



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

Cory Decarbonisation Project Section 55 Acceptance of Applications Checklist

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		21 March 2024	18 April 2024	18 April 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 Sections (s)14 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 s14 of the PA2008. The development is for the construction of a NSIP category and satisfies section 35(1) and 35(ZA) of the PA2008.</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 Draft DCO (Doc 3.1) Schedule 1 and Section 4 of the Application Form (Doc 1.2) demonstrate that the Application as submitted is an application for an order granting development consent under the PA2008 and that the Proposed Scheme is a project of national significance pursuant to a section 35 Direction made by the Secretary of State requiring development consent.
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 18 April 2023 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, alongside submission of a Scoping Report. The notification was received before the start of statutory consultation on 18 October 2023.
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they	Yes

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

	confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p>There are 9 host and neighbouring authorities, of which 6 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 21 March 2024.</p> <p>All 6 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"> • Royal Borough of Greenwich (A authority) • London Borough of Bexley (B authority) • Sevenoaks District Council (A authority) • Dartford Borough Council (A authority) • Kent County Council (D authority)* • London Borough of Bromley (A authority) <p>* Kent County Council noted that they were not originally included in consultations but have since had an opportunity to review the proposals and make their comments to the Applicant.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: Cory Decarbonisation Project - Project information (planninginspectorate.gov.uk)</p>
--	---	--

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 ?	Yes
---	--	------------

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

		<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 18 October 2023 at Appendix H-1 of the Consultation Report (Doc 5.1 Appendices Volume 7).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix C-40 of the Consultation Report (Doc 5.1 Appendices Volume 6).</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"> • Relevant public gas transporters: <ul style="list-style-type: none"> ○ CNG Services Ltd • The relevant electricity distributor with CPO Powers: <ul style="list-style-type: none"> ○ Aidien Ltd ○ Independent Distribution Connection Specialists Ltd ○ Squire Energy Metering Ltd <p>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.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order land and are not listed in the Book of Reference (Doc 4.3).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Yes

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

8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Paragraph 3.6.13 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 18 October 2023.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • London Borough of Bexley <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Sevenoaks District Council • Dartford Borough Council • London Borough of Bromley • London Borough of Havering • Royal Borough of Greenwich • London Borough of Barking and Dagenham • Thurrock Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Kent County Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix C-40 of the Consultation Report (Doc 5.1 Appendices Volume 6).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Yes</p>

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

10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 3.6.18 and Table 14 of the Consultation Report (Doc 5.1) state that all persons identified under s42(1)(d) were consulted on 18 October 2023. Paragraphs 5.2.7 and 5.2.8 of the Consultation Report (Doc 5.1) further state that additional land interests were identified at a later stage and consulted on 26 January 2024.</p> <p>Paragraphs 3.6.18 to 3.6.33 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 in Appendix H-1 of the Consultation Report (Doc 5.1 Appendices Volume 7).</p> <p>A sample of the letter is provided at Appendix C-40 of the Consultation Report (Doc 5.1 Appendices Volume 6).</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 C-40 of the Consultation Report (Doc 5.1 Appendices Volume 6).</p> <p>The sample letter dated 18 October 2023 confirmed that consultation commenced on 18 October 2023 and closed on 29 November 2023, providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed	<p>Yes</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.

	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>The Applicant gave notice under s46 on 18 October 2023, which was on the same date as the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix C-46 of the Consultation Report (Doc 5.1 Appendices Volume 6) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix C-47 of the Consultation Report (Doc 5.1 Appendices Volume 6).</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 A-4 of the Consultation Report (Doc 5.1 Appendices Volume 4).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to the London Borough of Bexley ('B Authority') on 6 September 2023 and set a deadline of 5 October 2023 for responses; providing 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 8 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from the London Borough of Bexley in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>An example of changes from the draft SoCC to the final SoCC is:</p> <ul style="list-style-type: none"> The addition of site notices for consultation publicity to ensure awareness of the proposals for people who use areas in the vicinity of the site but do not live within the catchment area for the proposed local publicity. Table 8 of the Consultation Report (Doc 5.1) states that "while this was not

		<p>added to the SoCC, this specific piece of feedback was responded to and posters were placed around the proposed site”.</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 on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes</p> <p>The final SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Upper Belvedere Community Library • London Borough of Bexley Civic Offices • Belvedere Community Centre <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Bexley and Bromley News Shopper on 4 October 2023 <p>The published SoCC notice, provided at Appendix C-3 of the Consultation Report (Doc 5.1 Appendices Volume 5) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix C-3 of the Consultation Report (Doc 5.1 Appendices Volume 5).</p>
17	<p>Does the SoCC set out whether the development is EIA development⁹; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p>Yes</p> <p>Paragraph 1.5.1 of the final SoCC at Appendix A-4 of the Consultation Report (Doc 5.1 Appendices Vol 4) sets out that the development is EIA development</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

		and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Paragraphs 3.4.1 to 3.4.22 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 14 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendices A-5, B-1, C-3, C-9 to C-30, C-33, C-38, C40 and C-42 of the Consultation Report (Doc 5.1 Appendices Volumes 4, 5, 6 and 7) provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <p>The error with s48 notice publication is noted (see below q.19)</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>No</p> <p>Paragraph 3.8.5 of the Consultation Report (Doc 5.1) states:</p> <p>“The Applicant placed a S48 notice (Appendix C-13) in the Bexley and Bromley News Shopper as the most suitable local publication with a reach covering the Applicant’s consultation zone across Belvedere and Thamesmead. Nationally, the Applicant placed a S48 notice in The Guardian, Fishing News, Lloyd’s List and The London Gazette.”</p> <p>However, paragraphs 3.8.8 to 3.8.11 of the Consultation Report (Doc 5.1) set out that “due to a booking error” the s48 notice only appeared for one week in the Bexley and Bromley News Shopper, on the 18 October 2023, but that the</p>

		<p>Applicant “considers that no members of the community, or stakeholder groups, were disadvantaged by this second notice not appearing”.</p> <p>Table 16 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix C-13 of the Consultation Report (Doc 5.1 Appendices Vol 5).</p> <p>Clippings of the published notices set out below are provided at Appendices C-14 to C-18 of the Consultation Report (Doc 5.1 Appendices Vol 5):</p>																			
		<table border="1"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 70%;">Newspaper(s)</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> Bexley and Bromley News Shopper </td> <td>18 Oct 2023</td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> The Guardian </td> <td>18 Oct 2023</td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> London Gazette </td> <td>19 Oct 2023</td> </tr> <tr> <td>d)</td> <td>where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?</td> <td> <ul style="list-style-type: none"> Lloyds List Fishing News </td> <td>18 Oct 2023 19 Oct 2023</td> </tr> </tbody> </table>		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"> Bexley and Bromley News Shopper 	18 Oct 2023	b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian 	18 Oct 2023	c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> London Gazette 	19 Oct 2023	d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> Lloyds List Fishing News 	18 Oct 2023 19 Oct 2023
	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"> Bexley and Bromley News Shopper 	18 Oct 2023																		
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian 	18 Oct 2023																		
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> London Gazette 	19 Oct 2023																		
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> Lloyds List Fishing News 	18 Oct 2023 19 Oct 2023																		
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 C-13 of the Consultation Report (Doc 5.1 Appendices Vol 5), 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	6	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2 & 3
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. 	8	f)	the latest date on which those documents, plans and maps will be available for inspection	8
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	12	h)	details of how to respond to the publicity	13
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	15			
21	Are there any observations in respect of the s48 notice provided above?				

	<p>Yes</p> <p>It is noted for the reasons set out in Box 19 that the s48 notice only appeared for one week in the local newspaper (Bexley and Bromley News Shopper). Informal advertisements were placed in the same paper for two weeks on 18 October 2023 and 1 November 2023. Copies are provided at Appendix C-32 of the Consultation Report (Doc 5.1 Appendices Volume 5). These notices contained some, although not all, of the information required in the s48 notice, including the deadline for consultation responses.</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 3.6.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix C-40 of the Consultation Report (Doc 5.1) 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 4, Sections 4.1 to 4.5 and Table 25 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. 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>Guidance about pre-application procedure</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

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Paragraph 9.1.1 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p> <p>However, Paragraphs 3.8.7 to 3.8.13 of the Consultation Report (Doc 5.1) describe a booking error which resulted in the Applicants S48 notice appearing only once on 18 October 2023 and therefore did not appear for two consecutive weeks, as set out under Regulation 4(2) of the PA2008.</p>
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	<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 • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 2.1) has been provided.</p>
27	Is it accompanied by a Consultation Report?	Yes

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

		The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1) .			
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	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (ES), Chapters 1-22 (Doc 6.1); ES Figures – Part 1-2 (Doc 6.2); ES Appendices (Doc 6.3); and ES Non-Technical Summary (Doc 6.4).	b)	The draft Development Consent Order (DCO)	Document title (Doc 3.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a Book of Reference	Book of Reference (Doc 4.3)

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

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

e)	Is this of a satisfactory standard?	Yes	f)	Is this of a satisfactory standard?	Yes
	A copy of any Flood Risk Assessment	ES Appendix 11-2 – Flood Risk Assessment (Doc 6.3)		A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Statutory Nuisance Statement (Doc 5.9) This addresses relevant matters set out in s79(1) of the Environmental Protection Act 1990 (statutory nuisances), including landscape and visual amenity (Section 3.1), fumes or gases emissions (Section 4.1), dust emissions (Section 4.2), waste disposal and land contamination (Section 4.3), artificial light emissions (Section 4.4) and noise and vibration (Section 4.5).
h)	Is this of a satisfactory standard?	Yes, with minor discrepancies as noted in Box 30	i)	Is this of a satisfactory standard?	Yes
	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.2)		A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;	Land Plans (Doc 2.2)

			(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 proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Works Plans (Doc 2.3)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation Access and Right of Way Plan (Doc 2.4)

	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
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>(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>(i) Environmental Features Plans (Doc 2.7) - sheet 3: Statutory and Non-Statutory Ecological Designated Sites</p> <p>ES Figure 7-2: Internationally Important Statutory Designated Sites (Doc 6.2)</p> <p>ES Figure 7-3: Nationally Important Statutory Designated Sites (Doc 6.2)</p> <p>ES Figure 7-4: Locally Important Non-Statutory Designated Sites (Doc 6.2)</p> <p>ES Figure 10-2: Townscape and Visual Site Context (Doc 6.2)</p> <p>The assessments of effects on such sites are provided in:</p> <p>ES Chapter 7: Terrestrial Biodiversity (Doc 6.1.7)</p> <p>ES Chapter 8: Marine Biodiversity (Doc 6.1.8)</p> <p>ES Chapter 9: Historic Environment (Doc 6.1.9)</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 the Proposed Development</p>	<p>ES Figure 9-2: Historic Environment Features Map (Doc 6.2)</p> <p>Figure 3 of Appendix 9-1: Historic Environment Desk-based Assessment (Doc 6.3)</p> <p>Environmental Features Plans (Doc 2.7) - sheet 4: Heritage Features</p> <p>The assessment of effects is provided in:</p> <p>ES Chapter 9: Historic Environment (Doc 6.1.9)</p>

	<p>ES Chapter 10: Townscape and Visual (Doc 6.1.10)</p> <p>(ii) ES Figure 7- 5: Habitats of Principal Importance (Doc 6.2)</p> <p>ES Figure 7- 6: Site UKHAB Survey Map (Doc 6.2)</p> <p>ES Figure 8-5: Marine Habitats (Doc 6.2)</p> <p>The assessments of effects are provided in:</p> <p>ES Chapter 7: Terrestrial Biodiversity (Doc 6.1)</p> <p>ES Chapter 8: Marine Biodiversity (Doc 6.1)</p> <p>(iii) ES Figure 11-1: Water Environment Study Areas (Doc 6.2)</p> <p>ES Figure 11-2: Surface Water Features (Doc 6.2)</p> <p>ES Figure 11-3: Flood Zones (Doc 6.2)</p> <p>The assessments of effects are provided in:</p>			
--	---	--	--	--

		ES Chapter 11: Water Environment and Flood Risk (Doc 6.1) ES Appendix 11-1: Water Framework Directive Assessment (Doc 6.3)		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	o)	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 Site Location Plan (Doc 2.1) Engineering Plans: Indicative Equipment Layout (Doc 2.5) Traffic Regulation Measures (Doc 2.6) Extended Crossness Local Nature Reserve Plan (Doc 2.9) Engineering Plans: Elevations (Doc 2.10) Engineering Plans: Proposed Export Jetty Indicative Elevations (Doc 2.12)
	Is this of a satisfactory standard?	Yes, with minor discrepancies as noted in Box 30		Are they of a satisfactory standard? Yes, with minor discrepancies as noted in Box 30
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	N/A	q)	Any other documents considered necessary to support the application Covering Letter (Doc 1.1) Application Form (Document Reference 1.2)

					<p>Application Guide (Doc 1.3)</p> <p>Application Document Tracker (Doc 1.4)</p> <p>Electronic Application Index (Doc 1.5)</p> <p>Section 55 Checklist (Doc 1.6)</p> <p>Glossary (Doc 1.7)</p> <p>Consultation Report (Doc 5.1)</p> <p>Planning Statement (Doc 5.2)</p> <p>Policy Accordance Tracker (Doc 5.3)</p> <p>Project Benefits Report (Doc 5.4)</p> <p>Other Consents and Licences (Doc 5.5)</p> <p>Design Approach Document (Doc 5.6)</p> <p>Design Principles and Design Code (Doc 5.7)</p> <p>Potential main issues for the Examination (PMIE) (Doc 5.8)</p> <p>Heads of Terms for development consent obligation (s106 agreement) Doc 7.1)</p>
--	--	--	--	--	--

				<p>Outline Drainage Strategy (Doc 7.2)</p> <p>Outline Lighting Strategy (Doc 7.3)</p> <p>Outline Code of Construction Practice (Doc 7.4)</p> <p>Terrestrial Site Alternatives Report (Doc 7.5)</p> <p>Jetty Site Alternatives Report (Doc 7.6)</p> <p>Framework Construction Traffic Management Plan (Doc 7.7)</p> <p>Mitigation Schedule (Doc 7.8)</p> <p>Outline Landscape, Access, Biodiversity and Recreation Delivery Strategy (Doc 7.9)</p> <p>Outline Site Waste Management Plan (Doc 7.10)</p> <p>Outline Emergency Preparedness and Response Plan (Doc 7.11)</p>
	Are they of a satisfactory standard?	N/A	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?			

ES Appendix 11-2 – Flood Risk Assessment (FRA) (Doc 6.3)

Whilst it is noted that the exception test appears to consider the requirements of Flood Zone 3b, the FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b.

It is unclear from the information presented whether the Proposed Development would result in no net loss of floodplain storage.

Plans – generally (Docs 2.1 to 2.12)

There appears to be a variety of map bases: the local nature reserve plan has adequate labelling but on most of the other plans the mapping is very faint and background detail eg street names and locations are missing, which makes it difficult for the reader to identify what is where: a common map base for all plans which is clear, legible and well labelled should be considered.

Land Plans (Doc 2.2)

Plot 1-062 is listed in the BoR as permanent acquisition of rights within category 1, but within the dDCO as categories 1 and 5.

Where land plots cross over both sheets of the plan, they appear to have been split in two with two separate reference numbers (e.g. 1-004A and 2-006A, 1-113 and 2-004).

The mapping is very faint and background detail eg street names and locations are missing, which makes it difficult for the reader to identify what is where.

The land plan and works plan map bases/scales are different: having identical map bases at the same scale would help parties to cross refer between plot numbers and works numbers.

Paragraph 4.4.6 states and the land plan shows land subject to temporary possession only as shaded yellow: green is the colour usually used.

Works Plans (Doc 2.3)

The mapping is very faint and background detail eg street names and locations is missing, which makes it difficult for the reader to identify what is where.

The works plan map bases/scales are different from the land plan: having all map bases the same and at the same scale would help parties to cross refer between plot numbers and works numbers.

Access and Rights of Way Plan (Doc 2.4)

The access and rights of way plan and the works plan map bases/scales are different: having all map bases the same and at the same scale would help parties to cross refer.

Funding Statement (Doc 4.2)

The Applicant provided unaudited accounts up to 31 December 2023 for Cory Environmental Holdings Limited stating total net assets in excess of £850 million (including cash reserves of £23.5m).. Para 2.2.3 says that the 2022 audited accounts are attached at Appendix B but we cannot locate these.

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

[EN010128-000237-s51 advice following acceptance FINAL.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/EN010128-000237-s51%20advice%20following%20acceptance%20FINAL.pdf)

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>Yes</p> <p>A Habitats Regulations Assessment (HRA) Report is provided at Appendix 7-3 of the ES (Doc 6.3).</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>
--	---

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?	Yes Application Guide (Doc 1.3) 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	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. 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: EN010128-000237-s51 advice following acceptance FINAL.pdf (planninginspectorate.gov.uk)
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 14 March 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>Sarah Norris</i>	18 April 2024
Acceptance Inspector	<i>Guy Rigby</i>	18 April 2024

