

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

"local authority consultee" means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

Richborough Connection Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	14/01/16	11/02/16	11/02/16
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments	
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (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 order³ (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 ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, 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>Yes.</p> <p>The Application Letter (Doc 1.2) states that the application is being made 'under section 37 of the Planning Act 2008 for an order granting development consent'. It continues 'The application relates to the installation of a 400kV electricity connection [and] ... is wholly in England. The line comes within s16(1) of the Planning Act 2008 (the Act) and is therefore a nationally significant infrastructure project within s14(1) of the Act and requires a development consent order under s31 of the Act.'</p> <p>The Application Form (Doc 1.3) confirms that the application relates to the installation of a 400kV overhead line which is wholly in England, with the proposed connection approximately 20km long.</p>	

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>The Draft Development Consent Order (Doc 2.1) Schedule 1 confirms that the works include construction of a 400kV overhead line of approximately 20.6km in length, which is in excess of the threshold set out in s16(3) of the Planning Act 2008 (as amended) (PA2008).</p> <p>In addition, none of the further exclusions in s16(3) of the PA2008 apply.</p> <p>The Richborough Connection project is a 'Project of Common Interest'. The TEN-E Regulation (guidelines for trans-European energy infrastructure EU 347/2013), which has been adopted by the European Commission to assist in the development of energy networks within Europe, sets out guidelines for streamlining the permitting process for major energy infrastructure projects that contribute to European energy networks. These are referred to as 'Projects of Common Interest'.</p> <p>Appendix 2 to this s55 checklist sets out a TEN-E checklist.</p>
<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>The applicant has demonstrated that the works for which development consent is sought constitutes a nationally significant infrastructure project defined within s14(1) of PA2008, and therefore requires development consent in accordance with s31 of PA2008.</p>
<p>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>	
<p>2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that</p>	<p>Yes.</p> <p>The applicant notified the Secretary of State on 8 August 2014, by letter to the Planning Inspectorate, that it proposed to provide an Environmental Statement. This is provided at Appendix 37 of the Consultation Report (Doc 6.2).</p>

development ⁴ ?	
2.2 Have any adequacy of consultation representations ⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p>Yes.</p> <p>A letter inviting local authorities to submit adequacy of consultation representations was issued by the Planning Inspectorate on 15 January 2016.</p> <p>Adequacy of consultation representations were submitted by the following local authorities during the acceptance period:</p> <ul style="list-style-type: none"> • Kent County Council, Dover District Council, Thanet District Council, Canterbury City Council (Joint response) <p><i>'National Grid engaged with the local authorities at an early stage to provide an opportunity to influence the proposed development. In particular, consultation with stakeholders has helped inform decisions at the following stages of project development:</i></p> <ul style="list-style-type: none"> - <i>Selection of strategic options;</i> - <i>Identification of route corridor options and preferred route corridor;</i> - <i>Consideration of technology type and selection of pylon choice;</i> - <i>Identification of detailed route for the connection; and</i>

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

- *The location of construction compounds;*

It is the view of the 'Councils' (Kent County Council, Canterbury District Council, Dover District Council and Thanet District Council) that National Grid in accordance with the requirements of the 2008 Planning Act, has provided sufficient opportunity during the various stages of the pre-application process to provide feedback and comment as the development has evolved.'

The following authorities responded but made no comments/ raised no issues with the applicant's consultation:

- Swale Borough Council
- Ashford Borough Council
- Shepway District Council
- Surrey County Council
- Medway Council

Representations were also received from the following during the acceptance period raising concerns with the adequacy of the consultation carried out by the applicant, and comments on the proposal itself:

- Sir Roger Gale MP
- South East Water
- Broad Oak Preservation Society
- National Farmers' Union

These representations were generated following the submission of the application. There is evidence that Sir Roger Gale MP, South East Water and Broad Oak Preservation Society engaged during the statutory consultation process. There is no evidence that the National Farmers' Union engaged in the statutory consultation

	<p>process however Table 10.31 of the Consultation Report (Doc 6.1) shows that the applicant liaised with farmers and gave consideration to their views.</p> <p>While some of the issues raised have not been resolved, the applicant has had regard to consultation responses and the Planning Inspectorate does not consider they prevent the application proceeding to examination. Subject to agreement by the Examining authority, issues such as those raised on the proposal itself could be explored during the Examination; where parties and the applicant will have the opportunity to make their respective cases.</p> <p>Copies of the adequacy of consultation responses and the above-mentioned representations are available on the project page of the Planning Inspectorate website.</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>Yes.</p> <p>The prescribed consultees are listed at Appendix 21 of the Consultation Report (Doc 6.2).</p> <p>Richborough A Limited, identified as a potential statutory undertaker, is not included in the applicant's list of prescribed consultees however it is included in a list of persons with an interest in land consulted under s42. This latter list was provided to the Planning Inspectorate with consultation responses requested under Regulation 5(5) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).</p>

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

s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes.</p> <p>The Marine Management Organisation is included in the list of prescribed consultees at Appendix 21 of the Consultation Report (Doc 6.2).</p>
s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p>A list of the prescribed local authorities is at Appendix 19 of the Consultation Report (Doc 6.2). A copy of the letter sent to these authorities can be found in the Consultation Report (Doc 6.2, Appendix 6).</p> <p>All Section 42(1)(b) local authorities were consulted and are listed below:</p> <ul style="list-style-type: none"> • 'B' authorities <ul style="list-style-type: none"> <i>Canterbury City Council</i> <i>Thanet District Council</i> <i>Dover District Council</i> • 'C' authorities <ul style="list-style-type: none"> <i>Kent County Council</i> • 'A' authorities <ul style="list-style-type: none"> <i>Swale Borough Council</i> <i>Ashford Borough Council</i>

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of "local authority" in s43(3): 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 where such an authority shares a boundary with a "C" authority

	<p><i>Shepway District Council</i></p> <ul style="list-style-type: none"> 'D' authorities <p><i>East Sussex County Council</i></p> <p><i>Surrey County Council</i></p> <p><i>Bromley Council</i></p> <p><i>Bexley Council</i></p> <p><i>Thurrock Council</i></p> <p><i>Medway Council</i></p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable as the proposed project is not within the Greater London area.
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>No.</p> <p>It appears that a number of parties in one or more of s44 categories were not consulted by the applicant under s42. However, some were consulted (via letter drop) under s47.</p> <p>From scrutinising the information provided, it appears that five parties were not contacted directly by the applicant, although one has submitted a consultation response. More detail is set out below.</p> <p>There are a number of parties listed in the Book of Reference (Doc 3.3) which are not listed in either Appendix 23 of the Consultation Report (Doc 6.2 - 'Prescribed PILs consulted under Section 42 Consultation (February, September, October 2015)') or in Appendix 24 of the Consultation Report (Doc 6.2 - 'Prescribed PILs not consulted under Section 42 Consultation'). As a result under Regulation 5(5) of The</p>

⁹ 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: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) the Planning Inspectorate requested 'all responses' to the consultation carried out under Part 5 of the Planning Act 2008 (as amended). This was provided by the applicant on 26 January 2016. The applicant also provided:

- a list of all PILs consulted under s42;
- a list of PILs not consulted under s42, an explanation for which is provided at **section 12.8** of the **Consultation Report (Doc 6.1)**, for further information see box 2.4 below;
- lists of prescribed local authorities, parish councils, other prescribed consultees and non-prescribed consultees consulted under section 42; and
- a list of persons consulted under s47.

On 27 January 2016 the applicant wrote to the Planning Inspectorate explaining anomalies with its consultation lists. Its letter stated that unknown occupiers of 39 properties were not served full documentation at the s42 consultation. However it states that all of these 39 parties were consulted under s47. All but one of the 39 are included in the s47 list of persons consulted. The exception is included in **Appendix 23** of the **Consultation Report (Doc 6.2)** and therefore appears to have been consulted under s42.

Further discrepancies have been noted, however many of these parties were subsequently found in lists provided by the applicant with the consultation responses requested by the Planning Inspectorate. These lists show that the majority were consulted under s42, although some were consulted under s47.

From the Planning Inspectorate's analysis of the information, there appear to be five parties remaining that are not included in any of the consultation lists provided by the applicant. These five are

	<p>Category 2 owners mainly associated with rights of way or access to adjacent land. One of the five has submitted a consultation response, despite the applicant stating this party was not consulted.</p> <p>Having considered the information provided on 26 and 27 January 2016, the Planning Inspectorate is reassured that the applicant has undertaken due diligence in line with its pre-application duties and the guidance set out in para 51 of DCLG's guidance on the pre-application process. The Planning Inspectorate considers the situation can be remedied by the applicant going forward; by the inclusion of these parties in the notification of the accepted application under s56 PA2008. However, s51 advice concerning the discrepancies and the applicant's duties under s56 PA2008 has been issued alongside this checklist. That advice is available to view on the Planning Inspectorate website.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>The applicant wrote to s42 consultees on 10 February 2015 enclosing the consultation documents. The consultation period ended on 27 March 2015. Assuming the consultation documents were received the following day, on 11 February, the 28 days would start from 12 February and thus the s42 consultees had 44 days to comment. Sample letters are provided at Appendix 35 of the Consultation Report (Doc 6.2).</p> <p>As explained in paragraph 12.7.1 of the Consultation Report (Doc 6.1), further persons with an interest in land were identified due to changes to the project as a result of statutory consultation. The applicant carried out targeted consultation with additional s42 consultees in September and October 2015. In each case the deadline for receipt of consultation responses notified to the consultee was 28 days or more. Sample letters are provided at</p>

Appendices 39 and 40 of the Consultation Report (Doc 6.2).

Table 12.33 of the **Consultation Report (Doc 6.1)** sets out the additional persons with an interest in land (PIL) consulted and the dates of the letters sent and the response deadlines. At **paragraph 12.7.4** of the **Consultation Report (Doc 6.1)** the applicant states that no responses were received from these additional s42 consultees.

At **paragraphs 12.8.1 - 12.8.2** of the **Consultation Report (Doc 6.1)** the applicant refers to 31 additional people with an interest in land who were identified after the additional s42 consultation. A letter (**Appendix 39 of Consultation Report (Doc 6.2)**) giving notice of the proposals was sent to these parties on 23 December 2015, but did not enclose the consultation documents or give an opportunity to comment. The letter describes the project, provides a link to the applicant's Richborough Connection website and gives an indication when parties might expect to receive formal notification about the project.

Of these parties, 19 were consulted under s47; however 12 parties (in addition to the five mentioned above under section 2.3 of this checklist) were not consulted under s47. The applicant notes at **paragraph 12.8.4** that these parties are now included in the **Book of Reference (Doc 3.3)** and will therefore be served a s56 notice should the application be accepted, and it will give due consideration to any representations the consultees may make before and during the examination.

While new land interests can be identified between the end of s42 consultation and the submission of an application, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known (DCLG guidance on the pre-application process, para 51). The Planning Inspectorate considers the omissions described above can be remedied by the applicant going forward, by the inclusion of these

	parties in the notification of the accepted application under s56 PA2008. The applicant should note the s51 advice issued by the Planning Inspectorate in this regard.
s46: Duty to notify Secretary of State of proposed application	
2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	Yes. The applicant notified the Secretary of State of the proposed application, by letter to the Planning Inspectorate, on 10 February 2015. This can be seen at Appendix 4 of the Consultation Report (Doc 6.2) . This was the same date as the main consultation for the s42 consultees.
s47: Duty to consult local community	
2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?	Yes. A copy of the final SOCC can be found at Appendix 1 of the Consultation Report (Doc 6.2) .
2.7 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?	Yes. At paragraph 3.1.4 of the Consultation Report (Doc 6.1) the applicant states that Kent County Council ('C' authority), Canterbury City Council, Dover District Council and Thanet District Council ('B' authorities) were consulted on the draft SOCC in December 2014. A copy of the applicant's letters to the local authorities asking for comments on the draft SOCC can be found at Appendix 1 of the Consultation Report (Doc 6.2) . The letters are dated 5 December 2015. Responses were requested by 14 January 2014. It is assumed the letters should have been dated 5 December 2014 and that the date for responses should have been 14 January 2015. This would have given more than 28 days for receipt of

	responses.
2.8 Has the applicant had regard to any responses received when preparing the SOCC?	<p>Yes.</p> <p>The responses received from the local authorities on the draft SOCC can be found in the Consultation Report (Doc 6.2, Appendix 1) along with the applicant's letters to the local authorities responding to the comments made.</p> <p>Table 8.21 in the Consultation Report (Doc 6.1) summarises the responses from the local authorities and the regard the applicant had to those responses.</p>
2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; 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>Paragraph 8.1.8 of the Consultation Report (Doc 6.1) states that the SOCC was available as part of the inspection boxes at 10 venues (listed in Table 8.26), and also at the public exhibitions and pop-up events carried out by the applicant. The 10 locations listed in Table 8.26 are:</p> <ul style="list-style-type: none"> • Canterbury City Council offices • Dover District Council offices • Kent County Council offices • Thanet District Council offices • National Grid office, London • Canterbury Library • Minster in Thanet Library • Ramsgate Library • Sandwich Library • Sturry Library

	<p>Table 8.22 of the Consultation Report (Doc 6.1) states that the SOCC was advertised in the following publications:</p> <ul style="list-style-type: none"> • Canterbury Times on 28 January 2015 • Kentish Gazette on 29 January 2015 • East Kent Mercury 29 January 2015 • Isle of Thanet Gazette 30 January 2015 <p>Notices of the SOCC are provided at Appendix 5 of the Consultation Report (Doc 6.2).</p>
<p>2.10 Does the SOCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>Page 6 of the SOCC states that the proposed development is EIA development. Page 10 of the SOCC states that the preliminary environmental information will be made available during the consultation period. The SOCC can be seen at Appendix 1 of the Consultation Report (Doc 6.2).</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p>Yes.</p> <p>Table 8.27 of the Consultation Report (Doc 6.1) sets out how the consultation was undertaken in accordance with the SOCC. The SOCC can be found at Appendix 1 of the Consultation Report (Doc 6.2).</p> <p>The Planning Inspectorate considers from the evidence submitted in the Consultation Report (Doc 6.1) and Appendices (Doc 6.2) that the applicant did carry out its consultation in accordance with the SOCC. This view is borne out by the response from the Councils (Kent County Council, Canterbury City Council, Dover District Council and Thanet District Council) in their letter dated 29</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	January 2016 responding on the adequacy of the consultation in which they state: <i>'The Councils are satisfied that National Grid has carried out the consultation in accordance with the SoCC which was amended as a direct result of feedback given by the Council's on the draft SoCC.'</i>
s48: Duty to publicise the proposed application	
2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	
(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;	<p>Yes.</p> <p>Section 8.4 of the Consultation Report (Doc 6.1) states that the s48 notice publicising the Project was placed in six newspapers in two consecutive weeks. Table 8.28 states that the advertisements were placed in the following newspapers:</p> <ul style="list-style-type: none"> • Canterbury Times – 28 Jan 2015 and 4 Feb 2015 • Kentish Gazette – 29 Jan 2015 and 5 Feb 2015 • East Kent Mercury – 29 Jan 2015 and 5 Feb 2015 • Isle of Thanet Gazette – 20 Jan 2015 and 6 Feb 2015 <p>Copies of the s48 notice and newspaper advertisements showing these dates can be found in the Consultation Report (Doc 6.2, Appendix 7).</p>
(b) once in a national newspaper;	Table 8.28 of the Consultation Report (Doc 6.1) states that the s48 notice was published for one week in The Times (a national newspaper) on 28 January 2015. A copy of the newspaper advertisement showing this date can be found in the Consultation Report (Doc 6.2, Appendix 7) .
(c) once in the London Gazette and, if land in Scotland is	Table 8.28 of the Consultation Report (Doc 6.1) states that the

affected, the Edinburgh Gazette; and	s48 notice was published for one week in the London Gazette on 28 January 2015. A copy of the newspaper advertisement showing this date can be found in the Consultation Report (Doc 6.2, Appendix 7) .
(d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable as the development does not relate to offshore development.
2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	Yes. A copy of the s48 notice is provided in the Consultation Report (Doc 6.2, Appendix 7) . The first paragraph of the notice listed the name and address of the applicant as follows: <i>National Grid Electricity Transmission plc ('National Grid') of 1-3 Strand, London WC2N 5RN</i>
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Yes. The first paragraph of the notice stated that: <i>'Notice is hereby given that National Grid Electricity Transmission plc ('National Grid') of 1-3 Strand, London WC2N 5RN proposes to apply to the Secretary of State for Energy and Climate Change under section 37 of the Planning Act 2008 for the above mentioned DCO ('the proposed application').'</i>
(c) a statement as to whether the application is EIA development;	Yes. The fifth paragraph of the notice stated that:

	<i>'The proposed project is 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. This means that the proposed works constitute development for which an Environmental Impact Assessment would be required.'</i>
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes. The second, third and fourth paragraphs of the notice provided a summary of the proposed project, including the principal elements of the project and the route and location of the main works.
(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;	Yes. The sixth paragraph of the notice, and the table below that paragraph, set out details of the dates, times and locations where the documents, plans and maps were available to be inspected free of charge.
(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));	Yes. The sixth paragraph of the notice stated that the documents, plans and maps were available for inspection between 10 February 2015 and 27 March 2015. The deadline for receipt of responses was 27 March 2015.
(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	Yes. The seventh paragraph of the notice stated that copies of the documents, plans and maps would be available on National Grid's website, and also provided on request by email or request by calling the project Freephone number. The notice states that: <i>'A reasonable copying charge will apply (up to a maximum of £500 for the full suite of documents). The documents can also be obtained free of charge on a DVD by contacting National Grid as</i>

	<i>detailed here.'</i>
(h) details of how to respond to the publicity; and	Yes. The eighth and ninth paragraphs of the notice stated that any representations on the proposals should be made in writing or sent by email. National Grid also requested that the responses state the grounds of representations, indicating who is making it, and providing an address to which any correspondence relating to the representation may be sent.
(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?	Yes. The eighth paragraph of the notice stated that the deadline for sending responses was 27 March 2015. This date was in excess of 28 days following the date when the notice was last published.
2.14 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 Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) ¹¹ ?	Yes. Section 11.3 of the Consultation Report (Doc 6.1) states that the s48 notice was given to consultation bodies together with notice of the Preliminary Environmental Information in letters sent to those bodies as prescribed consultees under s42 and as listed in the Regulation 9 list on the 10 February 2015. A copy of the notice is provided in the Consultation Report (Doc 6.2, Appendix 6) . The list of bodies/persons consulted is set out in the Consultation Report (Doc 6.2, Appendices 19 to 21) .
s49: Duty to take account of responses to consultation and publicity	
2.15 Has the applicant had regard to any relevant responses	Yes.

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<p>to the s42, s47 and s48 consultation?</p>	<p>Chapter 10 of the Consultation Report (Doc 6.1) describes the responses received to pre-application consultation, and tables 10.31 and 10.32 summarise those responses.</p> <p>Each response is summarised and addressed, and categorised as being either a s42 or s47/48 response, with changes to the project for the response classed as yes, no or not applicable. The changes include physical changes to the project and also where advice provided has led to further investigation or has been taken into account in a different way to help shape the project. Where changes are not made, an explanation is given.</p> <p>Chapter 12 of the Consultation Report (Doc 6.1) draws out the changes made to the proposed development on a section-by-section basis following the statutory consultation.</p> <p>The Planning Inspectorate considers regard was given to the submissions not identified as having led to changes as well as those where changes are described.</p>
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Guidance about pre-application procedure

<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Table 5.6 'How National Grid has complied with DCLG Guidance <i>Planning Act 2008: Guidance on Pre-application Process</i>' of the Consultation Report (Doc 6.1) explains how the applicant has had regard to DCLG's The Planning Act 2008: Guidance on the pre-application process.</p> <p>This table lists the requirements set out in the Department for Communities and Local Government Planning Act 2008 – Guidance on the pre-application process (March 2015), and provides the applicant's responses to each requirement listed, describing how it has complied with this guidance.</p> <p>The application appears to have been prepared having regard to</p>
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¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	guidance on the pre-application procedure.
<p>Summary - s55(3)(e)</p>	<p>As recorded in sections 2.3 and 2.4 of this checklist, the Planning Inspectorate observed a number of discrepancies between the list of persons consulted under s44 of the PA2008, provided in the Consultation Report (Doc 6.1), and the Book of Reference (Doc 3.3). To seek clarification with regards to these discrepancies, the Planning Inspectorate requested all consultation responses from the applicant under Regulation 5(5) of the APFP Regulations. The applicant provided the requested information, which has led to the identification of further anomalies.</p> <p>From the analysis the Planning Inspectorate has undertaken, there appears to be in the order of five parties that are not included in any of the consultation lists provided by the applicant and in the order of twelve parties which received a notification letter dated 23 December 2015, having been identified after the close of the s42 and s47 consultations.</p> <p>On the basis of the information provided in the application and the applicant's response to the request, the Planning Inspectorate considers that the applicant's pre-application consultation duties have been undertaken to a satisfactory standard and that parties omitted from consultation can be remedied by the applicant going forward, by the inclusion of these parties in the notification of the accepted application under s56 PA2008. S51 advice has been provided by the Planning Inspectorate on these matters.</p>
<p>3. 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)</p>	

<p>3.1 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 Secretary of State; 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>The application is made in the form prescribed by Schedule 2 of the APFP Regulations (Application Form, Doc 1.3).</p> <p>Section 4 of the Application Form explains that the applicant is obliged to submit the application to the Secretary of State, and provides a brief statement explaining why the application falls within the remit of the Secretary of State:</p> <p><i>'The application relates to the installation of a 400kV electricity connection. This will include a new 400kV overhead line which is wholly in England. The line comes within s16(1) of the Planning Act 2008 (the Act) and is therefore a nationally significant infrastructure project within section 14(1) of the Act and requires a development consent order under s.31 of the Act.'</i></p> <p>Section 6 of the Application Form describes the location of the scheme.</p> <p><i>'The proposed new 400kV connection will be between the Richborough 400kV and the existing Canterbury North 400kV Substation in the City of Canterbury.'</i></p> <p>More information on the proposed route of the scheme is shown on the Land Affected Plans (Doc 4.2) and is provided within the Environmental Statement (Doc 5.2).</p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Doc 6.1) and Consultation Report Appendices 1 to 40 (Doc 6.2).</p>
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	

<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>Yes.</p> <p>The Environmental Statement (ES) is provided in the following documents:</p> <ul style="list-style-type: none"> • Non-technical Summary (Doc 5.1) • Main Report (Doc 5.2) • Figures (Doc 5.3); and • Appendices (Doc 5.4). <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. This does not preclude the ExA from seeking further explanation during the course of the examination.</p> <p>The applicant did not request a screening opinion from the Secretary of State.</p> <p>A copy of the scoping opinion issued by the Secretary of State in September 2014 has been provided (Doc 5.4.1A).</p>
<p>(b) the draft proposed order;</p>	<p>Yes.</p> <p>The Draft Development Consent Order (Doc 2.1) is included in the application. A Deemed Marine Licence is included at Schedule 9 of the draft Order. The Order has been drafted in the form of a statutory instrument.</p>
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;</p>	<p>Yes.</p> <p>An Explanatory Memorandum (Doc 2.2) has been provided with the application. The document explains the purpose and effect of provisions in the draft order.</p>

<p>(d) where applicable, a book of reference (where the application involves any compulsory acquisition);</p>	<p>Yes.</p> <p>The Book of Reference (Doc 3.3) meets the requirements of DCLG's Planning Act 2008: guidance related to procedures for the compulsory acquisition of land.</p> <p>However there are some parties listed against plots in Part 3 of the Book of Reference which are not listed against the same plots in Part 1.</p> <p>Please refer to the Planning Inspectorate's s51 advice for further information on this.</p>
<p>(e) a copy of any flood risk assessment;</p>	<p>Yes.</p> <p>A Flood Risk Assessment has been provided in Appendix 13A of the Environmental Statement (Doc 5.4.13A).</p>
<p>(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;</p>	<p>Yes.</p> <p>A Statement of Statutory Nuisance (Doc 5.6) has been provided.</p> <p>The Statement confirms that nuisance may arise from:</p> <ul style="list-style-type: none"> • emissions to air; smoke, fumes, gases, dust or other effluvia • light; and • noise. <p>The Statement refers to the details of assessments in the Environmental Statement (Doc 5.2) in respect to lighting (Chapter 7), noise and vibration (Chapter 11) and air quality (Chapter 12).</p> <p>The Statement provides details of the measures proposed to mitigate the identified nuisances.</p>

<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ 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);</p>	<p>Yes.</p> <p>A Habitat Regulations Assessment Report (Doc 5.5) has been provided.</p> <p>The 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><i>Note: the Examining authority may 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.</i></p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes.</p> <p>The Statement of Reasons (Doc 3.1) forms part of the Compulsory Acquisition information submitted by the applicant.</p> <p>A Funding Statement (Doc 3.2) has also been submitted. The applicant notes at paragraph 1.5 that it is required because '<i>the proposed Development Consent Order would authorise the compulsory acquisition of land or interests in land</i>'. The statement sets out how the acquisition will be funded; and, how the Project generally is to be funded.</p>
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p>	<p>Yes.</p> <p>The Land Plans (Doc 4.3) comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan)

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

<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; 	<ul style="list-style-type: none"> • PDD-21497-2-OHL-1021 (Land Plan Key Plan) • PDD-21497-2-OHL-0959 (Drawing References and Schedule of Plot Numbers for Land Plans) • PDD-21497-2-OHL-0900 to 0958 SHEETS 1 to 18 and Insets <p>The Land Plans (Doc 4.3 - PDD-21497-2-OHL-0959 - Drawing References and Schedule of Plot Numbers for Land Plans) has been checked for consistency against the Land Plans and the Plots listed in the Book of Reference (Doc 3.3). The following minor inconsistencies were found:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-0900 SHEET 1 OF 18 - The plot number 143 is listed twice in the schedule. • PDD-21497-2-OHL-0939 SHEET 11 OF 18 – 1166A and 1166B are split on the sheet. On the plan it is plot 1166. • PDD-21497-2-OHL-0943 INSET 11D TO SHEET 11 OF 18 – 1166A and 1166B are split on the sheet. On the plan it is plot 1166. • PDD-21497-2-OHL-0948 SHEET 13 OF 18 – Plot 1281 is showing on sheet 14 but not sheet 13. • PDD-21497-2-OHL-0956 INSET 17A TO SHEET 17 OF 18 – Plot 1603 listed in the schedule is split into 1603A and 1603B on land plan and BoR. <p>The Land Affected Plans (Doc 4.2) comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan) • PDD-21497-2-OHL-1001 (Key Plan) • PDD-21497-2-OHL-1002 to PDD-21497-2-OHL-1019
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	<p>The Extinguishment of Easements, Servitudes and Other Private Rights Plans (Doc 4.4) comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan) • PDD-21497-2-OHL-1081 (Key Plan) • PDD-21497-2-OHL-1082 to PDD-21497-2-OHL-1099 <p>The Special Category Land Plans and Crown Land Plans (Doc 4.5) comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan) • PDD-21497-2-OHL-1061 (Key Plan) • PDD-21497-2-OHL-1062 to PDD-21497-2-OHL-1079
<p>(j) 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 (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order; 	<p>Yes.</p> <p>The Works Plans (Doc 4.6) show the proposed route and works, and the order limits of these and the limits of deviation. They comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan) • PDD-21497-2-OHL-1121 (Key Plan) • PDD-21497-2-OHL-1122 to PDD-21497-2-OHL-1139 <p>The works plan numbers referenced in the Draft Development Consent Order (Doc 2.1) appear consistent with the works plans.</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Yes.</p> <p>The Access, Rights of Way and Public Rights of Navigation Plans (Doc 4.7) comprise:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1000 (Location Plan) • PDD-21497-2-OHL-1141 (Key Plan)

	<ul style="list-style-type: none"> • PDD-21497-2-OHL-1142 to PDD-21497-2-OHL-1160 • PDD-21497-2-OHL-1110
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (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>Figures 9.1a-h (Doc 5.3.9) identify statutory and non-statutory nature conservation sites including:</p> <ul style="list-style-type: none"> • Ramsar sites; • Special Protection Areas; • Special Areas of Conservation; • Sites of Special Scientific Interest (SSSI); • National Nature Reserves; • Local Wildlife Sites; • Wildlife Trust Reserves; and, • Ancient Woodland. <p>The Phase 1 Habitat Maps provided in Figures 9.2a-u (Doc 5.3.9) identify habitats of protected species important habitats and other diversity features. In addition, badger habitats are identified in Figures 9G.1a-d and 9G.2-4 (Doc 5.4.9G - confidential) and bird of prey habitats are identified in Annex 9Q.1 (Doc 5.4.9Q - confidential).</p> <p>An assessment of effects on these features is presented in Chapter 9 (Biodiversity) of the Environmental Statement (ES) (Doc 5.2).</p> <p>Figures 14.2a-d (Doc 5.3.14) identify statutory and non-statutory sites of geological importance, including:</p> <ul style="list-style-type: none"> • SSSIs where the designation includes geological interest features; and • regionally important geological sites.

	<p>An assessment of effects on these features is presented in Chapter 14 (Geology, Soils and Agriculture) of the ES (Doc 5.2).</p> <p>Figures 6.1 to 6.2 (Doc 5.3.6) identify statutory and non-statutory sites of landscape importance, including:</p> <ul style="list-style-type: none"> • Ancient Woodland • Areas of Outstanding Natural Beauty • Areas of High Landscape Value • Conservation Areas • Country Parks • Green Gaps • Open Space • Registered Parks and Gardens; and • Special Landscape Areas. <p>An assessment of effects on these features is presented in Chapter 6 (Landscape) of the ES (Doc 5.2).</p> <p>Figures 13.1 to 13.4 (Doc 5.3.13) identify water bodies in a river basin management plan. An assessment of effects on water bodies in a river basin management plan is presented in Chapter 13 (Water Environment) of the ES (Doc 5.2).</p>
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. 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>Figures 8.1a-h and 8.2a-g (Doc 5.3.8) identify historic environment features including:</p> <ul style="list-style-type: none"> • World heritages sites • Listed buildings • Scheduled monuments; and • Conservation areas.

	An assessment of effects on these features is provided in Chapter 8 (Historic Environment) of the Environmental Statement (Doc 5.2) .
(n) where applicable, a plan with any accompanying information identifying any Crown land;	Crown Land is identified in the Special Category Land Plans and Crown Land Plans (Doc 4.5) .
(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;	The following additional plans and sections are provided to support the application: <ul style="list-style-type: none"> • Location Plan (Doc 4.1) • Extinguishment of Easements, Servitudes and Other Private Rights Plans (Doc 4.4) • Traffic Regulation Order Plans (Doc 4.8) • Habitats of Protected Species (Doc 4.11) • Trees and Hedgerows to be removed or Affected Plans (Doc 4.13) • Design Drawings (Doc 4.14) • Typical Construction Details (Doc 4.15)
(p) any of the documents prescribed by Regulation 6 of the APFP Regulations ¹⁴ ;	There is no additional information prescribed by Regulation 6 of the APFP Regulations for this specific type of project.
(q) any other documents considered necessary to support the application; and	The following additional documents are provided to support the application: <ul style="list-style-type: none"> • Navigation document (Doc 1.1)

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

	<ul style="list-style-type: none"> • Application Letter (Doc 1.2) • Guide to the Application (Doc 1.4) • Glossary (Doc 1.5) • Transport Assessment (Doc 5.4.10A) • Electric and Magnetic Fields Report (Doc 5.7) • Landscape and Habitat Enhancement Scheme (Doc 5.8) • Planning Statement (Doc 7.1) • Need Case (Doc 7.3) • Strategic Options Report (Doc 7.4) • Route Corridor Study (Doc 7.5) • Preferred Connection Option (Doc 7.6) • Connections Options Report (Doc 7.7) • Pylon Design Options Report (Doc 7.8)
<p>(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.</p>	<p>Two full paper copies of the application were submitted on 14 January 2016.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than 1:2,500 on land) and, in the case of plans, show the direction of north¹⁵?</p>	<p>The plans and drawings are all submitted in A1 size and show the direction of north, and all relevant plans have been drawn to an identified scale not smaller than 1:2500, with the exception of the Key Plans and Location Plans and the following:</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1160 – Access, Rights of Way and

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>Public Rights of Navigation Plans (Doc 4.7) – Plan A</p> <ul style="list-style-type: none"> • PDD-21497-2-OHL-1110 - Access, Rights of Way and Public Rights of Navigation Plans (Doc 4.7) – Plan B <p>Both these plans show long distance direction routes.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>Yes.</p> <p>Key plans have been provided for: Land Plans; Land Affected Plans; Works Plans; Extinguishment of Easements, Servitudes and Other Private Rights Plans; Special Category Land and Crown Land Plans; Access, Rights of Way and Public Rights of Navigation Plans; Environmental Features, Statutory or Non-Statutory Sites or Features of Nature Conservation Plans; Species, Important Habitats or Other Diversity Features and Waterbodies in a River Basin Management Plans; Heritage Designations Plans; and Trees and Hedgerows to be Removed or Managed Plans.</p>
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>The format and content of the application documents submitted are consistent with the DCLG Guidance 'Planning Act 2008: Application form guidance', and it therefore appears that the applicant has had regard to this guidance.</p> <p>The application is accompanied by documents of a prescribed nature as set out in s37(3) PA2008 and Regulation 5 of the APFP Regulations.</p> <p>The applicant has also provided a number of other documents considered necessary to support the application, in accordance with APFP Regulation 5(2)(q). Paragraph 1.1.2 of the Planning Statement (Doc 7.1) notes that '<i>This Planning Statement has been prepared in compliance with the requirements of Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations (the APFP Regulations) and in</i></p>

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<i>accordance with the Department for Communities and Local Government (DCLG) guidance 'Planning Act 2008: Application Form Guidance'...</i>
Summary - s55(3)(f) and s55(5A)	<p>The submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) PA2008.</p> <p>None of the discrepancies identified in the checklist are likely to prevent an appointed Examining authority from examining the application. The overall conclusion therefore is that the application can be accepted.</p> <p>However, the applicant is strongly recommended to consider and respond to the content of s51 advice issued alongside this checklist.</p>
The Infrastructure Planning (Fees) Regulations 2010 (SI106)	
Fees to accompany an application	
Was the fee paid at the same time that the application was made ¹⁷ ?	The fee of £4,500 was paid to the Planning Inspectorate on 11 January 2016, prior to the application being submitted.

Case Leader

Chris White

Signed

Chris White

Date:

11/02/16

Acceptance Inspector

Annie Coombs

Signed

Annie Coombs

Date:

11/02/16

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

Richborough Connection

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates

Appendix Two

TEN-E Regulation checklist

Definitions

<i>DECC Manual</i>	<i>DECC (May 2014) 'The TEN-E Regulation EU 347/2013: Manual of Procedures: The Permitting process for Projects of Common Interest in the UK</i>
<i>NCA</i>	<i>The National Competent Authority. In the UK, this is the Secretary of State for Energy and Climate Change. However, for this proposal, tasks have been delegated to the Planning Inspectorate. A link to the delegation of tasks letter can be found here.</i>
<i>PCI</i>	<i>Project of Common Interest</i>
<i>TEN-E Regulation</i>	<i>Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009</i>

Pre-Application – Permit Granting Process

TEN-E-E Regulation	Planning Inspectorate Comments
<p>1 The project promoter shall draw up an Implementation Plan for the PCI.</p> <p><i>(Article 5(1))</i></p>	<p>The applicant notes in its Application Letter (Doc 1.2) Appendix 2 that the Implementation Plan was submitted to the European Commission on 31 January 2014. A copy of the Implementation Plan is included in Annex B of Doc 1.2. A timeline of the Implementation Plan is included in Section 2 of the Implementation Plan which provides details of timetables in accordance with Article 5(1).</p>
<p>2 For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the NCA of the Member States concerned in written form, and shall include a reasonably detailed outline of the project. No later than three months following the receipt of the notification, the NCA shall, including on behalf of other authorities concerned, acknowledge or, if it considers the project as not mature enough to enter into the permit granting process, reject the notification in written form.</p> <p>The date of signature of the acknowledgement of the notification by the NCA shall serve as the start of the permit granting process.</p>	<p>The applicant formally notified the Planning Inspectorate on 1 December 2014 under Article 10(1)(a) of its intention to submit an application for the necessary permits to construct the Richborough Connection. The letter contained: a description of the project; location; alternatives considered; details of the Environmental Impact Assessment; consultation carried out; and a project programme. The applicant has provided this letter in the Consultation Report (Doc 6.2, Appendix 8).</p> <p>The Planning Inspectorate wrote to the applicant on 6 January 2015 confirming it considered the project sufficiently mature to be able to submit an application for the consents required within two years. The date of this correspondence is the start date for the permit granting process. The applicant has provided a copy of this letter in the Consultation Report (Doc 6.2, Appendix 10).</p>

<p><i>(Article 10(1)(a))</i></p>	
<p>3 Upon the acknowledgement of the notification pursuant to paragraph 1(a), the NCA shall identify, in close cooperation with the other authorities concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of material and level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision. The checklist referred to in Annex VI.1(e) shall serve as a basis for this identification.</p> <p><i>(Article 10(4)(a))</i></p>	<p>The Planning Inspectorate wrote to the applicant on 1 April 2015 in regard to Article 10(4)(a) and (b) of the Regulation. The Planning Inspectorate: (a) identified the scope of material and the level of detail of information to be submitted as part of the application file; and (b) drew up a detailed schedule for the permit granting process. This had been developed following consultation with the applicant.</p> <p>The applicant has provided copies of the relevant correspondence in the Consultation Report (Doc 6.2, Appendices 14, 15, and 16).</p>
<p>4 The NCA shall draw up, in close cooperation with the project promoter and other authorities concerned and taking into account the results of the activities carried out under point (a), a detailed schedule for the permit granting process in line with the guidelines set out in Annex VI.2.</p> <p><i>(Article 10(4)(b))</i></p>	<p>The Planning Inspectorate drew up the detailed schedule for the permit granting process in consultation with the applicant. Correspondence between the two bodies can be found in the Consultation Report (Doc 6.2, Appendices 14, 15, and 16).</p> <p>The detailed schedule for the permit granting process can be found in Annex B of the Planning Inspectorate letter of 1 April 2015 (Doc 6.2, Appendix 16). The schedule specifies the information required by the guidelines in Annex VI.2.(a)-(e).</p>
<p>5 The project promoter shall, within an indicative period of three months of the start of the permit granting process pursuant to Article 10(1)(a), draw up and submit a concept for public participation to the NCA.</p>	<p>The Planning Inspectorate received the applicant's Concept for Public Participation (CfPP) on 16 December 2014. A copy of this letter was submitted by the applicant in the Consultation Report (Doc 6.2, Appendix 12).</p>

<p><i>(Article 9(3))</i></p>	<p>The Planning Inspectorate responded to the applicant on 14 January 2015 requesting modifications to the Statement of Community Consultation (SOCC), which combined the CfPP required in accordance with the TEN-E Regulation, and the SOCC required in accordance with the Planning Act 2008. A copy of this request has been submitted by the applicant in the Application Letter (Doc 1.2, Annex C), along with the applicant's response to the Planning Inspectorate dated 28 January 2015 confirming amendments to the CfPP in line with the Planning Inspectorate's comments.</p> <p>The Planning Inspectorate approved the final CfPP in a letter to the applicant on 4 February 2015. A copy of this letter can be found in the Consultation Report (Doc 6.2, Appendix 13). A copy of the approved CfPP has been submitted by the applicant in the Consultation Report (Doc 6.2, Appendix 1).</p>
<p>5.1 Annex VI.4: The concept for public participation shall at least include information about:</p> <ul style="list-style-type: none"> a) the stakeholders concerned and addressed; b) the measures envisaged, including proposed general locations and dates of dedicated meetings; c) the timeline; d) the human resources allocated to the respective tasks 	<p>The Planning Inspectorate confirmed, in its letter to the applicant dated 4 February 2015 that the final CfPP submitted by the applicant in January 2015 met the requirement set out in Annex VI.4 of the TEN-E Regulation.</p>
<p>6 At least one public consultation shall be carried out by the project promoter, or, where required by national law, by the NCA, before submission of the final and complete</p>	<p>Statutory consultation has been undertaken in accordance with the Planning Act 2008, and the adequacy of this consultation is assessed in the section 55 checklist forming the main part of this document. Details of the consultation undertaken are set out</p>

<p>application file to the NCA pursuant to Article 10(1)(a). This shall be without prejudice to any public consultation to be carried out after submission of the request for development consent according to Article 6(2) of Directive 2011/92/EU [Directive on the assessment of the effects of certain public and private projects on the environment]. The public consultation shall inform stakeholders referred to in Annex VI.3(a) about the project at an early stage and shall help to identify the most suitable location or trajectory and the relevant issues to be addressed in the application file. The minimum requirements applicable to this public consultation are specified in Annex VI.5.</p> <p>The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process. The project promoter shall submit that report together with the application file to the NCA.</p> <p><i>(Article 9(4))</i></p>	<p>within the applicant's Consultation Report (Doc 6.1). The statutory consultation undertaken was carried out in February/ March 2015, and prior to this non-statutory engagement and consultation was undertaken by the applicant. Chapters 6 to 12 of the Consultation Report (Doc 6.1) provide further information on these consultations, and how the consultations identified locations and relevant issues to be addressed in the application.</p> <p>The Consultation Report and Appendices (Doc 6.1 and 6.2) sets out information summarising the results of activities related to the participation of the public.</p> <p>The consultation carried out by the applicant is considered to meet the requirements of Article 9(4).</p>
<p>6.1 Annex VI.5: In the context of the public consultation to be carried out before submission of</p>	<p>The applicant published an Overview Report in February 2015 providing an overview of the need for the project, the work</p>

<p>the application file, the relevant parties shall at least:</p> <ul style="list-style-type: none"> a) publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures, which shall be published prior to the start of the consultation; The information leaflet shall furthermore list the web addresses of the Commission's infrastructure transparency platform and of the Member State's manual of procedures; b) inform all stakeholders affected about the project through the website referred to in Article 9(7) and other appropriate information means; c) invite in written form relevant affected stakeholders to dedicated meetings, during which concerns shall be discussed. 	<p>carried out so far, and how the local community has and could get involved. The report also provided web addresses where information on the European legislation could be found as well as the Manual of Procedures. Although the Overview report is more than 15 pages in length, this is considered acceptable given the linear nature of the project and the information the applicant provided to the local community and stakeholders. The Overview Report can be found in the Consultation Report (Doc 6.2, Appendix 9).</p> <p>The applicant established and updated a dedicated project website in accordance with Article 9(7) and the website address was provided in all letters issued to consultees during the consultation process. Screenshots of the project website are provided in the Consultation Report (Doc 6.2, Appendix 11).</p> <p>The applicant notes in Chapter 8 of the Consultation Report (Doc 6.1) that six public exhibitions were held where communities were able to find out information about the project and consultation process, and talk to the project team representatives. As well as advertising the events through adverts in local newspapers, publishing on social media and the website, and distributing posters in the local area, the applicant states that all letters to prescribed consultees and the local community included an invitation to the public exhibitions through the project newsletter. Evidence of this can be found in the Consultation Report (Doc 6.2, Appendices 6, 32, 35 and 36).</p>
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<p>7 Without prejudice to any requirements under the Aarhus and Espoo Conventions and relevant Union law, all parties involved in the permit granting process shall follow the principles for public participation set out in Annex VI.3.</p> <p><i>(Article 9(2))</i></p>	<p>The applicant has provided details of the consultation process and how the public were engaged within the Consultation Report (Doc 6.1). The Concept for Public Participation was approved by the Planning Inspectorate in February 2015 (Consultation Report (Doc 6.1, Appendix 13)).</p>
<p>7.1 Annex VI.3: To increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:</p> <p>a) The stakeholders affected by a PCI, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, when potential concerns by the public can still be taken into account and in an open and transparent manner. Where relevant, the NCA shall actively support the activities undertaken by the project promoter.</p> <p>b) Competent authorities shall ensure that public consultation procedures for PCIs are grouped together where possible. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject</p>	<p>Details of the applicant’s phases of public consultation are set out in the Consultation Report (Doc 6.1). Chapter 6 and 7 of the Consultation Report set out details of the non-statutory consultation and engagement undertaken in summer 2013, and the engagement undertaken between summer 2013 and February 2015.</p> <p>The section 55 checklist which forms the main part of this document sets out the assessment of the applicant’s engagement with the relevant stakeholders of this PCI. It is considered that the applicant has met the principles as set out in Annex VI.3 by engaging with the relevant stakeholders at an early stage of the project process.</p> <p>The public consultation undertaken by the applicant was carried out in three main stages: non-statutory consultation (June to Aug 2013); non-statutory engagement (through 2014); and statutory consultation (Feb to March 2015). Each of these three consultation periods covered subject matters relevant to the particular stage: the development process and route corridor options; the draft route proposed; and the detailed proposed</p>

<p>matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation.</p> <p>c) Comments and objections shall be admissible from the beginning of the public consultation until the expiry of the deadline only.</p>	<p>route and pylon design. Public consultation took place across a number of locations in the project area. The applicant has provided details of the consultation carried out in the Consultation Report (Doc 6.1). The Consultation Report Appendices (Doc 6.2, Appendices 9, 26 and 27) provide further information in the project news documents and overview report.</p> <p>The Consultation Report (Doc 6.1, Chapter 6) notes that the Summer 2013 consultation began on 25 June 2013 and closed on 9 August 2013. Further details of the responses received can be found in Chapter 6. No deadline was set for the interim period between the non-statutory consultation in 2013 and the statutory consultation in 2015. Within this period between August 2013 and February 2015 the applicant received comments and objections and continued to engage with stakeholders. Details of the responses received can be found in the Consultation Report (Doc 6.1, Chapter 7).</p> <p>The statutory consultation period was carried out between 10 February 2015 and 27 March 2015, following formal TEN-E notification and the start of the permit granting process. Further detail of this stage of consultation can be found in the Consultation Report (Doc 6.1, Chapter 9 and 10).</p>
<p>8 The project promoter shall ensure the completeness and adequate quality of the application file and seek the NCA's opinion on this as early as possible during the pre-application procedure. The project promoter</p>	<p>The Planning Inspectorate held several meetings with the applicant during the pre-application stage to discuss the proposed project and the documentation required for the application. The applicant submitted draft application documents to the Planning Inspectorate for comment on 27 August 2015.</p>

<p>shall cooperate fully with the NCA to meet deadlines and comply with the detailed schedule [for the permit granting process].</p> <p>(Article 10(5))</p>	<p>The Planning Inspectorate provided comments on the documents submitted in a letter to the applicant dated 1 October 2015.</p> <p>Details of the meetings held and correspondence between the parties are set out as Section 51 advice and available on the Planning Inspectorate’s Richborough Project page at http://infrastructure.planninginspectorate.gov.uk/projects/south-east/richborough-connection-project/?ipcsection=advice</p>
<p>9 Upon receipt of the draft application file, the NCA shall, if necessary, and including on behalf of other authorities concerned, make further requests regarding missing information to be submitted by the project promoter, which may only address subjects identified under point [Article 10 (4)](a). Within three months of the submission of the missing information, the competent authority shall accept for examination the application in written form. Requests for additional information may only be made if they are justified by new circumstances.</p> <p>(Article 10(4)(c))</p>	<p>The Planning Inspectorate received the DCO application on 14 January 2016. Further information was requested from the applicant in accordance with Regulation 5(5) of the APFP Regulations 2009 regarding making available responses to the consultation carried out under Part 5 of PA2008.</p>

Ongoing obligations

<p>10 The project promoter, or where national law so provides, the NCA, shall establish and regularly update a website with relevant</p>	<p>The applicant set up a dedicated project website for the Richborough Connection project at www.richboroughconnection.co.uk . The applicant states in Table</p>
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<p>information about the PCI, which shall be linked to the Commission website and which shall meet the requirements specified in Annex VI.6. Commercially sensitive information shall be kept confidential.</p> <p><i>(Article 9(7))</i></p>	<p>5.4 and 5.5 of the Consultation Report (Doc 6.1) that the project website went live on 25 June 2013 and continues to be updated to reflect the progress of the project.</p> <p>The project website made available: all the project documents including the Overview Report, and non-technical summaries of the Preliminary Environmental Information report and Environmental Statement; a dedicated section on consultation and engagement; a “have your say” section where details of where to obtain a full set of application documents can be found; contact details of where comments and objections could be made. The applicant is therefore considered to have complied with the requirements specified in Annex VI.6</p> <p>Screenshots from the Project Website have been provided by the applicant in the Consultation Report (Doc 6.1, Appendix 11).</p>
<p>11 Project promoters shall also publish relevant information by other appropriate information means to which the public has open access.</p> <p><i>(Article 9(7))</i></p>	<p>In addition to publishing all relevant information on the project website, the applicant also provided access to information and documentation at local libraries, council offices, and exhibition events. The Overview Report dated February 2015 within the Consultation Report (Doc 6.2, Appendix 9) provides details of this public access at pages 27 to 32.</p>
<p>12 By 31 March of each year following the year of inclusion of a PCI on the Union list pursuant to Article 3, project promoters shall submit an annual report, for each project falling under the categories set out in Annex II.1 and 2, to</p>	<p>The applicant states in the Application Letter (Doc 1.2, Appendix 2) that they submitted an annual report for the Internal line between the vicinity of Richborough and Canterbury (PCI number 1.1.2) to the Agency for the Cooperation of Energy Regulators on 27 March 2015. The report was submitted by the</p>

the NCA referred to in Article 8 and either to the Agency or, for projects falling under the categories set out in Annex II.3 and 4, to the respective Group.

(Article 5(4))

applicant in the **Application Letter (Doc 1.2, Annex A)**.