/2.6] Traffic Regulation Measures Plans [EN010127/APP/2.7] 									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The documents and information required by APFP Regulation 5(2) are set out as listed below. The Guide to the Application [EN010127/APP/1.2] and Application Index [EN010127/APP/1.5] list the documents submitted and the APFP Regulation references									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA Regulations¹³ and any</td> <td>Yes. The Application is accompanied by an Environmental Statement ('ES') comprising the following:</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any	Yes. The Application is accompanied by an Environmental Statement ('ES') comprising the following:	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>Yes. The Application includes a draft DCO [EN010127/APP/3.1]</td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	Yes. The Application includes a draft DCO [EN010127/APP/3.1]
Information	Document										
a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any	Yes. The Application is accompanied by an Environmental Statement ('ES') comprising the following:										
Information	Document										
b) The draft Development Consent Order (DCO)	Yes. The Application includes a draft DCO [EN010127/APP/3.1]										

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

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

	scoping or screening opinions or directions	<ul style="list-style-type: none"> • Environmental Statement – Volume 1 - Main Report [EN010127/APP/6.1] • Environmental Statement – Volume 2 – Appendices [EN010127/APP/6.2] • Environmental Statement – Volume 3 – Figures [EN010127/APP/6.3] • Environmental Statement – Non-technical Summary [EN010127/APP/6.4] • Environmental Statement – Mitigation Schedule in Appendix 17.1 of the ES [EN010127/APP/6.2] • The Environmental Statement is based on the Scoping Report provided in Appendix 2.1 of the ES [EN010127/APP/6.2] and Scoping Opinion provided in Appendix 2.2 of the ES [EN010127/APP/6.2]. 			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Yes. The Application includes an Explanatory Memorandum [EN010127/APP/3.2] . This explains the purpose and effect of the provisions of the draft Development Consent Order [EN010127/APP/3.1]	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Yes. The Application includes a Book of Reference [EN010127/APP/4.3] . This meets DCLG’s Planning Act 2008: guidance related to procedures for the compulsory acquisition of land.

e)	Is this of a satisfactory standard?		f)	Is this of a satisfactory standard?	
	A copy of any Flood Risk Assessment	Yes. The Application includes a Flood Risk Assessment at Environmental Statement – Volume 2 (Appendices) Appendix 11.5 Flood Risk Assessment [EN010127/APP/6.2] .		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	Yes. A Statutory Nuisance Statement is provided as part of the Application [EN010127/APP/7.5] .
h)	Is this of a satisfactory standard?		i)	Is this of a satisfactory standard?	
	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Yes. The Application includes a Statement of Reasons [EN010127/APP/4.1] . In addition, a Funding Statement is also provided [EN010127/APP/4.2] .		A Land Plan identifying:- <ul style="list-style-type: none"> (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 	Yes. The Application includes a Land Plan showing the land required/affected by the Proposed Development [EN010127/APP/2.1] These are in accordance with Regulation 5(2)(i) of the APFP Regulations. Plots and descriptions listed within the Book of Reference [EN010127/APP/4.3] are consistent with the plots shown on the Land Plans.

			easements, servitudes and other private rights; and	
	Is this of a satisfactory standard?		(iv) any special category land and replacement land	
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	Yes. The Application includes a Works Plan [EN010127/APP/2.2] . The Works Plans accord with Regulation 5(2)(j) of the APFP Regulations, and show the proposed location of the development and the limits within which the works are proposed to be carried out.	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
	Is this of a satisfactory standard?		Yes. The Application includes a Access and Rights of Way Plans [EN010127/APP/2.4] . These are in accordance with Regulation 5(2)(k) of the APFP Regulations. The Application also includes a Claimed Public Rights of Way Plan [EN010127/APP/2.8] .	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
l)	Where applicable, a plan with	Yes. A Statutory and Non-Statutory Nature Conservation Designations Plan is	m)	Where applicable, a plan with accompanying information identifying
			Yes.	A Statutory and Non-Statutory Historic Environment Designations Plan is provided

<p>accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation e.g., sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>provided at Environmental Statement Volume 3 – Figure 7.1 (Statutory and Non-Statutory Nature Conservation Designations Plan) [EN010127/APP/6.3]. Supporting assessments are presented in Environmental Statement Chapter 7 (Ecology and Biodiversity) [EN010127/APP/6.1]. In regard to site of geological importance, it is confirmed that there are no RIGS located within the Order Limits. A Non-Statutory Landscape Sites plan is provided at Environmental Statement Volume 3 – Figure 6.2 [EN010127/APP/6.3].</p> <p>A Habitats Regulation Assessment is provided at Environmental Statement Volume 2 – Appendix 7.5 (HRA) [EN010127/APP/6.2]. Supporting assessments are presented in Environmental Statement Chapter 7 (Ecology and Biodiversity) [EN010127/APP/6.1]</p> <p>Water Bodies in a River Basin Management Plan is provided at Environmental Statement Volume 3 – Figure 11.6 (Water Bodies in a River Basin Management Plan) [EN010127/APP/6.3]. Supporting assessments are presented in Environmental Statement Chapter 11</p>	<p>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>at Environmental Statement Volume 3 – Appendix 8.1 (Statutory and Non-Statutory Historic Designations Plan) [EN010127/APP/6.3]. Assessments of the effects have been presented within Chapter 8 (Cultural Heritage) of the Environmental Statement [EN010127/APP/6.1].</p>
--	--	---	---

		(Water Resources and Ground Conditions) [EN010127/APP/6.1] .		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A for this Proposed Development as there is no Crown land within the Order limits.	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
	Is this of a satisfactory standard?			Are they of a satisfactory standard?
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Yes. The Application includes a Grid Connection Statement [EN010127/APP/7.4.]	q)	Any other documents considered necessary to support the application
				The following documents have been included in support of the Application:
				<ul style="list-style-type: none"> • Traffic Regulation Measures Plans [EN010127/APP/2.7] • Illustrative Layout [EN010127/APP/2.3] • Hedgerows Plans [EN010127/APP/2.5] • Location, Order Limits and Grid Coordinates Plan [EN010127/APP/2.6]
				<ul style="list-style-type: none"> • Covering Letter [EN010127/APP/1.1] • Application Guide [EN010127/APP/1.2] • Application Form [EN010127/APP/1.3]

			<ul style="list-style-type: none"> • Electronic Application Index [EN010127/APP/1.5] • Consents and Licenses required under other legislation [EN010127/APP/3.3] • Statement of Need [EN010127/APP/7.1] • Planning Statement [EN010127/APP/7.2] • Design and Access Statement [EN010127/APP/7.3] • Outline Construction Environmental Management Plan [EN010127/APP/7.6] • Outline Operational Environmental Management Plan [EN010127/APP/7.7] • Outline Decommissioning Environmental Management Plan [EN010127/APP/7.8] • Outline Landscape and Ecology Management Plan [EN010127/APP/7.9] • Outline Employment, Skills and Supply Chain [EN010127/APP/7.10] • Outline Construction Traffic Management Plan [EN010127/APP/7.11] • Outline Soil Management Plan (including Excavated Materials)
--	--	--	--

				Management Plan) [EN010127/APP/7.12] <ul style="list-style-type: none"> • Outline Water Management Plan [EN010127/APP/7.13] • Outline Travel Plan [EN010127/APP/7.14]
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	Not applicable			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	Yes. A Habitats Regulation Assessment is provided at Environmental Statement Volume 2 – Appendix 7.5 (HRA) [EN010127/APP/6.2] . The HRA Report identifies relevant European sites and the likely effects on those sites. The HRA Report provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Proposed Development would have an adverse effect on the integrity of any European site. The HRA Report concludes that there will be no likely adverse effects on the integrity of any European sites as a result of the Proposed Development.		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	The Planning Inspectorate wrote to the Applicant on 28 October 2022 and confirmed that no hard copies of the Application are required at the point of submission. The Applicant has not been advised that any documents are required in hard copy.		
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the	The Applicant has had regard to the DCLG guidance 'Planning Act 2008: Application form guidance' when preparing the Application. The Applicant considers that the Application has been prepared to the standards that the SoS considers satisfactory.		

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

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

	application being prepared to a standard that the Planning Inspectorate considers satisfactory?	
34	Summary - s55(3)(f) and s55(5A)	
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 payment of £7488.00 was made on 21 November 2022 by a BACS transfer, in advance of the Application submission. This was confirmed as received by PINS.

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

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.

