



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

Cottam Solar 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 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
		12 January 2023	9 February 2023	9 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 (s)14 to 30 does the Proposed Development fall)?	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft Development Consent Order (Application Document Reference (Doc) C3.1) 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> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc C1.1) 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 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 Development Consent Order (Doc C3.1) 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 10 June 2022 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 15 June 2022. A copy of the notification letter is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1) .
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	Yes. There are 22 host and neighbouring authorities, of which 22 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 13 January 2023.

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		<p>All 22 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) • City of Doncaster Council, formerly Doncaster Metropolitan Borough Council ('A' authority) • City of Lincoln Council ('A' authority) • East Lindsey District Council ('A' authority) • Mansfield District Council ('A' authority) • Newark and Sherwood District Council ('A' authority) • North Kesteven District Council ('A' authority) * • Rotherham Metropolitan Borough Council ('A' authority) • Bassetlaw District Council ('B' authority) • West Lindsey District Council ('B' authority) * • Lincolnshire County Council ('C' authority) * • Nottinghamshire County Council ('C' authority) • Cambridgeshire County Council ('D' authority) • Derbyshire County Council ('D' authority) • Leicestershire County Council ('D' authority) • Norfolk County Council ('D' authority) • North Northamptonshire Council ('D' authority) • Nottingham City Council ('D' authority) • Peterborough City Council ('D' authority)
--	--	--

		<ul style="list-style-type: none"> • Rutland County Council ('D' authority) • North East Lincolnshire County Council ('A/D' authority) • North Lincolnshire Council ('A/D' authority) <p>* North Kesteven District Council. North Kesteven District Council raised no adverse comment on engagement with the authority. They noted that details on the letter at consultation were for South Kesteven District Council, who were not listed as being notified as a s43 local authority and therefore questioned whether appropriate consultations had been carried out. The Planning Inspectorate, on behalf of the Secretary of State, is satisfied that South Kesteven District Council is not a s43 local authority and therefore did not need to be consulted as such.</p> <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 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>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 C5.1) 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</p>
--	--	--

		<p>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/cottam-solar-project/?ipcsection=docs&stage=app&filter1=Adequacy+of+Consultation+Representation.</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 ?	<p>Yes.</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) between 15 June and 27 July 2022 at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</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"> • Northern Gas Networks Limited • Wales and West Utilities Ltd • EDF Cottam Power Station • Mua Electricity Limited

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

		<ul style="list-style-type: none"> Optical Power Networks Limited <p>The Applicant's Consultation Report (Doc C5.1) 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 C4.3).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN010133-000503</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes.</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 Consultation Report (Doc C5.1) 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 ⁷ ?	<p>Yes.</p> <p>Table 9.1 of the Consultation Report (Doc C5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 13 June 2022 or in the case of North Lincolnshire Council in November and December 2022.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> West Lindsey District Council Bassetlaw District Council

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p>The host 'C' authorities were consulted:</p> <ul style="list-style-type: none">• Lincolnshire County Council• Nottinghamshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none">• City of Lincoln Council (listed as a 'D' authority in the Consultation Report (Doc C5.1)).• Newark and Sherwood District Council• Mansfield District Council• North Kesteven District Council• Bolsover District Council• East Lindsey District Council• Doncaster Metropolitan Borough Council now known as City of Doncaster Council• Rotherham Metropolitan Borough Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none">• Rutland County Council• North Northamptonshire Council• Nottingham City Council• Peterborough City Council• Cambridgeshire County Council• Derbyshire County Council• Norfolk County Council• Leicestershire County Council
--	--	--

		<p>The boundary 'A' and 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • North Lincolnshire Council • North East Lincolnshire Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</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 9.1.26 of the Consultation Report (Doc C5.1) states that all persons identified under s42(1)(d) were consulted on 14 June 2022.</p> <p>Paragraphs 9.1.24 to 9.1.34 of the Consultation Report (Doc C5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft Development Consent Order (Doc C3.1). The full methodology undertaken by the Applicant is provided in Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>A sample of the letter is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>A small number of persons or organisations were identified in the Book of Reference (Doc C4.3) who did not appear to be reflected in the s44 table provided in Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN010133-000503</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.

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 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</p> <p>The sample letter dated between 15 June and 27 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>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes.</p> <p>The Applicant gave notice under s46 on 10 June 2022, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1).</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 5.6 (Doc C5.6) of the Consultation Report (Doc C5.1).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable,	<p>Yes.</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</p>

	'C' authorities received the consultation documents?	of 18 May 2022 for responses; providing more than the required minimum time for responses to be received.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Section 7.1.17, Table 7.1 of the Consultation Report (Doc C5.1) 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 their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • A further consistency and proofing review was undertaken following receipt of comments and ahead of finalising the SoCC for publication. • Updated any previous references to “Hard to reach groups” to instead refer to “Seldom heard groups” • The SoCC was updated to include a schematic map to show the proximity of the Scheme alongside West Burton Solar Project and Gate Burton Energy Park. • A list of identified seldom heard groups was included in the final version of the SoCC for publication. <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>Yes.</p> <p>The final SoCC was made available on the Applicant’s project website at: https://www.cottamsolar.co.uk/s/220509_IGP-SoCC-Cottam-A5_AW-WEB.pdf</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"> • Retford Library, 17 Churchgate, Retford • Scotter Library, High Street, Scotter, Gainsborough • West Lindsey District Council Office, Gainsborough • Saxilby Library, Saxilby, Lincoln • Gainsborough Library, Gainsborough • Misterton Library, Misterton, Doncaster • St Mary’s Church, Stow, Lincoln <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Lincolnshire Echo – 9 June 2022 • The Retford Times – 9 June 2022 <p>The published SoCC notice, provided at Appendix 5.6 (Doc C5.6) of the Consultation Report (Doc C5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 5.6 (Doc C5.6) of the Consultation Report (Doc C5.1).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to	<p>Yes.</p> <p>Paragraph 10 of the final SoCC at Appendix 5.6 (Doc C5.6) of the Consultation Report (Doc C5.1) sets out that the development is EIA development and sets out</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

	publicise and consult on the Preliminary Environmental Information?	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 8.1.34 of the Consultation Report (Doc C5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 7.3 of the Consultation Report (Doc C5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendices 5.6, 5.7 and 5.8 (Docs C5.6, C5.7, C5.8) of the Consultation Report (Doc C5.1) provide evidence that the commitments within the final SoCC have been carried out.</p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes.</p> <p>Paragraph 10.1.10 of the Consultation Report (Doc C5.1) states:</p> <p>“The Section 48 notice contained the required information under Regulation 4(4) of the APFP Regulations.”</p> <p>It is noted that no Regulation 4(4) exists in the APFP Regulations, but it is considered by the Inspectorate that this is intended to be Regulation 4(2) and that the requirements of this regulation have been met by the Applicant.</p> <p>Table 10.1 of the Consultation Report (Doc C5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix 5.9 (Doc C5.9) of the Consultation Report (Doc C5.9).</p> <p>Clippings of the published notices set out below are provided at Appendix 5.9 (Doc C5.9) of the Consultation Report (Doc C5.1).</p>
		Newspaper(s)
		Date

a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> Lincolnshire Echo Retford Times 	09 June 2022 16 June 2022 09 June 2022 16 June 2022
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian 	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"> London Gazette 	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, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	Yes. The published s48 notice, supplied at Appendix 5.9 (Doc C5.9) of the Consultation Report (Doc C5.1) , contains the required information as set out below:	
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: <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. 	2, 3, 7 and 10	f)	the latest date on which those documents, plans and maps will be available for inspection	7
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?				

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 10.3.2 of the Consultation Report (Doc C5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 5.8 (Doc C5.8) of the Consultation Report (Doc C5.1) 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>Table 11.2, Chapter 11, Section 11.1.9, Table 12.1, Chapter 12 and Section 12.1.3 of the Consultation Report (Doc C5.1) 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>
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 ?	<p>Paragraph 13.1.2 of the Consultation Report (Doc C5.1) 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>

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

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

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 C1.1) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc C1.1) 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 C2.1) has been provided.</p>	
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Doc C5.1) and Consultation Report Appendices (Doc C5.2 to Doc C5.11).</p>	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Yes.</p>	
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	

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

a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (Doc C6.2.1 to C6.2.23) Scoping Opinion ES Appendix 2.2 (Doc C6.3.2.2)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc C3.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the Draft Development Consent Order	Explanatory Memorandum (Doc C3.2)	d)	Where applicable, a Book of Reference	Book of Reference (Doc C4.3)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report (Doc C6.3.10.1)	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the	Statutory Nuisance Statement (Doc C7.8) This considers impacts from air pollution and dust, light and noise and vibration. It refers to the following ES assessment Chapters: <ul style="list-style-type: none"> • Chapter 8 – Landscape and Visual Effects – impacts from light;

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

			Applicant proposes to mitigate or limit them	<ul style="list-style-type: none"> • Chapter 9 – Ecology – impacts from cessation of agricultural practice – not considered relevant; • Chapter 15 – Noise and Vibration; • Chapter 16 – Glint and Glare – not considered relevant; • Chapter 17 – Air Quality; and • Chapter 20 – Waste. <p>Significant effects and any subsequent mitigation is set out within each of these aspect Chapters and referred to in the following sections of the Statutory Nuisance Statement:</p> <ul style="list-style-type: none"> • 4.1 – Condition of the site (waste); • 4.2 – Air Quality; • 4.3 – Artificial Light; and • 4.4 – Noise and Vibration.
	Is this of a satisfactory standard?	Yes	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 C4.1) Funding Statement (Doc C4.2)	i) A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development;	Land Plan (Doc C2.2)

				<ul style="list-style-type: none"> (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land 	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies in Box 30)
j)	<p>A Works Plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and 	Works Plan (Doc C2.4)		k)	<p>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</p> <p>Public Rights of Way Plan (Doc C2.5)</p> <p>Access Plan (Doc C2.6)</p> <p>Streets Plan (Doc C2.13)</p>

	(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the Draft Development Consent Order			
	Is this of a satisfactory standard?	Yes (with minor discrepancies in Box 30)		Is this of a satisfactory standard?
	Is this of a satisfactory standard?	Yes (with minor discrepancies in Box 30)		Is this of a satisfactory standard?
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and	<u>Plans</u> (i) Ecology and Nature Conservation Features Plan (Doc C2.9) and ES Appendix 9.2 Preliminary Ecological Appraisal, Appendix C (Doc C6.3.9.2) - this displays sites located within 10km but not sites within 30km with migrating birds and bats as features (e.g. the Humber SAC); (ii) Important Hedgerows Plan (Doc C2.11) and ES Appendix 9.2 Preliminary Ecological Appraisal, Appendix D (Doc C6.3.9.2)	m)	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
				Historic Environment Features Plan (Doc C2.10) ES Chapter 13 Cultural Heritage (Doc C6.2.13) assesses the effects of the Proposed Development on the historic environment.

	<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>(iii) Waterbodies in a River Basin Management Plan (Doc C2.8)</p> <p><u>Assessment</u></p> <p>(i) ES Chapter 9 (Doc C6.2.9) and the Information to Support a Habitats Regulations Assessment (Doc C7.20) reports the assessment of significance;</p> <p>(ii) ES Chapter 9 (Doc C6.2.9) reports the assessment of significance;</p> <p>(iii) ES Chapter 10 Hydrology, Flood Risk and Drainage (Doc C6.2.10) and ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy Report and Annexes (Docs C6.3.10.1 to C6.3.10.8). A Water Framework Directive Assessment is provided (Doc C7.21)</p>			
	<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies in Box 30)</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes</p>
<p>n)</p>	<p>Where applicable, a plan with any accompanying</p>	<p>Crown Land Plan (Doc C2.12)</p>	<p>o)</p>	<p>Any other plans, drawings and sections necessary to describe the development</p>	<p>Location Plan (Doc C2.1)</p> <p>Detailed Site Design Drawings (Doc C2.6)</p>

	information identifying any Crown land		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	ES Appendix 4.1 Engineering Drawings and Sections (Doc C6.3.4.1)
	Is this of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Cottam Grid Connection Statement (Doc C7.7)	q) Any other documents considered necessary to support the application	Guide to the Application (Doc C1.3) Outline Construction Environmental Management Plan (Doc C7.1) Outline Decommissioning Statement (Doc C7.2) Consents and Agreements Position Statement (Doc C7.4) Planning Statement (Doc C7.5) Design and Access Statement (Doc C7.6) Outline Battery Storage Safety Management Plan (Doc C7.9)

				Outline Skills Supply Chain and Employment Plan (Doc C7.10) Statement of Need (Doc C7.11) Equalities Impact Assessment (Doc C7.12) Outline Operational Environmental Management Plan (Doc C7.16) Crossing Schedule (Doc C7.17) Outline Soil Management Plan (Doc C7.18) Outline Ecological Protection and Mitigation Strategy (Doc C7.19)
	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?			
	Draft Development Consent Order (Doc C3.1) <ul style="list-style-type: none"> • There may be inconsistencies in format in references made in Works Plan (Doc C2.4), the Explanatory Memorandum (Doc C3.2) and the Draft Development Consent Order (Doc C3.1). • There are some minor typographical errors in the Draft Development Consent Order (Doc C3.1) such as reference being made to 'Pilham Jane' which presumably should be Pilham Lane. Book of Reference (Doc C4.3)			

The Applicant should cross-reference the **Book of Reference (Doc C4.3)** and the s44 table provided in **Appendix 5.8 (Doc C5.8)** of the **Consultation Report (Doc C5.1)** and consider whether an updated set of documents should be provided. The Planning Inspectorate advises the Applicant to resolve the discrepancies before the issuance of notices under s56 of the PA2008, to ensure all relevant parties are notified of the accepted application and invited to submit a relevant representation under s102(4) of the PA2008.

Land Plan (Doc C2.2)

The **Land Plan (Doc C2.2)** should be reviewed as there are a number of minor issues. Some examples are provided below:

- Plot 17-359 – Label missing on Sheet 17 but is labelled on sheet 18
- Plot 17-362 – Label missing on Sheet 17 but is labelled on sheet 18
- Not all road names are clearly identifiable
- Plot 05-134 – may benefit from an inset
- Plot (10-230 and 10-231 on sheet 15) Under key on plan as Freehold but not noted as Freehold in **Statement of Reasons (Doc C4.1)**
- Plot (10-244 on sheet 10) Under key on plan as Freehold but shown on plan as Acquisition of new rights and noted in **Statement of Reasons (Doc C4.1)** as Freehold and new rights
- Plot (10-240 on sheet 10) Under key on plan as new rights but shown on plan and noted in **Statement of Reasons (Doc C4.1)** as Freehold but this is not shown as new rights in **Draft Development Consent Order (Doc C3.1)**.
- Plot (10-241) Correct on plan as new rights but noted in **Statement of Reasons (Doc C4.1)** as Freehold but in the **Draft Development Consent Order (Doc C3.1)** it is shown as new rights.
- Plot 08-182 – As new rights on plan but not mentioned as new rights in SoR. In DCO as new rights.

Work Plan (Doc C2.4)

Some examples of discrepancies or clarity issues are provided below:

- It has been noted that there are inconsistencies between the **Work Plan (Doc C2.4)** and the **Draft Development Consent Order (Doc C3.1)**. Different classification systems have been used in the **Work Plan (Doc C2.4)** and the **Draft Development Consent Order (Doc C3.1)**. For example: Sheet 14 – Work No 2(h) noted in key but marked as 2(viii) on plan)
- Work No 2 in Schedule 1 of the **Draft Development Consent Order (Doc C3.1)**.notes (a – i) but can only see 2(h and viii) on plan (2 a, b, c, d, e, f and g do not appear to be on the plan)
- Work No 3 in Schedule 1 of the **Draft Development Consent Order (Doc C3.1)**.notes (a – i) but can only see 3(viii) on plan (3 a, b, c, d, e, f, and g do not appear to be on the plan)
- Work No 6A (viii) on Sheet 10 – noted in key plan but cannot see on plan
- Work No 7A noted in key plan on sheet 15 but not on plan

- Work No 9A noted in key plan on sheet 8 but not on plan
- Work No 9B noted in key plan on sheet 19 but not on plan

Street Plan (Doc C2.13)

Some examples of discrepancies or clarity issues are provided below:

- Not all road names are clearly identifiable.
- Sheet 19 (Points 19b – 19c) shows Torksey Ferry Road but this is referred in the **Draft Development Consent Order (Doc C3.1)** as Nightleys Road.
- On Sheet 19 Points 19c – 19d and 19e – 19f are located closely together on plan

Public Rights of Way Plan (Doc C2.5)

Some examples of discrepancies or clarity issues are provided below:

- Not all road names are marked on the plan to show correct location of reference points
- The **Draft Development Consent Order (Doc C3.1)** noted that points 19ii/a and 19ii/b were on sheet 19, but it is not clear that 19ii/b is visible on the **Public Rights of Way Plan (Doc C2.5)**.

Access Plan (Doc C2.6)

Some examples of discrepancies or clarity issues are provided below:

- Not all road names are clearly identifiable.
- Sheet 2 – AC130 and AC131 noted in **Draft Development Consent Order (Doc C3.1)** as west of Pilham Lane but shown on plan as east of Pilham Lane
- Sheet 5 – AC122 and AC123 noted in **Draft Development Consent Order (Doc C3.1)** as east of Heapham Cliff but shown on plan as west of Heapham Cliff

Ecology and Nature Conservation Features Plan (Doc C2.9)

This document displays the 10km study area and identified features, but not the 30km study area for sites with bats and migrating birds as features. ES Chapter 9 identifies that the Humber SAC is located approximately 15km from the Proposed Development at the nearest point. It is also noted that the Humber Ramsar site is also located this distance from the Proposed Development but is not specifically mentioned in the ES Chapter 9.

Section 51 Advice Letter

<p>Section 51 advice has been issued to the Applicant in respect of the above matters: https://infrastructure.planninginspectorate.gov.uk/document/EN010133-000503</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 C7.20). 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>The Applicant's HRA information has not specifically addressed Ramsar sites although there is a Ramsar site located at the same distance as the Humber SPA which has been assessed. The HRA identifies bird species present at the Proposed Development site which includes Golden Plover that are features of the Humber Ramsar and SPA. The HRA concludes that significant effects on these features are <u>unlikely</u>. The Inspectorate considers that sufficient information has been provided (location, distance from the Proposed Development, bird survey results and consultation with Natural England) to understand the interaction of Ramsar criterion with the Proposed Development. The Examining Authority is likely to investigate this further in pre-exam and examination. This may result in additional information being required to inform the HRA Report and the competent authority.</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 that</p>	<p>Yes.</p> <p>Section 1.3 of the Covering Letter (Doc C1.2) and Appendix 5.2 (Doc C5.2) of the Consultation Report (Doc C5.1) 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

	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/EN010133-000503
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 20 December 2022; before the application was made.

Role	Electronic signature	Date
Case Manager	Simon Raywood	9 February 2023
Acceptance Inspector	Stuart Cowperthwaite	9 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

