

**The Planning Act 2008**  
**Section 55 Acceptance of Applications\***

(Appendix 2 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

### Keuper Gas Storage Project Section 55 Application Checklist<sup>1</sup>

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
	DD/MM/YY	DD/MM/YY	DD/MM/YY
<b>Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-</b>	<b>Planning Inspectorate Comments</b>		
<b>1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>			
<p>1.1 Is the development a nationally significant infrastructure project<sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order<sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in 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><b>Yes.</b></p> <p>The <b>Application form (Document Reference: 1.1)</b> in <b>Section 4</b> states:</p> <p><i>"This Application is for development consent to authorise the construction of an Underground Gas Storage ("UGS") facility and Associated Development at Holford Brinefield, Cheshire, England ("the Project"). The Project is a Nationally Significant Infrastructure Project ("NSIP"), and thus requires development consent, by virtue of:</i></p> <ul style="list-style-type: none"> <li><i>Sections 14(1)(c) and 17(1) of the Planning Act 2008 ("the Act") as the Project is in England and is expected to have a working capacity of at least 43 Million Standard Cubic Metres ("mcm"); and</i></li> <li><i>Sections 14(1)(g) and 21(1) of the Act, as the system of pipes that form part of the Project and are required to convey Brine, nitrogen and natural gas are cross-country pipe-lines that would, but for s.33(1) of the Act, require authorisation under s.1(1) of the Pipe-lines Act 1962 (being in excess of 16.093 kilometres in total aggregate length), and begin and end in England."</i></li> </ul>		

- <sup>1</sup> 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
- <sup>2</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30
- <sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

<p><b>Summary – s55(3)(a) and s55(3)(c)</b></p>	<p>The application is an application for development consent.</p>
<p><b>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></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 development<sup>4</sup>?</p>	<p><b>Yes (in respect to part b)</b></p> <p>No screening opinion was requested for this project, but the applicant’s request for a scoping opinion, before the s42 consultation commenced, in March 2014 (under Regulation 8) was deemed adequate by the Secretary of State in satisfying Regulation 6(1)(b) that an Environmental Statement would be produced in support of the proposed project.</p> <p>The Applicant informed the Secretary of State at the start of statutory consultation of the proposed application, issued via PINS. This was sent on 30<sup>th</sup> September 2014 ahead of the launch of consultation on 2<sup>nd</sup> October 2014. The letter, included as <b>Annex 13 to the Consultation Report (Doc Ref: 5.1)</b>, was accompanied by a copy of Preliminary Environmental Information Report (PEIR) alongside a copy of the Section 48 Public Notice, which confirms that an Environmental Statement would be submitted in support of the DCO application.</p>

2.2 Have any adequacy of consultation representations<sup>5</sup> 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?

**To be completed following submission of the application.**

*Check and record which authorities have provided adequacy of consultation representations, including the status of each authority under the PA2008. List the authorities stating whether they:*

*a) confirm the adequacy of applicant's pre-application consultation;*

*b) have not responded; or*

*c) raise some issues with the adequacy of applicant's pre-application consultation.*

*Summarise the key points raised in category (c) representations, only.*

<sup>4</sup> Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<sup>5</sup> 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

<b>s42: Duty to Consult</b>	
2.3 Did the applicant consult the following about the proposed application:	<i>For each entry under 2.3 and 2.4, locate and review relevant content in consultation report. Record relevant chapter, paragraphs, statements and appendices.</i>
s42(1)(a) persons prescribed <sup>6</sup> ?	<p>Yes.</p> <p><b>The Consultation Report (Doc Ref: 5.1) paragraph 5.24</b> states that “<i>The consultees prescribed under Section 41(1)(a) were identified in accordance with Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (‘the Regulations’) (as amended). KGSL considered Schedule 1 in the light of the Secretary of State’s Scoping Opinion and with the benefit of the PEIR.</i>”</p> <p><b>The Consultation Report (Doc Ref: 5.1) Annex 03</b> comprises a consultee list as part of the Statement of Community Consultation. In addition, a list of the consultees can be found at table <b>5.38</b> of the <b>Consultation Report</b>.</p> <p>Letters and consultation materials were issued to consultees upon launch of s42 consultation on 30<sup>th</sup> September 2014 and could reasonably have been expected to be received before 2<sup>nd</sup> October 2015. <b>The Consultation Report (Doc Ref: 5.1) paragraph 5.46</b> and subsequent paragraphs detail the letters issues and accompanying materials.</p> <p>A sample letter to consultees can be found as <b>Annex 14</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The covering letter and overview of the project, was accompanied by a copy of the PEIR and details how consultees can submit responses to the project team.</p> <p><b>Chapter 6</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> sets out how the Applicant responded to relevant responses on the project and a Consultation Response Chart is included as <b>Annex 01</b>.</p>

s42(1)(aa) the Marine Management Organisation<sup>7</sup>?

Yes.

**Table 6.13** of the **Consultation Report (Doc Ref: 5.1)** states that KGSL received a consultation response from the Marine Management Organisation (MMO) explaining the organisation's remit.

A sample letter to consultees can be found as **Annex 14** of the **Consultation Report (Doc Ref: 5.1)**. The covering letter and overview of the project, was accompanied by a copy of the PEIR and details how consultees can submit responses to the project team.

KGSL received a response from the MMO, explaining the organisation's remit and asking whether a Deemed Marine License (DML) would be required. The Applicant considered and responded to comments via the Environmental Statement and subsequently communicated to the MMO that a DML would not be required. An overview of the response can be found in **Table 6.13** of the **Consultation Report (Doc Ref: 5.1)**.



s42(1)(b) each local authority within s43<sup>8</sup>?

Yes.

**Table 5.36** of the **Consultation Report (Doc Ref: 5.1)** lists the local authorities that the Applicant identified under s42(1)(b) of the Act, and the local authorities that they consulted.

**The Consultation Report (Doc Ref: 5.1) Annex 03** also comprises a list of the local authorities as Appendix 2 of the Statement of Community Consultation (SoCC) that the Applicant identified.

The local authorities that were identified are:

Cheshire West and Chester Council

Halton Borough Council

Wirral Borough Council

Flintshire County Council

Wrexham County Borough Council

Shropshire Council

Cheshire East Council

Warrington Borough Council

St Helens Metropolitan Borough Council

Liverpool City Council

Knowsley Council

A sample letter to consultees can be found as **Annex 14** of the **Consultation Report (Doc Ref: 5.1)**. The covering letter and overview of the project, was accompanied by a copy of the PEIR and details how consultees can submit responses to the project team.

**Annex 01** of the **Consultation Report (Doc Ref: 5.1)** details the responses received from consultees, which are summarised in **Chapter 6** of the **Consultation Report (Doc Ref 5.1)**. Responses from local authorities, including Cheshire West and Chester Council, Halton Borough Council and Cheshire East Council can be found in **Table 6.20** of the **Consultation Report (Doc Ref: 5.1)**.

<p>s42(1)(c) the Greater London Authority (if in Greater London area)?</p>	<p><b>Not applicable.</b> The scheme is not located within the Greater London area.</p>
<p>s42(1)(d) each person in one or more of s44 categories<sup>9</sup>?</p>	<p><b>Yes.</b> The applicant has consulted each person in one or more of s44 categories about the proposed application.</p> <p><b>The Consultation Report (Doc Ref: 5.1) Para 5.39</b> contains details of how the applicant identified consultees identified in Section 42 (1)(d).</p> <p><b>Para 5.40</b> notes;</p> <p><i>"The Applicant made use of the INOVYN Enterprises' estates records for land and property in order to gain an accurate list of Section 44 consultees. These records include those with easement rights as well as tenants and land owners. Consultees were defined following diligent inspection of the records against the proposed application boundary, inquiries made by the Applicant's land agent and extensive investigation of title by the Applicant's solicitors."</i></p> <p><b>The Consultation Report (Doc Ref: 5.1) Annex 38</b> comprises a list of those identified in Section 42 (1)(d). <b>Para 5.152</b> of the Consultation Report details a further limited round of consultation carried out with those identified in Section 42 (1)(d). It notes:</p> <p><i>"In September 2015, the Applicant carried out further limited statutory consultation with the additional Section 42 (1)(d) consultees it had identified. To ensure consultees could make informed comments on the Project, the Applicant sent information by post with a covering letter. The letter, available to view in Annex 39, provided information about the limited consultation; the enclosed materials and provided a deadline for responses of 12th October 2015. This provided consultees with more than the required 28 days to submit a response."</i></p>

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009  
<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008  
<sup>8</sup> Definition of "local authority" in s43(3): 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

**s45: Timetable for s42 Consultation**

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?

Yes.

A copy of the letter sent on 30<sup>th</sup> September 2014 to s42 consultees inviting comments is found in **Annex 14 of the Consultation Report (Doc Ref: 5.1)**. This letter confirms that "*PEIR responses must be received by 31 October 2014*" offering 28 days for comments to be made.

It can be reasonably expected that materials were received on 1<sup>st</sup> October 2014, giving consultees a 28-day period to submit responses before the deadline of 31<sup>st</sup> October 2014.

A further round of limited statutory consultation was undertaken in September 2015. A copy of the letter, issued to consultees identified under Section 42(1)(d) can be found in **Annex 39 of the Consultation Report (Doc Ref: 5.1)**. The letters were issued on 9<sup>th</sup> September 2015 and clearly state that the consultation would run from "*11th September 2015 to 12th October 2015*", providing at least 28 days for recipients to submit a response.

**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.**

**Annex 13 the Consultation Report (Doc Ref: 5.1)** contains a copy of a letter dated 30<sup>th</sup> September 2014 submitted to the Secretary of State by KGSL. Issued via first class post, it could reasonably have been received on 1<sup>st</sup> October 2014. This was timed to coincide with the start of statutory consultation and notification of S42 consultees.

The Executive Summary of the **Consultation Report (Doc Ref: 5.1)** states that:

“Before commencing Section 42 consultation the Secretary of State was notified, and supplied with information in connection with the project if KGSL were required to consult with the Secretary of State in accordance with Section 46.”

Letters and consultation materials were issued to consultees upon launch of s42 consultation on 30<sup>th</sup> September 2014 and could reasonably have been expected to be received before 2<sup>nd</sup> October 2015. A copy of the letter sent on 2<sup>nd</sup> October 2014 to s42 consultees inviting comments is found in **Annex 14 of the Consultation Report (Doc Ref: 5.1)**.

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: 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

**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?

The **Statement of Community Consultation (SOCC)** can also be found at **Annex 03** of the **Consultation Report (Doc Ref: 5.1)**, with the draft text included as **Annex 26** of the same document.

**Paragraph 5.11 of the Consultation Report (Doc Ref 5.1) states:**

*"The published SoCC, as described in this section, set out how the Applicant was to consult the local community under Section 47 of the Act. The document provided details of the consultation methods to be employed, the methods in place to facilitate responses to be submitted and the consultees identified. The published SoCC can be viewed in Annex 03."*

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.

Paragraph 5.86 of the **Consultation Report (Doc Ref: 5.1)** states:

*"Following the 28 day consultation period, the Applicant received representations from both CWCC and HBC, both of which expressed the authorities' opinions that the methods outlined would be sufficient to ensure the communities were adequately consulted and, as such, no amendments were requested."*

A copy of the draft SOCC can be found at **Annex 26** of the Consultation Report.

Covering letters were issued alongside the draft SoCC to local authority recipients on 20<sup>th</sup> August 2014, with correspondence with the local authorities included as **Annex 05 and Annex 06** to the **Consultation Report (Doc Ref: 5.1)**. The letters, issued by first class post on 20<sup>th</sup> August and electronically by email on 21<sup>st</sup> August, stated that responses should be submitted within 28 days.

2.8 Has the applicant had regard to any responses received when preparing the SOCC?

Yes.

Paragraph 5.86 of the **Consultation Report (Doc Ref: 5.1)** states:

*"Following the 28 day consultation period, the Applicant received representations from both CWCC and HBC, both of which expressed the authorities' opinions that the methods outlined would be sufficient to ensure the communities were adequately consulted and, as such, no amendments were requested."*

The responses from local authorities can be found in **Annex 40** of the Consultation Report.

Informal, non-statutory, consultation on the proposals helped inform the approach to consultation and drafting of the SoCC. As noted in **Paragraph 5.71**, feedback received during was taken account of. This included increasing the size of Consultation Zone A at the Main Development Area from 2.5km to 3.5km, resulting in an increase in the number of residential and commercial properties contacted.

A copy of the draft SOCC can be found at **Annex 26** of the Consultation Report.

Paragraph 5.85 of the **Consultation Report (Doc Ref: 5.1)** states:

*"Following informal consultation with the local authorities and drafting of the SoCC, the Applicant sought the opinion of the PINS case officer on the document's content, to ensure it aligned with the PINS guidance. The comments received on the document are set out in **Annex 25**. The SoCC was subsequently updated, taking on board the suggestions and making clarifications where required."*

Updates included details of locations at which members of the public could inspect the document, a key for the associated maps was included alongside the associated maps and the Applicant added details of how it intended to increase awareness amongst those that socialise in the area.

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?

Yes.

**Paragraph 5.87** of the **Consultation Report (Doc Ref:5.1)** states:

*"The SoCC was published at the launch of statutory consultation on the application alongside other consultation materials."*

The venues at which at the SoCC was made available for public inspection can be found in the published SoCC, **Annex 03** of the **Consultation Report (Doc Ref:5.1)**.

The SoCC was made available for public inspection at:

- Northwich Library – 9am-5pm (Mon-Wed), 9am-7pm (Thurs-Fri), 9am-1pm (Saturday)
- Cheshire West and Chester Council, Wyvern House – 8.30am-5pm (Mon-Fri)
- Halton Borough Council, Runcorn Town Hall – 8.30am-5pm (Mon-Fri)
- Halton Direct Link – 9am-5.30pm (Mon-Wed), 9am-7pm (Thur-Fri), 9am-1pm (Saturday)

The above dates and locations were advertised in the consultation community newsletter, on community posters, publicised during Information Days, in the Section 48 Public Notices and on the project website. **Paragraph 5.89** of the **Consultation Report (Doc Red: 5.1)** details how the SoCC was publicised in local press publications.

In addition, **Paragraph 5.88** states:

*"In accordance with Section 47 (6) of the Act, the Applicant publicised the document in newspapers circulating in the application area. Adverts, measuring a third of a page, were placed in the main body of the selected newspapers to increase awareness of the application; the contents of the SoCC; and encourage participation in the formal consultation."*

**Paragraph 5.89** of the **Consultation Report (Doc Ref: 5.1)** states that the SoCC was publicised in the Northwich Guardian on Wednesday 1<sup>st</sup> October 2014 and in the Runcorn and Widnes World on Wednesday 1<sup>st</sup> October 2014. The SoCC adverts can be viewed in **Annex 27** of the **Consultation Report**.

<p>2.10 Does the SOCC set out whether the development is EIA development<sup>10</sup>; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>A copy of the SOCC found in <b>Annex 03</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> states:</p> <p><i>"The Project is EIA development within the scope of the Environmental Impact Assessment (EIA) Directive and will require an EIA to be carried out and an Environmental Statement to be prepared and submitted as part of the DCO application."</i></p> <p>The SoCC details how KGSL intended to publicise and consult on the Preliminary Environmental Information. The SoCC, available as <b>Annex 03</b> of the <b>Consultation Report (Doc Ref: 2.1)</b>, details feedback mechanisms, where consultation materials would be accessible and the deadlines for comments to be submitted.</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p>Yes. <b>Para 5.160</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> states:</p> <p><i>"Table 5.161 contains commitments made in the published SoCC and details of how KGSL complied with these throughout the statutory consultation period."</i></p> <p>Table 5.161 of the <b>Consultation Report (Doc Ref: 5.1)</b> provides a summary of requirements arising from the SOCC and actions taken by the applicant during the consultation to comply with the SOCC. There are no apparent discrepancies.</p>
<p><b>s48: Duty to publicise the proposed application</b></p>	
<p>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):</p>	



<p>(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>	<p><b>Yes.</b></p> <p><b>Paragraph 5.16</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> states:</p> <p><i>"A public notice, satisfying requirements under the Act, was produced and placed in the required media outlets, further details of which follow in this Chapter. The Section 48 Public Notice featured a list of the Project's main components, deadlines for consultation submissions and details of how members of the public could make representations to KGSL. The notices, as they appeared, are available to view in <b>Annex 11.</b>"</i></p> <p><b>Paragraph 5.138</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> details that the notice was published in:</p> <p>The Northwich Guardian – Wednesday 1<sup>st</sup> October 2014  The Runcorn and Widnes World – Wednesday 1<sup>st</sup> October 2014  The Runcorn and Widnes Weekly News – Thursday 2<sup>nd</sup> October 2014  The Northwich Guardian – Wednesday 8<sup>th</sup> October 2014  The Runcorn and Widnes World – Wednesday 8<sup>th</sup> October 2014  The Runcorn and Widnes Weekly News – Thursday 9<sup>th</sup> October 2014"</p>
<p>(b) once in a national newspaper;</p>	<p><b>Paragraph 5.138</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> details that the notice was published in The Guardian - Public Notices on Wednesday 1<sup>st</sup> October 2014.</p> <p>The published notices can be found in <b>Annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>.</p>

<sup>10</sup> Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p><b>Paragraph 5.138</b> of the <b>Consultation Report (Doc Ref: 5.1)</b> details that the notice was published in The London Gazette on Wednesday 1<sup>st</sup> October 2014.</p> <p>The published notices can be found in <b>Annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>.</p>
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p><b>Not Applicable. The proposed application does not relate to offshore development.</b></p>
<p>2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:</p>	<p><i>For each entry against 2.13, locate and review relevant content of s48 notice. Signpost the relevant part of the notice.</i></p>
<p>(a) the name and address of the applicant;</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice provides the applicant's name, Keuper Gas Storage Limited, and address, Runcorn Site HQ, South Parade, PO Box 9, Runcorn, Cheshire, WA7 4JE.</p>
<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"Notice is hereby given that Keuper Gas Storage Limited (KGSL) of Runcorn Site HQ, South Parade, PO Box 9, Runcorn, Cheshire, WA7 4JE, proposes to apply to the Secretary of State for a Development Consent Order for the Keuper Gas Storage Project."</i></p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"The proposed Keuper Gas Storage Project is development requiring environmental impact assessment."</i></p>

(d) a summary of the main proposals, specifying the location or route of the proposed development;

Yes.

This can be found in **annex 11** of the **Consultation Report (Doc Ref: 5.1)**. The notice provides a bulleted list of the elements that the Applicant is seeking consent for. This includes the text:

*"The proposed DCO would, amongst other things, seek consent for:*

- *Up to 19 wellheads and compounds for solution mining activities, including adjacent control equipment;*
- *Up to 19 underground gas storage cavities with surface gas wellheads;*
- *Gas wellhead compounds for each cavity;*
- *Gas Processing Plant comprising equipment to enable gas to be transferred between the National Transmission System and the cavities;*
- *A permanent office/control building located adjacent to the Gas Processing Plant;*
- *Temporary construction laydown areas and offices during the construction period;*
- *A Townswater pipeline supply and a sewer pipeline;*
- *Underground gas pipelines connecting the NTS to the Project's Gas Processing Plant;*
- *Two Gas Marshalling Compounds and inter connecting pipelines;*
- *Electrical supply connection and a new 132kV substation;*
- *Overhead cable diversions (33kV and 11kV) at various wellheads and project infrastructure sites;*
- *A new highway access and site road network, including emergency access;*
- *Optional interconnecting gas pipelines between the Project's first Gas Marshalling Compound and the Holford Gas Storage Project's Gas Marshalling Compound and Stublach Gas Storage Project's Gas Processing Plant;*
- *Use and part upgrade of INEOS Enterprises' existing water and brine infrastructure and new underground pipelines to connect these to the*

	<p><i>Project;</i></p> <ul style="list-style-type: none"> <li>• <i>Use of an existing brine pipeline to Runcorn;</i></li> <li>• <i>Installation of approximately 400m of new pipeline along the Manchester Ship Canal bank at Runcorn and across the Weston Canal;</i></li> <li>• <i>A new Solution Mining Compound containing ancillary equipment;</i></li> <li>• <i>Recommissioning of the Whitley Booster Station and associated works required;</i></li> <li>• <i>Installation of an additional pumping tank and a separate surge vessel within the Brine Purification Plant at Lostock Works off Griffiths Road;</i></li> <li>• <i>The provision of new underground water and brine pipelines to connect the Project to the existing water and brine infrastructure across the Holford Brinefield;</i></li> <li>• <i>A new data communications link from the Gas Processing Plant, the Solution Mining Compound and the Holford Brinefield; and</i></li> <li>• <i>An optional water and brine connection between the Solution Mining Compound and the existing solution mining compound at the former Stublach Grange Farm constructed as part of the Stublach Gas Storage Project."</i></li> </ul>
<p>(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;</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"Information gathered to date on the potential environmental impacts of the Project has been compiled in a Preliminary Environmental Information Report (PEIR), published alongside a Non-Technical Summary Document. These documents, as well as plans, and maps showing the location and nature of the proposed KGSP will be available for inspection free of charge from 2<sup>nd</sup> October 2014 to 27<sup>th</sup> November 2014 as follows:</i></p> <p><i>Northwich Library</i></p> <p><i>Cheshire West and Chester Council</i></p> <p><i>Halton Borough Council</i></p> <p><i>Halton Direct Link"</i></p>

Addresses and opening times for the above venues were provided and the notice stated that hard copies would be available for inspection at the information days. Northwich Library and Halton Borough Council are in the vicinity of the proposed development. The venues included were:

*Northwich Library*  
*86 Witton St, CW9 5DR*  
*Monday to Wednesday: 9am-5pm*  
*Thursday to Friday: 9am-7pm*  
*Saturday: 9am-1pm*

*Cheshire West & Chester Council*  
*Wyvern House, The Drumber, Winsford, CW7 1AH*  
*Monday to Friday: 8.30am-5pm*

*Halton Borough Council*  
*Runcorn Town Hall, Runcorn, Cheshire WA7 5TD*  
*Monday to Friday: 8.30am-5pm*

*Halton Direct Link*  
*Concourse Level, Rutland House, Halton Lea, Runcorn, WA7 2ES*  
*Monday to Wednesday: 9am-5.30pm*  
*Thursday to Friday: 9am-7pm*  
*Saturday: 9am-1pm*

<p>(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));</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"These documents, as a well as plans, and maps showing the location and nature of the proposed KGSP will be available for inspection free of charge from 2<sup>nd</sup> October 2014 to 27<sup>th</sup> November 2014."</i></p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"The Applicant will provide hard copies of associated documents upon request and at the subsequent costs including:</i></p> <ul style="list-style-type: none"> <li>• <i>Preliminary Environmental Information Report in hard copy (£100)</i></li> <li>• <i>DVD ROM with Preliminary Information (£10)</i></li> <li>• <i>Proposal Summary Document (Free of charge)</i></li> </ul>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"Representations can be made in the following ways:</i></p> <ul style="list-style-type: none"> <li>• In writing to: Freepost RSKS-SBBE-LHHZ, Keuper Gas Storage Project, c/o PPS Group, Hanover House, 30-32 Charlotte Street, Manchester, M1 4FD.</li> <li>• By email to: <a href="mailto:info@kgsp.co.uk">info@kgsp.co.uk</a></li> </ul>

<p>(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?</p>	<p>Yes.</p> <p>This can be found in <b>annex 11</b> of the <b>Consultation Report (Doc Ref: 5.1)</b>. The notice states:</p> <p><i>"The Applicant must receive representations made in response to this consultation no later than <b>Thursday 27<sup>th</sup> November 2014.</b>"</i></p> <p>The first Section 48 Public Notice was published on 1<sup>st</sup> October 2014 and last published on 9<sup>th</sup> October 2014. The last notice was published 49 days before the responses deadline of 27<sup>th</sup> November 2014.</p>
<p>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)<sup>11</sup>?</p>	<p>The <b>Consultation Report (Doc Ref: 5.1) Paragraph 5.21</b> states that:</p> <p><i>"When commencing statutory consultation with prescribed consultees (Section 42(1)(a)) and local authorities (Section 42(1)(b)) the Applicant included a copy of the notice published pursuant to Section 48 of the Act in accordance with Regulation 11 of the EIA Regulations. As detailed below, consultation under Sections 42, 47 and 48 was launched concurrently."</i></p> <p>The section 48 notices were issued to consultation bodies in accordance with the EIA Regulations.</p> <p><b>Paragraph 5.48</b> states that the consultation letters were accompanied by a section 48 public notice, and a copy of these covering letters can be found in <b>Annex 14</b>.</p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>	

<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p><b>Yes</b>, as evidenced in the <b>Consultation Report (Doc Ref: 5.1)</b></p> <p>The Applicant's responses to matters raised by section 42 consultees are set out in <b>paras 6.4 to 6.40</b> and <b>Annex 01 of the Consultation Report (Doc Ref 5.2)</b>, which also details of how the Applicant took account of the responses.</p> <p>The Applicant's responses to matters raised by section 47 Consultees are set out in <b>paras 6.41 to 6.76</b> and in the response chart in <b>Annex 01</b> of the <b>Consultation Report (Doc Ref: 5.1)</b></p> <p>The Applicant's responses to matters raised by section 48 Consultees in <b>paras 6.77 to 6.85</b> and <b>Annex 01</b>.</p>
--	--

<sup>11</sup> Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009



**Guidance about pre-application procedure**

2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'<sup>12</sup>?

**Paragraph 2.4** of the **Consultation Report (Doc Ref: 5.1)** states: *"In the context of duties in Section 50 as set out above, KGSL has also outlined in the below **Table 2.5** how it has had regard to published guidance and advice notes. "*

**Paragraph 5.6** and subsequent paragraphs of the **Consultation Report (Doc Ref 5.1)** detail how the Applicant has taken account of guidance, providing examples of how this helped shape the consultation strategy.

**Table 2.5** notes that the guidance to be regarded with relation to pre-application duties is the Planning Act 2008- guidance on the pre-application process (Department of Communities and Local Government, March 2015), Advice Note 14- compiling the Consultation Report (Planning Inspectorate, Version 2, April 2012) and Advice Note 16- the developer's pre-application consultation, publicity and notification duties (Planning Inspectorate, Version 1, April 2012.) Advice Note 16 was in place at the time the consultation was carried out, however has since been withdrawn.

**Paragraph 2.6** of the **Consultation Report (Doc Ref: 5.1)** states that: *"References to compliance are made throughout this Report, with particular relevant legislation and guidance highlighted at the appropriate section breaks."*

**Table 5.158** of the **Consultation Report (Doc Ref 5.1)** is a compliance checklist, detailing how the Applicant has responded to the relevant sections of the Planning Act and how the advice notes were considered during the statutory consultation period. For example, directly impacted and neighbouring local authority areas were demonstrated on a map as recommended in Advice Note 14.

### **Summary - s55(3)(e)**

The above checklist, supported by extensive references to the **Consultation Report (Doc Ref: 5.1)** demonstrates that the Applicant has taken a diligent and inclusive approach to carrying out consultation on the KGSP.

The approach has been driven by issued guidance, relevant legislation and has been carried out with agreement from identified local authorities on the scope and method. The result is a robust consultation that employed a variety of proactive methods to encourage engagement, with the **Consultation Report (Doc Ref: 5.1)** serving to detail and demonstrate compliance.

**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)**

3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:

- 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?

The application has been submitted in the prescribed form.

**Section 4** of the **Application Form (Doc Ref: 1.1)** explains why the proposal falls within the remit of the Secretary of State for Energy and Climate Change:

*"This Application is for development consent to authorise the construction of an Underground Gas Storage ("UGS") facility and Associated Development at Holford Brinefield, Cheshire, England ("the Project"). The Project is a Nationally Significant Infrastructure Project ("NSIP"), and thus requires development consent, by virtue of:*

- *Sections 14(1)(c) and 17(1) of the Planning Act 2008 ("the Act") as the Project is in England and is expected to have a working capacity of at least 43 Million Standard Cubic Metres ("mcm"); and*
- *Sections 14(1)(g) and 21(1) of the Act, as the system of pipes that form part of the Project and are required to convey Brine, nitrogen and natural gas are cross-country pipe-lines that would, but for s.33(1) of the Act, require authorisation under s.1(1) of the Pipe-lines Act 1962 (being in excess of 16.093 kilometres in total aggregate length), and begin and end in England."*

**Section 6** of the **Application Form (Doc Ref: 1.1)** describes the location of the application site as follows:

*The Order limits are in Cheshire, with the main gas cavity area centered about 3km due west of the M6 and approximately 3km north of Junction 18. The Order limits are bounded to the west by the A530 (King Street) and to the east by the B5081. The nearest village is Byley (SJ 721 694), which is to the east. The surrounding land use is primarily agricultural. There are, however, two existing gas storage facilities in close proximity to the Main Development Area ("MDA").*

*The MDA is centered around grid reference E - 370920 N - 369577 (OS grid reference SJ 709 695). The Whitley booster station works are centered around grid reference E - 360278 N - 378426 (OS grid reference SJ 602 784). The Runcorn pipe bridge is centered approximately around grid reference E 349 781 N - 380 666 (OS grid reference SJ 497 806).*

3.2 Is it accompanied by a consultation report?	Yes. The application is accompanied by the <b>Consultation Report (Doc Ref: 5.1)</b> . This document is also supported by Annexes 1 to 47
---	---

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

3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	<i>For each entry against 3.3(a) to 3.3(i), locate and record document reference. Where appropriate record relevant chapters, paragraphs, statements, figures and appendices.</i>
(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	<p>Yes.</p> <p>The application is accompanied by the following documents:</p> <ul style="list-style-type: none"> <li>- <b>Environmental Statement (Doc Ref: 4.1)</b></li> <li>- <b>Non-Technical Summary (NTS) of the Environmental Statement (Doc Ref: 4.2)</b></li> <li>- <b>Copies of the Scoping Opinion</b> are included as <b>Annex B of the General Environmental Statement Annexes, within the Environmental Statement Technical Annexes (Doc Ref: 6.2)</b></li> <li>- <b>Statement of Publicity (Doc Ref. 6.4)</b></li> </ul>
(b) the draft proposed order;	<p>Yes.</p> <p>The Application is accompanied by the <b>draft proposed Development Consent Order (Doc Ref: 3.1).</b></p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>Yes.</p> <p>The application is accompanied by an <b>Explanatory Memorandum. (Doc Ref: 3.2)</b> which explains the purpose and effect of the provisions of the draft DCO.</p>

(d) where applicable, a book of reference (where the application involves any compulsory acquisition);

**Yes.**

The application is accompanied by the **Book of Reference (Doc Ref: 4.3)**.

The Book of Reference has been drafted in accordance with the requirements of the DCLG Guidance *Planning Act 2008: guidance related to procedures for the compulsory acquisition of land*.

<p>(e) a copy of any flood risk assessment;</p>	<p><b>Yes.</b> The application is accompanied by a <b>Flood Risk Assessment (Doc Ref: 5.2)</b>.</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><b>Yes.</b> A statement demonstrating 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 the mitigation proposed by the Applicant, has been provided as the <b>Statement of Statutory Nuisance (Doc Ref: 8.4)</b>. The <b>Statement of Statutory Nuisance (Doc Ref: 8.4)</b> considers whether the Project would cause a statutory nuisance. Section 4 concludes: <i>“The main potential for the Project to engage the matters set out in Section 79(1) of the Environmental Protection Act 1990 would be during the construction phase of the Project. Those matters which are considered likely to have the potential to cause a statutory nuisance (such as noise) would however be controlled through implementation of measure set out in the CEMP, which will be agreed with Cheshire West and Chester Council prior to construction.”</i></p>



<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;c.) Regulations 1994<sup>13</sup> 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><b>Yes.</b></p> <p>The application is accompanied by a <b>Habitats Regulations Screening Assessment (Doc Ref: 5.4).</b></p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Statement of Reasons (Doc Ref: 4.1)</b> and a <b>Statement of Funding (Doc Ref: 4.2).</b></p>

<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed</p>	<p>Yes.</p> <p>Section 11 of the <b>Application Form (Doc Ref: 1.1)</b> confirms that the Land Plans are included with the Application as Document reference 2.2. The Land Plans are as follows:</p> <ul style="list-style-type: none"> <li>- Land Plan Key Plan <ul style="list-style-type: none"> <li>• 13-03-01/HOL/24/610 (Rev B1)</li> </ul> </li> <li>- Land Plans <ul style="list-style-type: none"> <li>• 13-03-01/HOL/24/611 - Sheet 1 (Rev B1)</li> <li>• 13-03-01/HOL/24/612 - Sheet 2 (Rev B1)</li> <li>• 13-03-01/HOL/24/613 - Sheet 3 (Rev B1)</li> <li>• 13-03-01/HOL/24/614 - Sheet 4 (Rev B1)</li> <li>• 13-03-01/HOL/24/615 - Sheet 5 (Rev B1)</li> <li>• 13-03-01/HOL/24/616 - Sheet 6 (Rev B1)</li> <li>• 13-03-01/HOL/24/617 - Sheet 7 (Rev B1)</li> </ul> </li> </ul> <p>These plans identify:</p> <p>(i) the land required for, or affected by, the proposed development</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights</p> <p>(iv) any special category land and replacement land.</p>
---	---

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

<p>to exercise powers of compulsory acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land;</p>	
--	--

(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;

Yes.

Section 12 of the Application Form (Doc Ref: 1.1) confirms that the Works Plans are included with the Application as Document reference 2.3. The Works Plans are as follows:

Works Plans (Regulation 5(2)(j) – Location Plan

- 13-03-01/HOL/24/509 (Rev B1)

Works Plans (Regulation 5(2)(j)

- 13-03-01/HOL/24/501 - Sheet 1 of 9 (Rev B1)
- 13-03-01/HOL/24/502 - Sheet 2 of 9 (Rev B1)
- 13-03-01/HOL/24/503 - Sheet 3 of 9 (Rev B1)
- 13-03-01/HOL/24/504 - Sheet 4 of 9 (Rev B1)
- 13-03-01/HOL/24/505 - Sheet 5 of 9 (Rev B1)
- 13-03-01/HOL/24/506 - Sheet 6 of 9 (Rev B1)
- 13-03-01/HOL/24/510 - Sheet 7 of 9 (Rev B1)
- 13-03-01/HOL/24/511 - Sheet 8 of 9 (Rev B1)
- 13-03-01/HOL/24/512 - Sheet 9 of 9 (Rev B1)

Works Plans (Regulation 5(2)(j) - Main Development Area Key Plan Below Ground

- 13-03-01/HOL/24/513 (Rev B1)

Works Plans (Regulation 5(2)(j) - Main Development Area Key Plan Above Ground

- 13-03-01/HOL/24/514 (Rev B1)

Overall Key Plan

- 13-03-01/HOL/24/500 (Rev B1)

These plans identify:

- (i) the proposed location of the development and works; and
- (ii) the limits which the development and works may be carried out and any limits of deviation provided for in the draft order.

<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>Please see drawing number 13-03-01/HOL/24/413 rev B1 (Doc. Ref: 2.4)</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and8</p>	<p>This information is contained in the Environmental Statement (Doc. Ref: 6.1), as follows:</p> <ul style="list-style-type: none"> <li>• ) Chapter 8;</li> <li>• Figures 8.1 and 8.2;</li> <li>• Chapter 25;</li> <li>• Figure 25.1;</li> </ul> <p>and in the Environmental Statement Technical Annexes (Doc. Ref:6.2) at Ecology Annexes A-I.</p>

<p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	
<p>(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>This information is contained in the Environmental Statement (Doc. Ref: 6.1), as follows:</p> <ul style="list-style-type: none"> <li>• Chapter 11;</li> <li>• Figures 11.1 and 11.2.</li> </ul>
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Not applicable – there is no Crown land.</p>
<p>(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;</p>	<p>Plans have been produced showing landscaping, design and external appearance of buildings, drainage and surface water management, vehicular access and car parking (Doc refs. 2.5 - 2.8).</p> <p>Plans showing the Order limits have been produced (Doc ref. 2.1).</p>

(p) any of the documents prescribed by Regulation 6 of the APFP Regulations<sup>14</sup>;

**<<INSERT REG 6 EXTRACT FOR RELEVANT TYPE OF DEVELOPMENT>>**

Regulation 6(4) of the APFP Regulations requires that:

4) If the application is for the construction of a pipeline, it must be accompanied by details of—

- (a) the name of the proposed pipeline;
- (b) the owner of the proposed pipeline;
- (c) the start and end point of the proposed pipeline;
- (d) the length of the proposed pipeline in kilometres;
- (e) the external diameter in millimetres of the proposed pipeline;
- (f) what will be conveyed by the proposed pipeline; and
- (g) whether the grant of any rights in land or consents to road or river crossing works are required and if so whether they can be obtained by agreement.

A **Pipelines Statement (Doc Ref: 7.1)** submitted in accordance with the requirements of Regulation 6 (4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Providing details of the pipelines which form part of the Keuper Gas Storage Project. Details required by Regulation 6 (4) in relation to each of these pipelines are described in section 2 of the statement. Further information can be found in the **Project Overview (Doc Ref. 8.1)** in Section 4 and in the **Draft Development Consent Order (Doc Ref. 3.1)** Schedule 1.

(q) any other documents considered necessary to support the application; and

A **Project Glossary (Doc Ref. 8.5)** has been submitted to accompany the application which lists all relevant terms and acronyms used throughout the application documentation.

A **Document Index (Doc Ref: 1.3)** has been provided which lists all of the documents submitted in relation to the application for Development Consent, together with their document reference numbers.

A **Policy Statement (Doc Ref. 8.2)** has been submitted with this application. It outlines relevant national and local policy and contains a policy appraisal.

A **Design and Access Statement (Doc Ref. 8.3)** has been submitted. This Statement sets out relevant design considerations, principles and objectives and also considers access to and from the site and buildings on site.

---

<sup>14</sup> 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



<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p>Two copies have been requested by PINS and have been provided by the Applicant.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of plans, show the direction of north<sup>15</sup>?</p>	<p>Yes.</p> <p>All plans (excluding drawings and sections) show the direction of north.</p> <p>All plans (excluding key plans) were submitted at a scale of 1:2,500 or bigger.</p> <p>All plans and drawings which were submitted were all A0 size or smaller.</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 sheets<sup>16</sup>?</p>	<p>Yes.</p> <p>In all instances where three or more separate sheets comprise a plan a key plan is provided showing the relationship between the different sheets.</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>Yes. The Applicant has had regard to the DCLG guidance 'Planning Act 2008: Application form guidance'.</p>

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

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

<b>Summary - s55(3)(f) and s55(5A)</b>	<p><i>Review and conclude based on evidence provided above.</i></p> <p><i>State whether the application has been prepared to a standard that the Secretary of State considers satisfactory.</i></p>
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>	
<b>Fees to accompany an application</b>	
Was the fee paid at the same time that the application was made <sup>17</sup> ?	<i>Check and record date fee received and confirmed as bankable.</i>

**Case Leader**

\_\_\_\_\_

-----  
**Signed**

**Date:**

\_\_\_\_\_

\_\_\_\_\_

**Acceptance  
Inspector**

\_\_\_\_\_

-----  
**Signed**

**Date:**

\_\_\_\_\_

<sup>17</sup> 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**

#### **Keuper Gas Storage**

#### **Project**

##### **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

