



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

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

March 2024

## Byers Gill Solar Section 55 Acceptance of Applications Checklist

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		<b>09 February 2024</b>	<b>08 March 2024</b>	<b>08 March 2024</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
<b>Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent</b>				
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 category or categories in Sections (s)14 to 30	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft Development Consent Order (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of a NSIP category and satisfies section 15 of the PA2008, including subsection 2.</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.3)</b> which states that the application is for an NSIP.</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>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>	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft Development Consent Order (Doc 3.1)</b> includes development for which development consent is required.
<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>		
4	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><b>Yes</b></p> <p>On 27 October 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 05 May 2024.</p> <p>A copy of the Scoping Report containing this notification is provided as <b>Appendix 4.1</b> of the <b>Environmental Statement (Doc 6.4.4.1)</b>.</p>
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C'	<p><b>Yes</b></p> <p>There are 12 host and neighbouring authorities, of which 7 responded to the</p>

<sup>3</sup> 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)

<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

	<p>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>Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 09 February 2024.</p> <p>All 7 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>• Gateshead Metropolitan Borough Council (A authority)</li> <li>• Hartlepool Borough Council (A authority)</li> <li>• Northumberland County Council (A authority)</li> <li>• Redcar and Cleveland Borough Council (A authority)</li> <li>• Darlington Borough Council (B authority) *</li> <li>• Durham County Council (B authority)</li> <li>• Stockton-on-Tees Borough Council (B authority)</li> </ul> <p>* Darlington Borough Council appended a Final Statement on Inadequate Public Consultation produced by the Bishopton Villages Action Group (BVAG) to their Adequacy of Consultation Representation. It is noted that Darlington Borough Council has concluded that the legal requirements under s42, s47 and s48 were complied with by the Applicant.</p> <p>The following authorities were not invited to make an Adequacy of Consultation Representation (AoCR) due to the provisions of The Cumbria (Structural Changes) Order 2022 and The North Yorkshire (Structural Changes) Order 2022:</p> <ul style="list-style-type: none"> <li>• Cumberland Council</li> <li>• Cumbria County Council</li> <li>• Eden District Council</li> <li>• Hambleton District Council</li> </ul>
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- North Yorkshire County Council
- Richmondshire District Council

Except in the case of Cumberland Council, the opportunity to comment in respect of these authorities rests with Westmoreland and Furness Council and North Yorkshire Council as appropriate as successor authorities.

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010139/documents?stage-2=Adequacy+of+Consultation+Representation&date-from-day=&date-from-month=&date-from-year=&date-to-day=&date-to-month=&date-to-year=&searchTerm=&itemsPerPage=12>

## 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>5</sup>?

**Yes**

The Applicant has provided a list of persons consulted under s42(1)(a) on 5 May 2023 at **Appendix 5.1** of the **Consultation Report Appendices – Part 1 of 4 (Doc 5.2)** and paragraph 3.2.2 of the **Consultation Report (Doc 5.1)** states that those included in the Regulation 11 list which is provided at **Appendix 5.1** of the **Consultation Report Appendices – Part 1 of 4 (Doc 5.2)** were included in future consultation activities by the Applicant.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix 5.4** of the **Consultation Report Appendices – Part 1 of 4 (Doc 5.2)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications:

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

		<p>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"> <li>• Grindon and Thorpe Thewles Parish Council</li> <li>• Mua Gas Limited</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> 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 <b>Book of Reference (Doc 4.2)</b>.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340">https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340</a>.</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	n/a
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Paragraphs 5.4.7 and 5.4.12</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 5 May 2023.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Darlington Borough Council;</li> </ul>

<sup>6</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>7</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

- Stockton-on-Tees Borough Council; and
- Durham County Council

The boundary 'A' authorities were consulted:

- Gateshead Council;
- Hartlepool Borough Council;
- Middlesbrough Council;
- North Yorkshire Council;
- Northumberland County Council;
- Redcar and Cleveland Borough Council;
- Sunderland City Council;
- Westmoreland and Furness Council; and
- Yorkshire Dales National Park Authority.

The following organisations were also identified as being a boundary 'A' authority but do not appear to fall within the definition of such an authority under s43 at the time of submission:

- Cumbria County Council; and
- Cumberland Council

The provisions of The Cumbria (Structural Changes) Order 2022 and The North Yorkshire (Structural Changes) Order 2022 took effect on 01 April 2023, resulting in the abolition of Cumbria County Council and North Yorkshire County Council, Hambleton District Council and Richmondshire District Council and their replacement by Westmoreland and Furness Council and North Yorkshire Council respectively in respect of this application. The abolition of Cumbria County Council prior to the commencement of Statutory Consultation was reflected in the **Consultation Report (Doc 5.1)**.

A sample of the letter sent to s42(1)(b) relevant authorities is provided at

		<b>Appendix 5.4 of the Consultation Report Appendices – Part 1 of 4 (Doc 5.2).</b>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>n/a</b> – The application does not contain land located within Greater London
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 5.4.21 of the Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 5 May 2023.</p> <p><b>Paragraphs 5.4.16 to 5.4.20 of the Consultation Report (Doc 5.1)</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 Development Consent Order (Doc 3.1)</b>. The full methodology undertaken by the Applicant is provided in <b>Section 3.1 of the Statement of Reasons (Doc 4.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 5.1 of the Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 5.4 of the Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</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 5.4 of the Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b>.</p> <p>The sample letter dated 5 May 2023 confirmed that consultation commenced on 5 May 2023 and closed on 16 June 2023, providing more than the required minimum time for receipt of responses.</p>

<sup>8</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.



<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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 04 May 2023, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix 5.5</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix 5.6</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</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 4.4</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</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 Darlington Borough Council, Stockton-on-Tees, Borough Council and Durham County Council ('B Authorities') on 27 February 2023 and set a deadline of 27 March 2023 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 4-1</b> of the <b>Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Darlington Borough Council and Durham 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"> <li>• The Applicant removed a colloquial road name due to limited usage.</li> </ul>

		<ul style="list-style-type: none"> <li>• The Applicant added local Area Action Partnerships groups into the s47 consultee list.</li> <li>• The Applicant adjusted the proposed deposit locations to account for closures.</li> </ul> <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 at the location below, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Norton Library, 87 High Street, Norton, Stockton-on-Tees, TS20 1AE</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 Northern Echo on 5 May 2023</li> <li>• The Teesside Gazette on 5 May 2023</li> <li>• The Darlington and Stockton Times on 10 May 2023</li> </ul> <p>The published SoCC notice, provided at <b>Appendix 4.5</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix 4.5</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental	<p><b>Yes</b></p> <p><b>Section 4.2</b> of the final SoCC at <b>Appendix 4.4</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b> sets out that the development is EIA development. <b>Section 5.5</b> sets out how the Applicant intended to publicise and</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	Information?	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 5</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Appendix 4.7</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</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 (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p><b>Paragraph 5.4.90</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“As per the requirements of Regulations 4(2)(a) to (c) of the APFP Regulations, a notice pursuant to section 48 of the Act was published for:</i></p> <ul style="list-style-type: none"> <li>▪ <i>two consecutive weeks in one or more local newspapers circulating in the vicinity of the Proposed Development;</i></li> <li>▪ <i>once in a national newspaper; and</i></li> <li>▪ <i>once in the London Gazette..”</i></li> </ul> <p><b>Table 5-5</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below. The information provided in <b>Table 5-5</b> of the <b>Consultation Report (Doc 5.1)</b> is inconsistent with the provided Clippings of the published notices set out below; provided at <b>Appendix 5.22</b> of the <b>Consultation Report Appendices – Part 3 of 4 (Doc 5.2)</b> and the information contained in <b>Paragraph 5.4.90</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A copy of the s48 notice is provided at <b>Appendix 3.2</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix 5.22</b> of the <b>Consultation Report Appendices – Part 3 of 4 (Doc 5.2)</b>. It is also</p>

		noted in <b>Paragraph 5.4.92</b> of the <b>Consultation Report (Doc 5.1)</b> that publication of the section 48 notice in the national papers was delayed to the 12 May 2023 and 15 May 2024 for The Guardian and London Gazette respectively. <b>Appendix 5.22</b> of the <b>Consultation Report Appendices – Part 3 of 4 (Doc 5.2)</b> shows that publication in The Guardian was Saturday 13 May 2023. The inspectorate has considered this and is satisfied that a minimum of 28 days had been provided from the last published date of the section 48 notice and the conclusion of the Statutory Consultation period and that therefore no parties would have been prejudiced.
<b>Newspaper(s)</b>		
		<b>Date</b>
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"> <li>• Darlington and Stockton Times</li> <li>• Northern Echo</li> <li>• Teesside Gazette</li> </ul>
		12 and 19 May 2023
		5 and 13 May 2023
		5 and 12 May 2023
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Guardian</li> </ul>
		13 May 2023
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>
		15 May 2023
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 the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p>The published s48 notice, supplied at <b>Appendix 3.2</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b>, contains the required information</p>

as set out below:

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	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	1 and 2
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"> <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>	6	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6	h)	details of how to respond to the publicity	6 and 8
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice	5, 7 and 9			

	is last published		
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>10</sup> ?	<b>Yes</b> A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 5.4.99</b> of the <b>Consultation Report (Doc 5.1)</b> .  A sample of the s42 consultation letter provided at <b>Appendix 5.4</b> of the <b>Consultation Report Appendices – Part 1 of 4 (Doc 5.2)</b> confirms a copy of the s48 notice was enclosed.	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<b>Yes</b> <b>Appendices 6.1 - 6.3, 9.4 and 9.5</b> of the <b>Consultation Report Appendices – Part 4 of 4 (Doc 5.2)</b> sets out how the Applicant had regard to s42 and s47 consultation responses received; including whether or not responses led to changes to the application.  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.	
<b>Guidance about pre-application procedure</b>			

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<b>Paragraph 1.1.5</b> of the <b>Consultation Report (Doc 5.1)</b> 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	<b>Summary: Section 55(3)(e)</b>	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: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340">https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340</a> .
<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: <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>	<b>Yes</b> <b>Section 4</b> of the <b>Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Planning Inspectorate. <b>Section 5</b> of the <b>Application Form (Doc 1.3)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.  A <b>Location Plan (Doc 2.1)</b> has been provided.
27	Is it accompanied by a Consultation Report?	<b>Yes</b>  The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and the <b>Consultation Report Appendices</b> , which is split between <b>Parts 1 to 4 (Doc</b>

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

		<b>5.2).</b>
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</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>		<b>Information</b>		<b>Document</b>	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Environmental Statement (ES) Non-Technical Summary (Doc 6.1.1)</b> <b>ES Chapters 0 to 14 (Doc 6.2)</b> <b>ES Figures (Doc 6.3)</b> <b>ES Appendices (Doc 6.4)</b> <b>ES Appendix 4.1 – EIA Scoping Report (Doc 6.4.4.1)</b> <b>ES Appendix 4.2 – EIA Scoping Opinion (Doc 6.4.4.2)</b> <b>ES Appendix 4.3 – EIA Scoping Response Matrix (Doc 6.4.4.3)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>		
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		

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

<sup>13</sup> 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	<b>Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.2)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
e)	A copy of any Flood Risk Assessment	<b>ES Appendix 10.1 – Flood Risk Assessment and Drainage Strategy (Doc 6.4.10.1)</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>Statement of Statutory Nuisance (Doc 7.4)</b> – this addresses dust emissions (Section 4.2), artificial light (Section 4.3) and noise and vibration (Section 4.4).
	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>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.3)</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	<b>Land Plans (Doc 2.4)</b>

			<p>to exercise powers of Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
j)	<p>A Works Plan showing, in relation to existing features:-</p> <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</p>	<b>Works Plans (Doc 2.2)</b>	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><b>Street Works, Rights of Way and Access Plans (Doc 2.3)</b></p>

	works may be carried out and any limits of deviation provided for in the draft DCO				
	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)	
l)	<p>Where applicable, a plan with accompanying information identifying:</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be</p>	<p><b>(i) ES Figure 2.19 – Environmental Constraints (Doc 6.3.2.19)</b></p> <p><b>ES Figure 6.1 – Designated Sites (Doc 6.3.6.1)</b></p> <p><b>ES Figure 7.1 – Landscape Context (Doc 6.3.7.1)</b></p> <p>The assessment of effects on such sites is provided in:</p> <p><b>ES Chapter 6 – Biodiversity (Doc 6.2.6)</b></p> <p><b>ES Chapter 7 – Landscape and Visual (Doc 6.2.7)</b></p> <p><b>ES Appendix 6.5 – Habitats Regulations Assessment No Significant Effects Report (Doc 6.4.6.5)</b></p> <p><b>(ii) ES Figure 6.2 – UK Habitats Survey (Doc</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>ES Figure 8.1 – Order Limits, Location and Non-Designated Heritage Assets (Doc 6.3.8.1)</b></p> <p><b>ES Figure 8.2 – Site Area and Assets Scoped in for Detailed Assessment (Doc 6.3.8.2)</b></p> <p><b>ES Figure 8.4 – Areas of Known and Potential Archaeology (Doc 6.3.8.4)</b></p> <p>The assessment of effects is provided in:</p> <p><b>ES Chapter 8 – Cultural Heritage and Archaeology (Doc 6.2.8)</b></p> <p><b>ES Appendices 8.1 to 8.5 (Doc 6.4.8.1 to 6.4.8.5)</b></p>

	caused by the Proposed Development	<p><b>6.3.6.2)</b></p> <p>The assessment of effects on habitats is provided in:</p> <p><b>ES Chapter 6 – Biodiversity (Doc 6.2.6)</b></p> <p><b>ES Appendices 6.1 to 6.7 (Doc 6.4.6.1 to 6.4.6.7)</b></p> <p><b>(iii) ES Figure 10.1 – Hydrological Features (Doc 6.3.10.1)</b></p> <p><b>ES Figure 10.5 – Water Framework Directive (WFD) Water Bodies and Catchments (Doc 6.3.10.5)</b></p> <p>The assessment of effects on waterbodies is provided in:</p> <p><b>ES Chapter 10 – Hydrology and Flood Risk (Doc 6.2.10)</b></p> <p><b>ES Appendix 10.2 – WFD Assessment (Doc 6.4.10.2)</b></p>			
	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>N/A</b>	o)	Any other plans, drawings and sections necessary to describe	<b>Location Plan (Doc 2.1)</b> <b>Environmental Masterplan (Doc 2.5)</b>

	information identifying any Crown land		the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	
	Is this of a satisfactory standard?	N/A	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Grid Connection Statement (Doc 7.5)</b>	q) Any other documents considered necessary to support the application	<b>Application Covering Letter (Doc 1.1)</b> <b>Introduction to the Application (Doc 1.2)</b> <b>Application Form (Doc 1.3)</b> <b>Application Document Tracker (Doc 1.5)</b> <b>Planning Statement (Doc 7.1)</b> <b>Policy Compliance Document (Appendix A) (Doc 7.1.1)</b> <b>Design Approach Document (Doc 7.2)</b> <b>Other Consents and Licences (Doc</b>

			<b>7.3)</b> <b>Potential Main Issues for Examination (PMIE) (Doc 7.6)</b> <b>Statutory Undertakers Position Statement (Doc 7.7)</b> <b>Mitigation Route Map (Doc 7.8)</b>
Are they of a satisfactory standard?	<b>Yes</b>	Are they of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p><b>Draft Development Consent Order (Doc 3.1)</b></p> <p>The Inspectorate has identified some minor errors between the submitted <b>Application Form (Doc 1.3)</b>, the <b>Draft Development Consent Order (Doc 3.1)</b> and the <b>Environmental Statement (Doc 6.2)</b>. An example of this is where the application form states “Up to 31km of underground cabling...”, whereas the Environmental Statement (<b>section 2.1.2</b>) refers to 32.5km and another 10km.</p> <p>Furthermore, the <b>Draft Development Consent Order (Doc 3.1)</b> notes that Article 36 refers to "Certification of plan, etc", whilst Schedule 13 of the <b>Draft Development Consent Order (Doc 3.1)</b> references Article 37. These examples appear to be a grammar error and/or matters of inconsistencies and therefore the Applicant is advised to review the application documents and amend where appropriate.</p> <p>The Applicant should review these documents and ensure that these documents are clear, consistent, accurately set out the powers and provide explanation for the benefit of all parties to an Examination.</p> <p>The above are a few examples that the Inspectorate has identified a few minor discrepancies between the <b>Draft Development Consent Order (Doc 3.1)</b> and the <b>Explanatory Memorandum (Doc 3.2)</b>. The Applicant may wish to review these documents and amend as appropriate to ensure consistency between the suit of application documents.</p> <p><b>Street Works, Rights of Way and Access Plans (Doc 2.3)</b></p> <p>The Inspectorate has noticed that there appear to be some inconsistencies across the plan sheets regarding street names and additionally there are some named streets which are referenced in the <b>Draft Development Consent Order (Doc 3.1)</b> that do not appear to have been labelled on the plans, for example, Elstob Lane on sheets 7 and 8. The Applicant may wish to review the <b>Street Works, Rights of Way and Access Plans (Doc 2.3)</b> and amend to ensure consistency and that all roads listed are labelled</p>		

across all plans. In addition to this, the order of the sheets in the **Street Works, Rights of Way and Access Plans (Doc 2.3)** is not the same to that of the Key Plan included in the **Works Plans (Doc 2.2)** or the **Land Plan (Doc 2.4)**. The **Street Works, Rights of Way and Access Plans (Doc 2.3)** does not appear to actually match the layout of the key plan and does not appear to correspond to the order in which the sheets of the **Street Works, Rights of Way and Access Plans (Doc 2.3)** are actually set out.

Order of the sheets in Key Plan does not match the order in the Works Plan or the Land Plans and does not seem to correspond to the order that the Public Rights of Way Plans are set out. Applicant is requested to clarify this point.

Please refer to further section 51 advice provided following Acceptance.

### **Works Plans (Doc 2.2)**

The **Draft Development Consent Order (Doc 3.1)** refers under Schedule 1 "Works No. 5" that this is works among other matters connecting Work No. 4 to Work No. 6. Upon review of **Works Plans** Works Plan Sheet 7 of 13 (**Doc 2.2**) it doesn't appear that Works No. 5 connects directly to Work No. 4, but instead Work No. 3. The Applicant may wish to review these plans and ensure consistency with the **Draft Development Consent Order (Doc 3.1)**.

### **Land Plan (Doc 2.4)**

It is noted that cut lines on individual Sheets appear to be inconsistent with the Key Plan, for example, on Sheet, 1 the Key Plan shows plot 1/3 almost fully on Sheet 1 (bar southernmost corner nearest Town End Farm), whereas Sheet 1 has Cut Line for Sheet 3 horizontally bisecting the bottom corners. Cut Lines on Key Plan should be consistent with each Sheet.

For the benefit of clarity the Applicant may wish to review the **Land Plans (Docs 2.4)** in order to show clear plot boundaries, clearly identify land bounded by but outside the Order Limits, ensure that plot labelling is able to be easily interpreted e.g. labelling plots sequentially, and the approach to labelling both on the main sheet and in Insets, where a plot is shown in an Inset. Any changes deemed necessary that have impacts on other application documentation should also be reflected consistently across the application documents.

The current numbering of the plots in the Land Plans does not assist with the identification of plots that extends across more than one sheet. The Land Plan only included the plot number for each plot on one sheet and this is not repeated (with the same unique code) across other sheets where the same plot appears, e.g. In Sheet 5 of 13, plot 5/1 extends across Sheet 2. To ensure clarity in identifying land parcels/plots across numerous sheets, e.g., plot 2/5 could also be "overlaid" onto Sheet 5. Further plots of consideration for easier clarification when viewing Sheet 5, would be the inclusion of Plot 2/4 and 6/1 and by extension "overlaid" to sheets 2 and 6 of the Land Plan. The Applicant is advised to review the full set of sheets associated to the Land Plan with reference to these examples and amend appropriately.

**Flood Risk Assessment (Doc 6.4.10.1)**

Paragraph 3.1.6 of the **Flood Risk Assessment (Doc 6.4.10.1)** states that the underground cables are proposed to cross underneath watercourses at two locations and will therefore cross Flood Zone 3. However, the Flood Risk Assessment does not state whether this is Flood Zone 3a or 3b. The **Flood Risk Assessment (Doc 6.4.10.1)** should clearly distinguish between Flood Zones 3a and 3b.

**Design Approach Document (Doc 7.2)**

It has been noticed that reference has been made to various plates within the **Design Approach Document (Doc 7.2)** but none of these appear to have been included. The Applicant should review this and ensure that all information that is intended to be provided is present.

Section 51 advice has been issued to the Applicant in respect of the above matters: <https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340>.

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>14</sup>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report is provided at <b>ES Appendix 6.5 – Habitats Regulations Assessment No Significant Effects Report (Doc 6.4.6.5)</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>14</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>15</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?	<p><b>Yes</b></p> <p>The <b>Application Covering Letter (Doc 1.1)</b> states that the Application has been made in the form required by and in accordance with the requirements of the Planning Act and as set out in guidance including the Planning Act 2008: Application form guidance.</p> <p><b>Chapter 2</b> of the <b>Consultation Report (Doc 5.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>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://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340">https://infrastructure.planninginspectorate.gov.uk/document/EN010139-000340</a>.</p>
<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>16</sup> ?	The fee was received on 07 February 2024; before the application was made.

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Simon Raywood</i>	08 March 2024
Acceptance Inspector	<i>Andre Pinto</i>	08 March 2024

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<sup>16</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

