



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

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

18 April 2023

## West Burton Solar Farm Section 55 Acceptance of Applications Checklist

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

**DISCLAIMER:** This Checklist 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
		<b>Tuesday 21 March 2023</b>	<b>Tuesday 18 April 2023</b>	<b>Tuesday 18 April 2023</b>
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 <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1 of Draft Development Consent Order (Application Document Reference (Doc) WB3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of a Generating Station and satisfies section 15 of the PA2008; including subsection 1 and subsection 2. The Applicant states that the Generating Station is intended to have a Generation Capacity of more than 50 MW.</p>		

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

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

	<p>category or categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>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?</p>	<p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc WB1.1)</b> which states that the application is for an NSIP.</p>
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	<p>The Planning Inspectorate is satisfied that the <b>Draft Development Consent Order (Doc WB3.1)</b> includes development for which development consent is required.</p>
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p><b>Yes</b></p> <p>On 20 January 2022 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation 9 June 2022.</p> <p>A copy of the notification letter has not been provided with the Application, but copies of the Scoping Report and the Secretary of State's Scoping Opinion can be found within the documents on the project webpage of the Planning Inspectorate's National Infrastructure website  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/west-burton-solar-project/?ipcsection=docs">https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/west-burton-solar-project/?ipcsection=docs</a>.</p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations)

5	<p>Have any Adequacy of Consultation Representations<sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p><b>Yes</b></p> <p>There are 22 host and neighbouring authorities, of which 12<sup>5</sup> responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 23 March 2024.</p> <p>All 12 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> <li>• North Kesteven District Council (A authority)</li> <li>• Newark and Sherwood District Council (A authority)</li> <li>• City of Lincoln Council (A authority)</li> <li>• Lincolnshire County Council (C authority)</li> <li>• Norfolk County Council (D authority)</li> <li>• North East Lincolnshire Council (A and D authority)</li> <li>• East Lindsey District Council (A authority)</li> <li>• Nottinghamshire County Council (C authority)</li> <li>• Peterborough City Council (D authority)</li> <li>• Cambridge County Council (D authority)</li> <li>• Derbyshire County Council (D authority)</li> <li>• West Lindsey District Council (B Authority)</li> </ul> <p><b>West Lindsey District Council.</b> During the acceptance period, a representation from the public was received, from 7000 Acres, annexed to</p>
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<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

<sup>5</sup> The Inspectorate received an acknowledgement of receipt of the Inspectorate's request from North Lincolnshire Council but no substantive response. This acknowledgement has not been included in the number of responses set out above.

		<p>West Lindsey District Council's AoCR. The 7000 Acres representation included concerns about Pre-application Consultation and how this was undertaken by the Applicant, including compliance 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.</p> <p>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 <b>Consultation Report (Doc WB5.1)</b> 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: <a href="https://www.planninginspectorate.gov.uk/west-burton-solar-project/">West Burton Solar Project   National Infrastructure Planning (planninginspectorate.gov.uk)</a></p>
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**Section 42: Duty to consult**

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed <sup>6</sup> ?	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 15 June 2022 at <b>Appendix WB5.10</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix WB5.10</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<p><b>Yes</b></p> <p>Due to the tidal nature of the river Trent in this area the Marine Management Organisation was a statutory consultee. It is stated in the <b>Consultation Report (Doc WB5.1)</b> that due to uncertainty about whether the Marine Management Organisation had received their consultation documentation for the Statutory Consultation, a targeted consultation period was undertaken in December 2022 and January 2023.</p>
8	Section 42(1)(b) each local authority within s43 <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Table 9.1</b> of the <b>Consultation Report (Doc WB5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 13 June 2022.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• West Lindsey District Council</li> <li>• Bassetlaw District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Lincolnshire County Council</li> <li>• Nottinghamshire County Council</li> </ul>

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

<sup>7</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• North Kesteven District Council</li> <li>• Newark and Sherwood District Council</li> <li>• Mansfield District Council</li> <li>• Bolsover District Council</li> <li>• East Lindsey District Council</li> <li>• City of Lincoln Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Rutland County Council</li> <li>• North Northamptonshire Council</li> <li>• Nottingham City Council</li> <li>• Peterborough City Council</li> <li>• Cambridgeshire County Council</li> <li>• Derbyshire County Council</li> <li>• Norfolk County Council</li> <li>• Leicestershire County Council</li> </ul> <p>The boundary 'A' and 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• City of Doncaster council, formerly Doncaster Metropolitan Borough Council</li> <li>• North East Lincolnshire Council</li> <li>• North Lincolnshire Council</li> <li>• Rotherham District Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix 5.10</b> of the <b>Consultation Report (Doc WB5.10)</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>N/A</b>

10	Section 42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 9.6.2</b> of the <b>Consultation Report (Doc WB5.1)</b> states that all persons identified under s42(1)(d) were consulted on 14 June 2022.</p> <p><b>Paragraph 1.1.1</b> of <b>Appendix 5.10</b> of the Consultation Report (<b>Doc WB5.10</b>) indicates that further consultation was undertaken on 25 July 2022, in relation to updated agricultural land classification information and on 28 November 2022 in respect of amendments to the West Burton 3 proposals.</p> <p><b>Paragraphs 9.6.2 to 9.6.10</b> of the <b>Consultation Report (Doc WB5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc WB3.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 5.10</b> of the <b>Consultation Report (Doc WB5.10)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 5.10</b> of the <b>Consultation Report (Doc WB5.10)</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so, was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix 5.10 (Doc WB5.10)</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p> <p>The sample letter dated 15 June 2022 confirmed that consultation commenced on 15 June 2022 and closed on 27 July 2022, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.



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><b>Yes</b></p> <p>The Applicant gave notice under s46 on 10 June 2022, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix WB5.10</b> of the <b>Consultation Report (Doc WB5.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix WB5.10</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p>
<b>Section 47: Duty to consult local community</b>		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix 5.6</b> of the <b>Consultation Report (Doc WB5.6)</b>.</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><b>Yes</b></p> <p>The Applicant sent the draft SoCC to West Lindsey District Council and Bassetlaw District Council ('B Authority') and Lincolnshire County Council and Nottinghamshire County Council ('C' authority) on 19 April 2022 and set a deadline of 18 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><b>Yes</b></p> <p><b>Table 7.1</b> of the <b>Consultation Report (Doc WB5.1)</b> provides a summary of the consultation responses from Lincolnshire County Council, Bassetlaw District Council, West Lindsey District Council and Nottinghamshire County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>

16	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><b>Yes</b></p> <p>The final SoCC was made available on the Applicant’s project website at: <a href="https://www.squarespace.com/220509_IGP+SoCC+WBurton+A5_AW+WEB.pdf">220509_IGP+SoCC+WBurton+A5_AW+WEB.pdf (squarespace.com)</a></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"> <li>• Retford Library</li> <li>• Scotter Library</li> <li>• West Lindsey District Council Offices</li> <li>• Saxilby Library</li> <li>• Gainsborough Library</li> <li>• Misterton Library</li> <li>• St Mary’s Church, Stow</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• The Lincolnshire Echo – 9 June 2022</li> <li>• The Retford Times – 9 June 2022</li> </ul> <p>The published SoCC notice, provided at <b>Appendix WB5.6</b> of the <b>Consultation Report (Doc WB5.6)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix WB5.6 (Doc WB5.6)</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the Applicant intends to publicise	<p><b>Yes</b></p> <p><b>Paragraph 8.1.5</b> of the <b>Consultation Report (Doc WB5.1)</b> sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations

	and consult on the Preliminary Environmental Information?										
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Section 10</b> of the <b>Consultation Report (Doc WB5.1)</b> sets out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Appendices 5.2</b> and <b>5.3</b> of the <b>Consultation Report (Doc WB5.2 and WB5.3)</b> set out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices 5.4 to 5.13</b> of the <b>Consultation Report (Docs WB5.4 to WB5.13)</b> provide evidence that the commitments within the final SoCC have been carried out.</p>									
<b>Section 48: Duty to publicise the proposed application</b>											
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations).	<p><b>Yes</b></p> <p><b>Paragraph 10.2.5</b> of the <b>Consultation Report (Doc WB5.1)</b> states:  “Evidence of compliance with [Section 48 of the PA2008 and Regulation 4 of the APFP Regulations] is provided in Appendix 5.2: Statement of Compliance”</p> <p><b>Table 10.1</b> of the <b>Consultation Report (Doc WB5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix WB5.11</b> of the <b>Consultation Report (Doc WB5.11)</b>.</p> <p>Clippings of the published advertisements are provided at <b>Appendix WB5.6 (Doc WB5.6)</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p>									
<table border="1" style="width: 100%; border-collapse: collapse;"> <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</td> <td> <ul style="list-style-type: none"> <li>• Lincolnshire Echo</li> </ul> </td> </tr> <tr> <td></td> <td></td> <td> <p style="text-align: right;">9 June 2022</p> <p style="text-align: right;">16 June 2022</p> </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	<ul style="list-style-type: none"> <li>• Lincolnshire Echo</li> </ul>			<p style="text-align: right;">9 June 2022</p> <p style="text-align: right;">16 June 2022</p>
	Newspaper(s)	Date									
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in	<ul style="list-style-type: none"> <li>• Lincolnshire Echo</li> </ul>									
		<p style="text-align: right;">9 June 2022</p> <p style="text-align: right;">16 June 2022</p>									

	which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>Retford Times</li> </ul>	<p>9 June 2022 16 June 2022</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Guardian</li> </ul>	7 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"> <li>London Gazette</li> </ul>	6 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	<p><b>Yes</b></p> <p>The published s48 notice, supplied at <b>Appendix 5.11 (WB5.11)</b> of the Consultation Report (<b>Doc WB5.1</b>), contains the required information as set out below:</p>
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Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	3 and 4
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include:	2, 3, 7, 10 and 11	f)	the latest date on which those documents, plans and maps will be available for inspection	7

	<ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>the address of the website</li> <li>the place on the website</li> <li>a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	12 and 13	h)	details of how to respond to the publicity	14, 15 and 16
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	16			
21	Are there any observations in respect of the s48 notice provided above?				
	<b>No</b>				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>11</sup> ?	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 10.3.2</b> of the <b>Consultation Report (Doc WB5.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix WB5.10</b> of the <b>Consultation Report (Doc WB5.1)</b> confirms a copy of the s48 notice was enclosed.</p>			
<b>s49: Duty to take account of responses to consultation and publicity</b>					

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations

23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Tables 11.2 and 12.1</b> of the <b>Consultation Report (Doc WB5.1)</b> 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>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Paragraph 13.1.2</b> of the <b>Consultation Report (Doc WB5.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc WB1.1)</b> explains why the development falls within the remit of the Planning Inspectorate.</p>

<sup>12</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

	<ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Section 5</b> of the <b>Application Form (Doc WB1.1)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc WB2.1)</b> has been provided.</p>	
27	Is it accompanied by a Consultation Report?	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc WB5.1)</b> and <b>Consultation Report Appendices (Doc WB5.2 to WB5.13)</b>.</p>	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	<b>Yes</b>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:	
<b>Information</b>		<b>Document</b>	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<b>Environmental Statement (Doc WB6.2) ES Chapters 1-23.</b> <b>Non-technical Summary (Doc WB6.5).</b> <b>Scoping Opinion – ES Appendix 2.2 (Doc WB6.3.2.2).</b>	b)
		The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc WB3.1)</b>

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>14</sup> The 2017 EIA Regulations

	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Draft Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc WB4.3)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>Flood Risk Assessment and Drainage Strategy Report – ES Appendix 10.1 (Doc WB6.3.10.1).</b> <b>FRA DS Cable Route – ES Appendix 10.2 (Doc WB6.3.10.2)</b> <b>FRA DS West Burton 1 – ES Appendix 10.3 (Doc WB6.3.10.3)</b> <b>FRA DS West Burton 2 – ES Appendix 10.4 (Doc WB6.3.10.4)</b> <b>FRA DS West Burton 3 – ES Appendix 10.5 (Doc WB6.3.10.5)</b> <b>FRA Sequential Test – ES Appendix 10.6 (Doc WB6.3.10.6)</b>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>Statutory Nuisance Statement (Doc WB7.8)</b> – this addresses Air Emissions (Section 4.2), Artificial Light (Section 4.3) and Noise and Vibration (Section 4.4).  Section 4 of the Statutory Nuisance Statement ( <b>Doc WB7.8</b> ) sets out the mitigation measures proposed for these nuisances including core working hours, traffic management and best practice measures.  These would be secured through the Outline Construction Environmental Management Plan ( <b>Doc WB7.1</b> ), the Outline Decommissioning Statement ( <b>Doc WB7.2</b> ), and the Outline Operational Environmental Management Plan ( <b>Doc WB7.14</b> )



	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc WB4.1)</b> <b>Funding Statement (WB4.2)</b>	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of 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	<b>Land Plan (Doc WB2.2)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:-	<b>Works Plans (Doc WB2.3)</b>	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or	<b>Public Rights of Way Plan (WB2.4)</b> <b>Access to Works Plan (WB2.5)</b>

	<p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>			<p>roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p><b>Streets Plan (WB 2.11)</b></p>
	<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b> (with minor discrepancies as noted in Box 30)</p>		<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b></p>
<p>l)</p>	<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</p>	<p><b>(i)</b> Ecology and Nature Conservation Features Plan (<b>Doc WB2.7</b>)</p> <p>An assessment of effects on statutory and non-statutory nature conservation sites is outlined in Table 9.3 of ES Chapter 9 (<b>Doc WB6.2.9</b>) and Information to Support a HRA (<b>Doc WB7.18</b>).</p>	<p>m)</p>	<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</p>	<p>Historic Environment Features Plan (<b>Doc WB2.8</b>).</p> <p>An assessment of effects on statutory or non-statutory sites or features of the historic environment is outlined in Section 13.7 of ES Chapter 13 – Cultural Heritage (<b>Doc WB6.2.13</b>).</p> <p>This is supported by:</p> <ul style="list-style-type: none"> <li>ES Figure 13.1 Site location and figure key plan, (<b>Doc WB6.4.13.1</b>).</li> </ul>

<p>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>(ii) Extended Phase 1 Habitat Survey Maps Appendix 9.3 (<b>Doc WB6.3.9.3</b>)</p> <p>An assessment of effects on habitats of protected species is outlined in Table 9.3 of ES Chapter 9 (<b>Doc WB6.2.9</b>) – Ecology and Biodiversity.</p> <p>(iii) Waterbodies River Basin Management Plan (<b>Doc WB2.6</b>)</p> <p>An assessment of effects on waterbodies is outlined in Section 10.6 of ES Chapter 10 Hydrology, Flood Risk and Drainage (<b>Doc WB6.2.10</b>)</p> <p>This is supported by a Water Framework Directive Assessment (<b>Doc WB7.19</b>)</p>	<p>structures likely to be caused by the Proposed Development</p>	<ul style="list-style-type: none"> <li>• ES Figure 13.2 Assessed Archaeological Remains and Historic Buildings, West Burton 1 and 2 (<b>Doc WB6.4.13.2</b>).</li> <li>• ES Figure 13.3 Assessed Archaeological Remains and Historic Buildings – West Burton 3 (<b>Doc WB6.4.13.3</b>).</li> <li>• ES Figure 13.4 Assessed Archaeological Remains and Historic Buildings – West Burton cable route (<b>Doc WB6.4.13.4</b>).</li> <li>• ES Figure 13.5 Historic Landscape Characterisation – West Burton 1 and 2, (<b>Doc WB6.4.13.5</b>).</li> <li>• ES Figure 13.6 Historic Landscape Characterisation – West Burton 3, (<b>Doc WB6.4.13.6</b>).</li> <li>• ES Figure 13.7 Historic Landscape Characterisation – West Burton cable route, (<b>Doc WB6.4.13.7</b>).</li> <li>• ES Figure 13.8 WBCR East Designated Heritage Assets (<b>Doc WB6.4.13.8</b>).</li> <li>• ES Figure 13.9 WBCR West Designated Heritage Assets (<b>Doc WB6.4.13.9</b>).</li> </ul>
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				<ul style="list-style-type: none"> <li>• Appendix 13.1 Archaeological Desk-Based Assessments (DBAs), (<b>Doc WB6.3.13.1</b>).</li> <li>• Appendix 13.2 Archaeological Geophysical Survey Reports, (<b>Doc WB6.3.13.2</b>).</li> <li>• Appendix 13.3 Geoarchaeological Desk-Based Assessment, (<b>Doc WB6.3.13.3</b>).</li> <li>• Appendix 13.4 Air Photo and LiDAR Mapping and Interpretation Reports, (<b>Doc WB6.3.13.4</b>).</li> <li>• Appendix 13.5 Heritage Statement, (<b>Doc WB6.3.13.5</b>).</li> <li>• Appendix 13.6 Archaeological Evaluation Reports, (<b>Doc APP/WB6.3.13.6</b>).</li> <li>• Appendix 13.7 Archaeological Written Scheme of Investigation (WSI), (<b>Doc WB6.3.13.7</b>).</li> <li>• Appendix 13.8 Cultural Heritage Impact Assessment Tables, (<b>Doc WB6.3.13.8</b>).</li> </ul>	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b>	
n)	Where applicable, a plan with any accompanying	<b>Crown Land Plan (Doc WB2.10)</b>	o)	Any other plans, drawings and sections necessary to describe the development	<b>Design and Access Statement (Part 1 of 2) (Doc WB7.6)</b>

p)	information identifying any Crown land		q)	consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>Design and Access Statement (Part 2 of 2) (Doc WB7.7)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Are they of a satisfactory standard?	<b>Yes</b>
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Grid Connection Statement (Doc WB7.7)</b>		Any other documents considered necessary to support the application	<b>Location Plan (Doc WB2.1)</b> <b>Consents and Agreements Position Statement (Doc WB7.4)</b> <b>Planning Statement (Doc WB7.5)</b> <b>Outline Battery Storage Safety Management Plan (Doc WB7.9)</b> <b>Statement of Need (Doc WB7.11)</b> <b>Equality Impact Assessment (Doc WB7.12)</b> <b>Concept Design Parameters (Doc WB7.13)</b> <b>Outline Operational Environmental Management Plan (Doc WB7.14)</b> <b>Crossing Schedule (Doc WB7.15)</b>

	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
<p><b>Land Plan (Doc ref WB2.2)</b> The North arrow is not present and see comment below relating to Book of Reference.</p> <p><b>Works Plan (Doc ref WB2.3)</b> Work number 8B 'A156' is not identified consistently in comparison to the other work number 8Bs as it is outlined in blue, whereas work number 8B 'West View Farm' is outlined in red.</p> <p><b>Crown Land Plan (Doc ref WB2.10)</b> Lacks identification within overall Order limits</p> <p><b>Draft Development Consent Order (Doc WB3.1)</b> Article 2(1)  <ul style="list-style-type: none"> <li>Definition of 'Order land' in Article 2(1) needs greater clarity due to interaction with other provisions relating to land around the perimeter of the application site.</li> <li>Inclusion of a definition of 'generating station' would be beneficial.</li> <li>Article 2(1) of the draft Development Consent Order (dDCO) identifies the Written Scheme of Investigation is as being in Schedule 14, but it not explicitly referred to in Schedule 14.</li> </ul> </p> <p>Articles 6, 12 and 39  <ul style="list-style-type: none"> <li>All lack specificity as to why required – see comment on Explanatory Memorandum</li> </ul> </p> <p>Schedules 4 to 8 of the dDCO  <ul style="list-style-type: none"> <li>To make more precise should also refer to parish or locality.</li> </ul> </p> <p>Schedule 10 of the dDCO  <ul style="list-style-type: none"> <li>Three plots, Plots 4-049, 4-40 and 4-043, occur in both rows one and two of Schedule 10.</li> </ul> </p>					

## Explanatory Memorandum

The Explanatory Memorandum sets out what provisions are required to achieve but not why they are required in the circumstances of this Proposed Development. Greater use of precedents from made Development Consent Orders, with explanations for differences in drafting is required.

### Environmental Statement Appendix 5.1 – Site Selection Assessment (Doc WB6.3.5.1)

Annexes A and D are not included.

### Book of Reference (Doc WB4.3) and Statement of Reasons (Doc WB4.1)

Reference to the term “Freehold Acquisition”. In itself, it is not clear whether this refers to the acquisition of the freehold alone, leaving all other pre-existing rights intact, or seeks to obtain clean title. Similar issues apply in relation to the terms “Temporary Possession” and “Acquisition of Rights”.

Section 51 advice has been issued to the Applicant in respect of the above matters: [West Burton Solar Project | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)

31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>15</sup>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (<b>Doc WB7.18</b>).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
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<sup>15</sup> Regulation 5(2)(g) of the APFP Regulations

32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<b>No hard copies requested.</b>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<b>Yes</b> <b>Section 1.3</b> of the <b>Covering Letter (Doc WB1.2)</b> and <b>Appendix 5.2 (Doc WB5.2)</b> of the <b>Consultation Report (Doc ref WB5.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application. The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.  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: <a href="https://www.planninginspectorate.gov.uk/west-burton-solar-project/">West Burton Solar Project   National Infrastructure Planning (planninginspectorate.gov.uk)</a>
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	The fee was received on 24 February 2023 before the application was made.

<sup>16</sup> Regulation 5(2)(r) of the APFP Regulations

<sup>17</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made



<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Robert Cook</i>	18 April 2023
Acceptance Inspector	<i>Robert Jackson</i>	18 April 2023