



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: February 2023

Gate Burton 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 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
		27 January 2023	24 February 2023	22 February 2023
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	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 6.1) 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 14(1)(a) and section 15(1) and section 15(2) 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)

	(s)14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 6.1) 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 12 November 2021 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 22 June 2022. A copy of the notification letter is provided at Appendix A-1 of the Consultation Report (Doc 4.2) .
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B',	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

<p>'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 22 host and neighbouring authorities, of which 13 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 30 January 2023.</p> <p>All 13 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"> • Bolsover District Council (A authority) • Newark and Sherwood District Council (A authority) • Nottinghamshire County Council (C authority) • Peterborough City Council (D authority) • Cambridgeshire County Council (D Authority) • North East Lincolnshire Council (A and D Authority) • North Lincolnshire Council (A and D Authority) • Nottingham City Council (D Authority) • South Yorkshire Mayoral Combined Authority (D Authority) • West Lindsey District Council (B Authority)* • Lincolnshire County Council (C Authority)* • Bassetlaw District Council (B Authority) • Lincoln City Council (A Authority) <p>* Lincolnshire County Council and West Lindsey District Council. During the acceptance period, a representation from the public was received, from 7000 Acres, annexed to the Lincolnshire County Council and West Lindsey District Council AoCRs. The 7000 Acres representation included concerns about Pre-application Consultation and how this was undertaken by the Applicant, including compliance</p>
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		<p>with the Planning Act 2008 (as amended) requirements. Questions are raised about compliance with the Draft National Policy Statement for Energy suite (EN-3), application of the Rochdale Envelope, the quality and content of the Consultation Documentation, merits of the Application and consideration of Cumulative Effects. Lincolnshire County Council had no comment on the representation. West Lindsey District Council referred to concerns expressed by 7000 Acres in relation to the accessibility and comprehensibility of consultation information to the average local resident but did not say whether they agree with those concerns.</p> <p>The Consultation Report (Doc 4.1) explains how, at a project wide level, the Applicant has had regard to consultation responses. Consequently, the Planning Inspectorate, on behalf of the Secretary of State, considers that this should not prevent the project from proceeding to Examination. Whilst the issues raised by these submissions are of potential relevance to an Examination, it will be open to the parties concerned to make representations on them in their Relevant Representation or submissions to the Examination which the Examining Authority will then take into account. All parties will have the opportunity to make representations on these and other matters during the Examination.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/gate-burton-energy-park/?ipcsection=docs&stage=app&filter1=Adequacy+of+Consultation+Representation</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 ?	Yes.
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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 Applicant has provided a list of persons consulted under s42(1)(a) on 16 June 2022 at Appendix F1 of the Consultation Report (Doc 4.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix I-12 of the Consultation Report (Doc 4.2).</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 were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Cottam Power Station • National Grid Electricity System Operator Limited • Kexby Parish Council <p>The Applicant's Consultation Report (Doc 4.1) 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 lands and are not listed in the Book of Reference (Doc 6.6).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN010131-00448</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes.</p> <p>Paragraph 7.2.4 of the Consultation Report (Doc 4.1) states the Marine Management Organisation was consulted due to the Order limits inclusion of the river Trent.</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

8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes.</p> <p>Table 7-1 of the Consultation Report (Doc 4.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 16 June 2022</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • West Lindsey District Council • Bassetlaw District Council <p>The host 'C' authorities were consulted:</p> <ul style="list-style-type: none"> • Nottinghamshire County Council • Lincolnshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • North Kesteven District Council • Lincoln City Council • Newark and Sherwood District Council • Mansfield District Council • Bolsover District Council • East Lindsey District Council • Rotherham Metropolitan Borough Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Rutland County Council

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 Northamptonshire Council • Nottingham City Council • Peterborough City Council • Cambridgeshire County Council • Norfolk County Council • Derbyshire County Council • Leicestershire County Council <p>The Boundary 'A' and 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council • North Lincolnshire Council • Doncaster Metropolitan Borough Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix F-3 of the Consultation Report (Doc 4.2).</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>Paragraph 7.5.1 of the Consultation Report (Doc 4.1) states that all persons identified under s42(1)(d) were sent consultation letters on the 16 June 2022 explaining that the consultation scheme will begin on the 22 June 2022.</p> <p>Paragraphs 7.5.1 to 7.5.17 of the Consultation Report (Doc 4.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an</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.

		<p>interest in lands affected by the draft DCO (6.6). The full methodology undertaken by the Applicant is provided in Appendix 7.5 of the Consultation Report (Doc 4.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix F-2 of the Consultation Report (Doc 4.2).</p> <p>A sample of the letter is provided at Appendix F-3 of the Consultation Report (Doc 4.2).</p>
Section 45: Timetable for s42 consultation		
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 Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix F-3 of the Consultation Report (Doc 4.2).</p> <p>The sample letter dated 16 June 2022 confirmed that consultation commenced on 22 June 2022 and closed on 05 August 2022. The Inspectorate notes that the sample letter was dated the 16 June 2022, however the letters were sent by recorded delivery on the 17 June 2022 as stated in paragraph 7.7.4 of the Consultation Report (Doc 4.1) providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	<p>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>	<p>Yes.</p> <p>The Applicant gave notice under s46 on 16 June 2022, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix A-3 of the Consultation Report (Doc 4.2) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix A-3 of the Consultation Report (Doc 4.2).</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 D-1 of the Consultation Report (Doc 4.2).</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>Paragraph 5.3.1 of the Consultation Report (Doc 4.1) states that the Applicant sent the draft SoCC to West Lindsey District Council ('B Authority'), Bassetlaw District Council ('B' Authority), Lincolnshire County Council ('C' Authority) and Nottinghamshire County Council ('C' Authority) on 11 April 2022 and set a deadline of 13 May 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>Appendices C-4 and C-5 of the Consultation Report (Doc 4.2) provides a summary of the consultation responses from West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council and Nottinghamshire County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to its content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • The Applicant extended the core consultation zone to include the settlement of Sturton-by-Stow and used an Ordnance Survey data to produce an updated map showing the core consultation zone with features and settlements lying within it being labelled for clarity; • The Applicant acted on the recommendation to include the Market Rasen Mail in the list of regional news outlets where Section 47, Section 48 Notices and informal consultation advertisements were placed, and press releases issued; • The Applicant included an additional appendix setting out the names of those relevant gateway organisations and bodies representing the interests of

		<p>identified seldom heard groups to whom information about the consultation was provided.</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 Applicant's website at: https://www.gateburtonenergypark.co.uk/documents/statement-community-consultation/</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"> • Saxilby Library (Lincolnshire) • Gainsborough Library (Lincolnshire) • Lincoln Central Library (Lincolnshire) • West Lindsey District Council (Lincolnshire) • Retford Library (Nottinghamshire) <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Market Rasen Mail – 8 June 2022 • Lincolnshire Echo – 9 June 2022 • Retford Times – 9 June 2022 • Gainsborough Standard – 9 June 2022 <p>The published SoCC notice, provided at Appendix D-2 of the Consultation Report (Doc 4.2) states where and when the final SoCC was available to inspect.</p>

		Clippings of the published advertisements are provided at Appendix D-2 of the Consultation Report (Doc 4.2) .
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. Paragraph 1.8 of the final SoCC at Appendix D-1 of the Consultation Report (Doc 4.2) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes. Paragraphs 6.2.1 to 6.2.5 of the Consultation Report (Doc 4.1) set out how the community consultation was carried out in line with the final SoCC. Table 5-3 of the Consultation Report (Doc 4.1) sets out how the Applicant has complied with the commitments set out in the final SoCC. Appendices C-4 and C-5 of the Consultation Report (Doc 4.2) provide evidence that the commitments within the final SoCC have been carried out.
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	Yes. Paragraph 8.1.1 of the Consultation Report (Doc 4.1) states: “Section 48 of the PA 2008 imposes a duty on the Applicant to publish a notice of the proposed application in accordance with Regulation 4 of the APFP Regulations.” Table 8-1 of the Consultation Report (Doc 4.1) displays the newspapers and dates of s48 publicity as set out below. A copy of the s48 notice is provided at Appendix G-1 of the Consultation Report (Doc 4.2) .

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

		Clippings of the published notices set out below are provided at Appendix E-21 of the Consultation Report (Doc 4.2) :	
		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"> • Market Rasen Mail • Lincolnshire Echo • Gainsborough Standard • Retford Times • Gainsborough Standard (09 and 16 June 2022) 	<p>08 and 15 June 2022</p> <p>09 and 16 June 2022</p> <p>09 and 16 June 2022</p> <p>09 and 16 June 2022</p> <p>09 and 16 June 2022</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Guardian 	11 June 2022
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 	15 June 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 APFP Regulations, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes.</p> <p>The published s48 notice, supplied at Appendix E-21 of the Consultation Report (Doc 4.2), contains the required information as set out below:</p>
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Information		Information	
	Paragraph		Paragraph
a)	the name and address of the Applicant.	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	d)	a summary of the main proposals, specifying the location or route of the Proposed Development
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. 	f)	the latest date on which those documents, plans and maps will be available for inspection

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	13			
21	Are there any observations in respect of the s48 notice provided above? No.				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<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 8.2.4 of the Consultation Report (Doc 4.1).</p> <p>A sample of the s42 consultation letter provided at Appendix I-12 of the Consultation Report (Doc 4.2) confirms a copy of the s48 notice was enclosed.</p>			
s49: Duty to take account of responses to consultation and publicity					
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Chapter 9 of the Consultation Report (Doc 4.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p>			

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

		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.
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 ?	Table 12.1 of the Consultation Report (Doc 4.1) 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. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here: https://infrastructure.planninginspectorate.gov.uk/document/EN010131-000448
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 	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 Location Plan (Doc 5.1) 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

	<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? 				
27	Is it accompanied by a Consultation Report?	Yes. The application is accompanied by a Consultation Report (Doc 4.1) and Consultation Report Appendices (Doc 4.2) .			
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	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (Doc 3.1) ES Chapters 1-17 Non-technical Summary (Doc 3.4) Scoping Opinion - ES Appendix 1-B (Doc 3.3)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (6.1)
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	Yes.

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 6.2)	d)	Where applicable, a Book of Reference	Book of Reference (Doc 6.6)
	Is this of a satisfactory standard?	Yes (<i>with minor discrepancies set out in box 30</i>).		Is this of a satisfactory standard?	Yes.
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (Doc 3.3 ES Appendix 9-D)	f)	<p>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</p>	<p>Statement of Statutory Nuisance (Doc 3.5) – this addresses Air Emissions (Section 4.2), Artificial Light (Section 4.3) and Noise and Vibration (Section 4.4).</p> <p>Section 4 of the Statement of Statutory Nuisance (Doc 3.5) sets out the mitigation measures proposed for these nuisances.</p> <p>These are secured through the Construction Environmental Management Plan, the Decommissioning Environmental Management Plan, Construction Resource Management Plan, Operational Environmental Management Plan and the Decommissioning Resource Management Plan in requirements 12, 13 and 19.</p>

	Is this of a satisfactory standard?	Yes (<i>with minor discrepancies set out in box 30</i>).		Is this of a satisfactory standard?	Yes.
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 6.4) Funding Statement (Doc 6.7)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Land Plan (Doc 5.6)

	Is this of a satisfactory standard?	Yes (with minor discrepancy set out in box 30).		Is this of a satisfactory standard?	Yes (with minor discrepancy set out 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 5.2)	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	Streets, Rights of Way and Access Plans (Doc 5.3)
	Is this of a satisfactory standard?	Yes (with minor discrepancies set out in box 30).		Is this of a satisfactory standard?	Yes (with minor discrepancies set out in box 30).
l)	Where applicable, a plan with accompanying information identifying:-	(i) Statutory and Non-Statutory Nature Conservation Sites Plan (Doc 3.6) An assessment of effects on statutory and non-statutory nature conservation sites is outlined in	m)	Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or	Statutory and Non-statutory Historic Site Plans (Doc 3.7) An assessment of effects on statutory or non-statutory sites or features of the historic environment is outlined in

<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, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Table 8-11 of ES Chapter 8 (Doc 3.1) – Ecology and Nature Conservation.</p> <p>This is supported by ES Figure 8.1 and 8.2 (Doc 3.2).</p> <p>(ii) Phase 1 Habitat Survey (Doc 3.2)</p> <p>An assessment of effects on habitats of protected species is outlined in Table 8-12 of ES Chapter 8 – Ecology and Nature Conservation (Doc 3.1).</p> <p>This is supported by ES Figure 8.3 (Doc 3.2)</p> <p>(iii) Waterbodies in a River Basin Management Plan (Doc 3.9)</p> <p>An assessment of effects on water bodies is outlined in Section 9.10 of document ES Chapter 9 – Water Environment (Doc 3.1).</p> <p>This is supported by ES Figure 9.1 (Doc 3.2) and ES Appendix 9-A (Water Framework Directive Assessment) (Doc 3.3).</p>	<p>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>Section 7.10 of document ES Chapter 7 – Cultural Heritage (Doc 3.1).</p> <p>This is supported by ES Figure 7.1 and 7.2 (Doc 3.2), as well as ES Appendix 7-A (3.3) (Cultural Heritage Desk Based Assessment) and 7-B (Gazetteer of Known Heritage Assets).</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	Crown Land Plan (Doc 5.7)	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	Traffic Regulation Measures Plan (Doc 5.5) Location Plan (Doc 5.1)
	Is this of a satisfactory standard?	Yes.		Are they of a satisfactory standard?	Yes (<i>with minor discrepancies set out in box 30</i>).
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Grid Connection Statement (Doc 7.11)	q)	Any other documents considered necessary to support the application	Yes , as detailed in box 23 of the Application Form (Doc 1.2)
	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?				
	Flood Risk Assessment - Figure 9.2 (Doc 3.3)				

- It is not clear from the legend which colour represents Flood Zone 2 and 3.

Explanatory Memorandum (Doc 6.2)

- The Explanatory Memorandum (EM) includes elements of information which obscure the document. The need for some provisions hasn't been included and the format of the EM makes it difficult to follow when being read in conjunction with other documents.

Statement of Reasons (Doc 6.4)

- Clarification on the small area of white land, referenced at paragraph 1.3.3.

Land Plan (Doc 5.6)

- Ensure all identifiers used within the BoR are clearly labelled on the Land Plans, for example, 3/1 uses east of Jubilee Plantation, Knaith as identifiers but are not on the plans. The Applicant should also note that the geographical identifiers should be easily visible.
- Inconsistency in colouring of plots outside of cut lines, for example sheet 3 to 5 and 5 to 9 of the Land Plans has all colour plots removed however the yellow colouring is still visible.
- Appears to be a typing error in the Key description - 'to be to be'.
- Ensure all plots in inserts are clearly labelled, e.g., 5/12 not labelled on insert A

Works Plans (Doc 5.2)

- Alphanumeric annotation is not referenced in the legend or any other documents you would expect to see it in, e.g., B1, B2, B3.
- Base Layer on plans appears to be faint and hard to interpret.
- Ensure consistency between colours used in the Legend e.g., yellow colour is bright on legend but appears dull on plan.

Streets, Rights of Way and Access Plans (Doc 5.3)

- Land identified outside of the order limits and order land has not been marked yellow. This is inconsistent with other plans provided.
- Consistency required on what information is provided past a cut line, for example on sheet 6, no works are provided after the cut line on sheet 8. However, on sheet 9 works from sheet 11 have been included past the cut line.
- Clarify 1/04 description, which is not clear if it pertains to the Westbound carriageway. Difficult to interpret from plans.
- Labelling of road names and identifiers used are obscured or not easily identifiable e.g., 7/01, 7/02 and 7/03

Traffic Regulation Measures Plan (Doc 5.5)

	<ul style="list-style-type: none"> - Ensure consistency of cut lines and that all identifiers are correctly included. - Labelling of road names and identifiers used are obscured or not easily identifiable – e.g. Sheet 5 and sheet 9/10 - Clay Lane <p>Section 51 advice has been issued to the Applicant in respect of the above matters: https://infrastructure.planninginspectorate.gov.uk/document/EN010131-000448</p>	
31	<p>Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?¹⁴</p>	<p>Yes.</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (Doc 7.2).</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. Agreement with Natural England on the outcomes of the assessment and the approach is not provided.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans¹⁵</p>	<p>No hard copies requested.</p>
33	<p>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</p>	<p>Yes.</p> <p>Section 1.3 of the Covering Letter and Section 55 Checklist (Doc 1.1) explains how the Applicant has had regard to statutory guidance on the form of the application.</p>

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

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

	that the Planning Inspectorate considers satisfactory?	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: https://infrastructure.planninginspectorate.gov.uk/document/EN010131-000448
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 17 January 2023 before the application was made.

Role	Electronic signature	Date
Case Manager	<i>Paige Hanlon</i>	22 February 2023
Acceptance Inspector	<i>Ken Stone</i>	22 February 2023

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

