

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 by the Localism Act 2011

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure 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

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	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
		12 11 2018	10 12 2018	10 12 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a nationally significant infrastructure project ² (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 ³ (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>Yes.</p> <p>The proposed development set out in Schedule 1 of the draft DCO (dDCO) (Doc 3.1) is a Nationally Significant Infrastructure Project (NSIP)), which is a development falling within the categories in ss14 and 16 of the PA2008.</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.2) in Box 4 which concludes that the application is for an NSIP.</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)

	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?	
3	Summary – s55(3)(a) and s55(3)(c)	Box 4 of the Application Form (Doc 1.2) confirms that the Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) 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 development?	(a) No , the Applicant did not request a screening opinion in respect of the development. (b) Yes , on 9 March 2017, before the start of s42 consultation on 23 November 2017 (paragraph 8.2.2, Consultation Report, Doc 5.1).
5	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?	There are 14 host and neighbouring authorities, of which four responded to the Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR): <ul style="list-style-type: none"> • Shropshire Council (‘B’ Authority) • Wyre Forest District Council (‘A’ Authority) • Stafford Borough Council (‘A’ Authority)

⁴ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

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

	<ul style="list-style-type: none"> • South Staffordshire Council ('A' Authority) <p>Shropshire Council (the host authority) outlined the Applicant's engagement with them during pre-application and concluded that the Applicant had complied with its duties under s42, s47 and s48 of the Planning Act 2008.</p> <p>Wyre Forest District Council stated that they had no adverse comments to make.</p> <p>Stafford Borough Council and South Staffordshire Council both advised that they are satisfied the consultation was adequate.</p> <p>A representation was received on behalf of the Canal & River Trust, submitted as an addendum to Shropshire Council's response. The Trust states that there have been deficiencies in the consultation process. However, the matters the Trust raises appear to be more appropriate for the examination, and there is evidence throughout the Consultation Report (Doc 5.1) that the Applicant engaged with the Trust and that they responded to consultation. Tables 9-5, 9-10, 9-17 and 10-1 of the Consultation Report (Doc 5.1) show the Trust's response to the statutory consultation and additional consultation and how the Applicant has had regard to it, with justification provided for not making any changes suggested by the Trust.</p> <p>All AoCR have been carefully considered and are available to view on the project page of the National Infrastructure Planning website:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/reinforcement-to-north-shropshire-electricity-distribution-network/?ipcsection=docs</p> <p>The Planning Inspectorate is satisfied that the Applicant has acted reasonably in seeking to comply with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p>
<p>s42: Duty to Consult</p>	
	<p>Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>

6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes.</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 23 November 2017 in Appendix 3.1 of the Consultation Report (Doc 5.1.3).</p> <p>However, the Planning Inspectorate has identified the following bodies that have not been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • SP Distribution Plc • Harlaxton Gas Networks Limited • Murphy Gas Networks Limited • Eclipse Power Networks Limited • Energy Assets Networks Limited • Energy Assets Power Networks Limited • Fulcrum Electricity Assets Limited • Leep Electricity Networks Limited • Murphy Power Distribution Limited • Vattenfall Networks Limited • Utility Distribution Networks Limited <p>It is noted that these bodies have national responsibility and/or licences, yet their operational areas may not be clear from information in the public domain.</p> <p>The Planning Inspectorate has also identified the following body that has not been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Powysland IDB <p>The Applicant has not provided a justification for these bodies not being consulted under s42, however paragraphs 5.2.6 to 5.2.14 of the Consultation Report (Doc 5.1) detail the process the Applicant undertook to identify s42 prescribed consultees and the Applicant's interpretation of the regulations appears justifiable.</p>
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⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		<p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Inspectorate expects the Applicant to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008, unless there is a specific justification why this is not necessary.</p> <p>Section 51 advice has been issued regarding this matter.</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable.
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p>Paragraphs 5.2.15 and 5.2.16 of the Consultation Report (Doc 5.1) identify the relevant local authorities that were consulted under s43 and s42(1)(b) of the PA2008.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • Shropshire Council <p>The neighbouring 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Powys Council • Herefordshire Council • Wrexham County Borough Council • Cheshire West and Chester Council • Cheshire East Council • Newcastle-under-Lyme Borough Council • Staffordshire County Council

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

		<ul style="list-style-type: none"> • Telford and Wrekin Council • South Staffordshire District Council • Wyre Forest District Council • Malvern Hills District Council • Worcestershire County Council • Stafford Borough Council
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes.</p> <p>The Applicant has consulted each person in one or more s44 categories as described in paragraphs 5.2.18 to 5.2.28 of the Consultation Report (Doc 5.1).</p> <p>Paragraph 5.2.27 of the Consultation Report (Doc 5.1) explains that all persons consulted under s42(1)(d) are identified in the Book of Reference (Doc 4.3).</p>
s45: Timetable for s42 Consultation		
11	Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes.</p> <p>A letter dated 22 November 2017 was sent to s42 consultees and confirms a deadline of responses being 2 February 2018, which is more than 28 days after the date of the s42 notification letter. Samples of the letters are provided at Appendix 5.4 of the Consultation Report (Doc 5.1.5).</p>
s46: Duty to notify Secretary of State of proposed application		

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

12	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?	<p>Yes.</p> <p>The Applicant gave notice under s46 on 20 November 2017, which was before the beginning of s42 consultation.</p> <p>A copy of the letter dated 20 November 2017 and consultation documents sent to the Secretary of State is included in Appendix 5.1 of the Consultation Report (Doc 5.1.5).</p>
s47: Duty to consult local community		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>The Applicant produced a Statement of Community Consultation (SoCC) on 23 November 2017 which is supplied with the application at Appendix 3.2 of the Consultation Report (Doc 5.1.3).</p>
14	Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?	<p>Yes.</p> <p>The Applicant sent the draft SoCC to Shropshire Council (‘B Authority’) for a non-statutory review between 11 September 2017 and 5 October 2017. Shropshire Council was then formally consulted between 9 October 2017 to 10 November 2017 (paragraph 6.3.1 of the Consultation Report, Doc 5.1).</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>The Applicant has set out in Table 6-1 of the Consultation Report (Doc 5.1) how the responses that were received as a result of non-statutory consultation on the SoCC have been taken into consideration. The Applicant updated its draft SoCC and sent it to Shropshire Council for statutory consultation.</p> <p>An example of a change between the draft and the final SoCC is the inclusion of Maesbury Road Industrial Estate in the consultation zone.</p>

16	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>The SoCC was made available online and at Wem Library, Oswestry Library, Ellesmere Library, Whitchurch Library, Shropshire Council Planning Department and Oswestry Town Council, which is reasonably convenient having regard to the location of the scheme. A notice stating when and where it could be inspected was published in the Shropshire Star on 23 November 2017 (Appendix 3.3 of the Consultation Report, Doc 5.1.3).</p>
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes.</p> <p>The SoCC (Appendix 3.3 of the Consultation Report, Doc 5.1.3) sets out in section 3 that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p>
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>The Applicant has set out in Table 6-2 of the Consultation Report (Doc 5.1) the activities that have been carried out and how the commitments in the SoCC have been met. This is supported by Shropshire Council's AoCR.</p>
s48: Duty to publicise the proposed application		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p>Yes.</p> <p>The Applicant has described the newspapers and dates of s48 publicity in Table 7-1 at paragraph 7.2.3 of the Consultation Report (Doc 5.1), as set out below:</p>

¹⁰ Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		<i>Newspaper(s)</i>	<i>Date</i>		
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;		Shropshire Star	23 November 2017 and 30 November 2017		
once in a national newspaper;		The Guardian	23 November 2017		
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		London Gazette	23 November 2017		
where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?		N/A	N/A		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Copies of the published s48 notice are supplied at Appendix 3.4 of the Consultation Report (Doc 5.1.3) and contains the required information 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	11	d)	a summary of the main proposals, specifying the location or route of the proposed development	3 - 8

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	12	f)	the latest date on which those documents, plans and maps will be available for inspection	12
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	13	h)	details of how to respond to the publicity	14
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	15			
21	Are there any observations in respect of the s48 notice provided above?				
	The amount of any charge for copies of any documents is not specified in paragraph 13 of the s48 notice. It states that 'A reasonable copying charge may apply'.				
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 ¹¹ ?	Yes. The notice was sent to the EIA consultation bodies on 22 November 2017 as confirmed in paragraph 7.2.5 of the Consultation Report (Doc 5.1) .			
s49: Duty to take account of responses to consultation and publicity					
23	Has the applicant had regard to any relevant	Yes.			

¹¹ Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

	responses to the s42, s47 and s48 consultation?	<p>The Applicant has set out in Tables 9-5 - 9-17 of the Consultation Report (Doc 5.1) the actions that have been taken having regard to the consultation responses received and the consideration given to responses that did not lead to a change.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Table 3-2 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to DCLG guidance on the pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.
25	Summary - s55(3)(e)	The application as made by the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. All relevant duties have been complied with.
s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the 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>Box 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form provides a brief non-technical description of the site, whilst Box 6 provides the location of the proposal. A Location Plan (Doc 2.1) has been provided.</p>

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

27	Is it accompanied by a consultation report?	Yes. The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1.1 – 5.1.9) .					
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	The Plan of Important Hedgerows Affected (Doc 2.5) , Nature Conservation Sites plan (Doc 2.6) and Historic Sites plan (Doc 2.7) do not include key plans, although there are boxes to the right or bottom of each sheet which show the location of the sheet in relation to the other sheets. It is also noted that where a key plan is provided the mapping layer has not been added.					
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes , the documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:					
Information		Document		Information		Document	
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Environmental Statement Chapters 1 to 13 (Docs 6.1 to 6.13) Environmental Statement Appendices (Docs 6.1.1 – 6.12.1) Environmental Statement Figures (Doc 6.14 Sections	b)	The draft proposed order			Doc 3.1

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

¹⁴ The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

		<p>1 – 5)</p> <p>Environmental Statement Non-Technical Summary (Doc 6.15)</p> <p>Environmental Statement Glossary (Doc 6.16)</p> <p>The Applicant did not request a screening opinion from the Secretary of State (SoS).</p> <p>The SoS issued a Scoping Opinion on 6 March 2017. The application documents do not include a copy of this or any other scoping opinion.</p>			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
c)	An explanatory memorandum	Doc 3.2	d)	Where applicable, a book of reference (where the	Doc 4.3

	explaining the purpose and effect of provisions in the draft order			application involves any compulsory acquisition)	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
e)	A copy of any flood risk assessment	Doc 5.2	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>A Statement of Statutory Nuisance (Doc 5.3) has been provided.</p> <p>Section 1.4 identifies the provisions of EPA section 79(1) that could potentially be engaged as a result of potential effects of the Proposed Development and sets out the measures proposed to mitigate any such effects, which are contained in the draft Construction Environmental Management Plan (Doc 6.3.2).</p>

	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Statement of Reasons, Doc 4.1 Funding Statement, Doc 4.2	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Land Plans (Doc 2.2.0 – 2.2.16)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
j)	A works plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order	Doc 2.3.0 – 2.3.16	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	Doc 2.4.0 – 2.4.16

	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes
l)	<p>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, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<p>(i) Environmental Statement Figure 6.4: Landscape Receptors Overview and Sheets 1 – 5 (Doc 6.14) An assessment of effects is set out in Environmental Statement Chapter 7, Sections 7.6, 7.7 and 7.8 (Doc 6.7).</p> <p>(ii) Important Hedgerows plan (Doc 2.5) Nature Conservation Sites plans Sheets 1 - 4 (Doc 2.6) Environmental Statement Figure 7.2: Phase 1</p>	m)	<p>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>Historic Sites Plans Sheets 1 – 4 (Doc 2.7) Environmental Statement Figure 8.1: Historic Environment Study Area, Heritage Assets and Viewpoints Sheets 1 – 2 (Doc 6.14) An assessment of effects is set out in Environmental Statement Chapter 8, Sections 8.6, 8.7 and 8.8 (Doc 6.8) and Appendix 8.2 (Doc 6.8.2).</p>

		<p>Habitat Survey Sheets 1 – 6 (Doc 6.14)</p> <p>Environmental Statement Figures 7.4 – 7.10: species surveys (Doc 6.14)</p> <p>An assessment of effects is set out in Environmental Statement Chapter 6, Sections 6.6, 6.7 and 6.8 (Doc 6.6).</p> <p>(iii)</p> <p>No plan has been provided.</p>			
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Not applicable	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	Not applicable
	Is this of a satisfactory standard?	Not applicable		Are they of a satisfactory standard?	Not applicable

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Not applicable	q)	Any other documents considered necessary to support the application.	Section 23 of the Application Form (Doc 1.2) lists other documents considered necessary to support the application.
	Are they of a satisfactory standard?	Not applicable		Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided above?</p> <p>Brief summary of relevant observation made in Box 29</p> <p>Regulation 5(2)(i)</p> <p>The plots coloured yellow on the Land Plans (Doc 2.2.0 – 2.2.16) are described in the legend as “<i>Order Land – temporary rights (construction only) to be compulsorily acquired, and temporary use of the land, and in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights</i>”. It is not clear from this whether it is temporary possession or compulsory acquisition of permanent rights to be used temporarily which is intended by the Applicant.</p> <p>On Sheet 1 of the Land Plans (Doc 2.2.1) plots 9 and 11 are coloured yellow, however the Book of Reference (Doc 4.3) shows the Applicant is seeking class 5 rights over this land, as well as class 6. It appears therefore that these plots should be coloured blue on the Land Plans.</p> <p>On Sheet 2 of the Land Plans (Doc 2.2.2) plot 16 is coloured blue, however the Book of Reference (Doc 4.3) shows the Applicant is only seeking class 6 rights over this land. It appears therefore that this plot should be coloured yellow on the Land Plans.</p> <p>Regulation 5(2)(j)</p> <p>It is noted that the lateral limits of deviation set out in Article 4 of the Draft Development Consent Order (Doc 3.1) are not shown on the Works Plans (Doc 2.3.0 – 2.3.16), which indicate the centre line, pole locations and the Order limits.</p>				

Regulation 5(2)(l)(iii)

No plan has been provided that explicitly identifies water bodies in a river basin management plan. No water bodies are identified as such in the documents.

Environmental Statement Chapter 9 Section 9.2 (Doc 6.9) makes reference to the Water Framework Directive (WFD) and river basin management plans but does not identify any water bodies. **Environmental Statement Appendix 9.2 Section 1.2 (Doc 6.9.2)** sets out the Environment Agency (EA) classification, according to the WFD, of two rivers within the water resources study area recognised by the EA as main rivers (Roden and Perry). The River Roden is shown on **Environmental Statement Figure 7.2, Sheet 6 (Doc 6.14)**. Each river is shown on figures that comprise **Appendices 2 and 3** of the **Flood Risk Assessment (Doc 5.2)**. Watercourses including rivers are shown but not identified by name on **Environmental Statement Figure 9.1: Mapped Flood Risk Sheets 1 – 2 (Doc 6.14)**.

An assessment of effects on water bodies, including the rivers Roden and Perry, is set out in **Environmental Statement Chapter 9, Sections 9.6, 9.7 and 9.8 (Doc 6.9)**; and **Environmental Statement Appendix 9.2 (Doc 6.9.2)**. It is not made explicit that it includes water bodies that are in a river basin management plan.

Regulation 5(2)(m)

The **Historic Sites** plan (**Doc 2.7**) is at a scale smaller than 1:2500 and no justification appears to have been provided for this.

[Section 51 advice](#) has been issued regarding these matters.

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)? ¹⁵	<p>Yes.</p> <p>The report is accompanied by a No Significant Effects Report (NSER) (Doc 5.4).</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>Note: the Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the NSER and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	One paper copy was requested and received.
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p>The application appears to be in general conformity with the guidance subject to the following errors/ omissions:</p> <p>The grid references in Box 6 of the Application Form (Doc 1.2) do not appear to be correct.</p> <p>The Scoping Report has not been submitted with the application, only an electronic link to it.</p> <p>A River Basin Management Plan has not been submitted.</p>
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate considers that the application as submitted is of a satisfactory standard.</p> <p>A number of discrepancies/ inconsistencies are evident upon inspection of the application documents and will need to be remedied in due course. However none are</p>

¹⁵ Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

considered to significantly reduce the ability of prospective participants in the examination from appreciating the extent and effects of the application. Section 51 advice has been provided to the Applicant to remedy these matters.

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁷ ?	The application fee was received before submission of the application on 12 November 2018.
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Electronic Signature	Name	Date
Case Leader	<i>Siân Evans</i>	10 December 2018
Acceptance Inspector	<i>Paul Hudson</i>	10 December 2018

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 must be paid at the same time that the application is made.