



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: January 2019

Southampton to London Pipeline Project: Section 55 Acceptance of Applications Checklist

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		14 May 2019	11 June 2019	11 June 2019
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project¹ (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 Order² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development</p>	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14 (1)(g) of the PA2008. The development is for the construction of a pipeline (other than by a gas transporter) and satisfies section 21(1) of the PA2008.</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.2) which states that the application is for a NSIP.</p>		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	to be treated as development for which development consent is required?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	Yes The Applicant notified the Planning Inspectorate on 26 July 2018, in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 6 September 2018.
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	Yes There are 43 host and neighbouring authorities, of which 24 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 28 May 2019. All 24 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were: <u>'B' authorities:</u> <ul style="list-style-type: none"> • Winchester City Council • Eastleigh Borough Council

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

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

- Spelthorne Borough Council
 - South Downs National Park Authority
 - Surrey Heath Borough Council
 - East Hampshire District Council
 - Rushmoor Borough Council
 - Runnymede Borough Council
 - Hart District Council
 - London Borough of Hounslow
- 'C' authorities:
- Hampshire County Council
 - Surrey County Council
- 'A' authorities:
- Bracknell Forest Council
 - West Berkshire District Council
 - Test Valley Borough Council
 - Havant Borough Council
 - Portsmouth City Council
 - London Borough of Hillingdon
 - Guildford Borough Council
 - New Forest District Council
 - London Borough of Hammersmith and Fulham
 - Southampton City Council
- 'D' authorities:
- East Sussex County Council

		<ul style="list-style-type: none"> • Wiltshire County Council <p>Whilst confirming that it has no reason to consider that the Applicant has not complied with its duties under the PA2008 the South Downs National Park Authority has raised concerns about the Applicant’s willingness to act on the baseline information provided by the Authority.</p> <p>Additionally, the Planning Inspectorate has received a submission from Ashford Road Residents Group highlighting its concerns with the Applicant’s consultation. These include, but are not limited to, the suitability of the venue used, lack of alternatives around Ashford Road, poor local communication and lack of responses to questions asked at the consultation meeting.</p> <p>The Applicant does not appear to have consulted (at the pre-application stage) Dorset County Council (now Dorset Council as of 1 April 2019), which appears to be a “D” authority. The Inspectorate sought comments from Dorset Council for its views on the adequacy of the Applicant’s consultation, but none were received.</p> <p>Whilst noting the points made above the Inspectorate is satisfied that the Applicant has fulfilled its duties under s42, s47 & s48 of PA2008 and, as such, considers the consultation to be adequate.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/.</p>
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Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant carried out statutory consultation in two stages:</p> <ol style="list-style-type: none"> 1. Preferred Route Consultation (first stage) between 6 September and 19 October 2018, and 2. Design Refinements Consultation (second stage) between 21 January to 19 February 2019.
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

Paragraphs **6.1.2**, **6.1.3** and **6.1.5** of the **Consultation Report (Doc 5.1)** states that the second stage of statutory consultation in early 2019 (the Design Refinements Consultation) was carried out because the Applicant identified opportunities to make specific, targeted changes to the proposals presented at the Preferred Route consultation. Additionally newly affected persons with an interest in land (PILs) under section 42 have been identified.

The Applicant provided information regarding persons consulted under s42(1)(a) for both stages of the consultation in **Appendix 5.2** of the **Consultation Report: Appendix 2 (Doc 5.1)** and **section 6.7** of the **Consultation Report (Doc 5.1)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:

- NHS Hounslow Clinical Commissioning Group
- NHS North East Hampshire and Farnham Clinical Commissioning Group
- NHS North Hampshire Clinical Commissioning Group
- NHS West Hampshire Clinical Commissioning Group
- NHS North West Hampshire Clinical Commissioning Group
- NHS Surrey Heath Clinical Commissioning Group
- Metropolitan Police
- Eclipse Power Network Limited
- Harlaxton Gas Networks Limited
- Murphy Gas Networks Limited
- Southern Electric Power Distribution Plc

The Applicant's **Consultation Report (Doc 5.1)** does not explain why the bodies identified above do not appear to have been consulted. However, it is noted that the licences held by some of these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.

		None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.3) . Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN070005-000310
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Not Applicable
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Paragraphs 5.8.6, 5.8.7 and 6.7.2 of the Consultation Report (Doc 5.1) explain the relevant local authorities that were identified and consulted under s43 and s42(1)(b).</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Eastleigh Borough Council • Winchester City Council • South Downs National Park Authority • East Hampshire District Council • Hart District Council • Rushmoor Borough Council • Surrey Heath Borough Council • Runnymede Borough Council • Spelthorne Council • London Borough of Hounslow <p>The host 'C' authorities were consulted:</p>

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

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

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| | <ul style="list-style-type: none">• Surrey County Council• Hampshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none">• New Forest District Council• Southampton City Council• Fareham Borough Council• Portsmouth City Council• Havant Borough Council• Chichester District Council• Waverley Borough Council• Guildford Borough Council• Woking Borough Council• Elmbridge Borough Council• West Berkshire Council• New Forest National Park Authority• London Borough of Richmond-upon-Thames• London Borough of Hammersmith and Fulham• London Borough of Ealing• London Borough of Bromley• London Borough of Hillingdon• Slough Borough Council• Royal Borough of Windsor & Maidenhead• Royal Borough of Kingston Upon Thames• Bracknell Forest Council |
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		<ul style="list-style-type: none"> • London Borough of Sutton • Wokingham Borough Council • London Borough of Croydon • Basingstoke and Dean Borough Council • Test Valley Borough Council <p>The following boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • West Sussex County Council • East Sussex County Council • Kent County Council • Wiltshire Council <p>As noted in box 5 above, the Applicant does not appear to have consulted Dorset County Council (now Dorset Council as of 1 April 2019), which appears to be a "D" authority. The Applicant should ensure that the new Council, Dorset Council, is given an opportunity to participate in the Examination of the application, unless the Applicant has justification as to why it is not necessary to include the successor in its notice of the accepted application.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Yes
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p><u>Preferred Route Consultation – 6 September to 19 October 2018</u></p> <p>Paragraph 5.9.8 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 6 September 2018.</p> <p>Paragraphs 5.9.1 to 5.9.12 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p>lands affected by the Draft DCO (Doc 3.1). The full methodology undertaken by the Applicant is provided in Section 5.9 of the Consultation Report (Doc 5.1).</p> <p>The Applicant's Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d).</p> <p>A sample of the letter is provided at Appendix 5.11 of the Consultation Report: Appendix 5 (Doc 5.1).</p> <p><u>Design Refinements Consultation – 21 January to 19 February 2019</u></p> <p>Paragraphs 6.8.1 to 6.8.4 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult further persons with an interest in lands affected by the Draft DCO (Doc 3.1). The full methodology undertaken by the Applicant is provided in Section 6.1 of the Consultation Report (Doc 5.1).</p> <p>Samples of the letters are provided at Appendices 6.9 and 6.10 of the Consultation Report (Doc 5.1).</p>
<p>Section 45: Timetable for s42 consultation</p>		
<p>11</p>	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes</p> <p><u>Preferred Route Consultation – 6 September to 19 October 2018</u></p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 5.6 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 6 September 2018 confirmed that consultation commenced on the same day and closed on 19 October 2018, providing the required minimum time for receipt of responses.</p> <p><u>Design Refinements Consultation – 21 January to 19 February 2019</u></p> <p>A sample of the letter sent by email to s42 consultees is provided at Appendix 6.8 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 21 January 2019 confirmed that consultation commenced on the same day and closed on 19 February 2019, providing the required minimum time for receipt of responses.</p>
<p>Section 46: Duty to notify the Planning Inspectorate of proposed application</p>		

12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes</p> <p>The Applicant gave notice under s46 on 5 September 2018 and 18 January 2019, which was before the beginning of s42 consultations.</p> <p>Copies of the s46 notification letters are provided in Appendix 5.12 and Appendix 6.11 of the Consultation Report (Doc 5.1).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes</p> <p>A copy of the final SoCC is provided at Appendix 4.8 of the Consultation Report (Doc 5.1).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to the following authorities on 9 July 2018 and set a deadline of 6 August 2018 for responses; providing the required minimum time for responses to be received:</p> <ul style="list-style-type: none"> • Eastleigh Borough Council ('B' authority) • Winchester City Council ('B' authority) • East Hampshire District Council ('B' authority) • Hart District Council ('B' authority) • Rushmoor Borough Council ('B' authority) • Surrey Heath Borough Council ('B' authority) • Runnymede Borough Council ('B' authority) • Spelthorne Borough Council ('B' authority) • London Borough of Hounslow ('B' authority) • South Downs National Park Authority ('B' authority) • Surrey County Council ('C' authority)

		<ul style="list-style-type: none"> • Hampshire County Council ('C' authority) <p>A Copy of the draft SoCC is provided in Appendix 4.5 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>Appendix 4.7 of the Consultation Report (Doc 5.1) provides the consultation responses from the following local authorities in respect of the draft SoCC and demonstrates how the Applicant had regard to their content:</p> <ul style="list-style-type: none"> • Rushmoor Borough Council • Spelthorne Borough Council • Eastleigh Borough Council • Runnymede Borough Council • Hampshire County Council • South Downs National Park Authority • Surrey Heath Borough Council <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection 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 final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Addlestone Library • Alton Library • Alton Community Centre • Ashford Library • Ashford Community Centre • Bishop's Waltham Library

- Chertsey Library
- Farnborough Library
- Frimley Green Library
- Guildford Library
- Lightwater Library
- Shepperton Library
- Staines Library
- Staines Community Centre
- Weybridge Library
- Weybridge Centre for the Community
- County councils and regional bodies
- District and borough councils
- Parish and town councils

A notice stating when and where the final SoCC could be inspected was published in:

- Aldershot News & Mail on 12 & 19 September 2018
- Andover Advertiser on 7 & 14 September 2018
- Basingstoke Gazette on 6 & 13 September 2018
- Eastleigh Times on 6 & 13 September 2018
- Farnham Herald Series on 13 & 20 September 2018
- Hampshire Chronicle on 6 & 13 September 2018
- Hampshire Independent on 7 & 14 September 2018
- Haslemere Herald on 13 & 20 September 2018
- Hounslow Chronicle and Informer on 7 & 14 September 2018
- Woking News and Mail on 6 & 13 September 2018

		<ul style="list-style-type: none"> • Petersfield Post (The Post Series) on 12 & 19 September 2018 • Richmond and Twickenham Times on 14 & 21 September 2018 • Romsey Advertiser on 7 & 14 September 2018 • Southern Daily Echo (Eastleigh Echo) on 6, 7 & 21 September 2018 • Staines Chronicle and Informer on 7 & 14 September 2018 • Surrey and Hants News on 11 & 18 September 2018 • Surrey Advertiser (Guildford edition) on 7 & 14 September 2018 • Surrey Advertiser (Runnymede and Spelthorne edition) on 7 & 14 September 2018 • The Times on 6 September 2018 • The London Gazette on 7 September 2018 <p>The published SoCC notice, provided at Appendix 5.7 of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>A copy of the notice is provided at Appendix 5.13 of the Consultation Report (Doc 5.1). Clippings of the published notices are provided in the Section 1.7 of the Copies of Newspaper Notices (Doc 1.3).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Chapter 2 of the final SoCC at Appendix 4.8 of the Consultation Report (Doc 5.1) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Section 5.12 and 6.10 in Chapter 5 and 6 of the Consultation Report (Doc 5.1) sets out how the community consultation was carried out in line with the final SoCC.</p> <p>The Table provided in paragraph 5.12.1 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC, a copy of which is in the Appendix 4.8 of the Consultation Report (Doc 5.1).</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes</p> <p>Chapter 5 Section 5.13 of the Consultation Report (Doc 5.1) states that the Section 48 notice was published as required under the Act.</p> <p>Section 1.7 of the Application Form (Doc 1.3) includes copies of all the newspaper notices.</p> <p>Table 2 of the Application Form (Doc 1.3) sets out the publication dates.</p> <p>A copy of the s48 notice is provided at Section 5.13.3 of the Consultation Report (Doc 5.1).</p>
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		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Aldershot News & Mail Andover Advertiser Basingstoke Gazette Eastleigh Times Farnham Herald Series Guildford Dragon Hampshire Chronicle Hampshire Independent Haslemere Herald Hounslow Chronicle and Informer Woking News and Mail Petersfield Post (The Post Series) Richmond and Twickenham Times Romsey Advertiser	12 & 19 September 7 & 14 September 6 & 13 September 6 & 13 September 13 & 20 September 6 September 6 & 13 September 7 & 14 September 13 & 20 September 7 & 14 September 6 & 13 September 12 & 19 September 14 & 21 September 7 & 14 September

		Southern Daily Echo (Eastleigh Echo) Staines Chronicle and Informer Surrey and Hants News Surrey Advertiser (Guilford edition) Surrey Advertiser (Runnymede and Spelthorne edition)	6, 7 & 21 September 7 & 14 September 11 & 18 September 7 & 14 September 7 & 14 September		
b)	once in a national newspaper;	The Times	6 September 2018		
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The London Gazette	7 September 2018		
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? Note: where an application will contain a draft Deemed Marine Licence, the Planning Inspectorate will consider that the proposed application relates to offshore development	Not Applicable.	Not Applicable		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The published s48 notice is supplied at Appendix 18 of the Consultation Report Appendices 14-20 (Doc 5.1.1b) , contains the required information as set out below.			
Information		Paragraph			
a)	the name and address of the Applicant.	One	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	One
c)	a statement as to whether the application is	Five	d)	a summary of the main proposals, specifying the location	Three

	EIA development			or route of the Proposed Development	
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	Six	f)	the latest date on which those documents, plans and maps will be available for inspection	Nine
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Nine	h)	details of how to respond to the publicity	Nine
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	Nine			
21	Are there any observations in respect of the s48 notice provided above?				
	No.				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in Appendix 5.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 5.2 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p>			
s49: Duty to take account of responses to consultation and publicity					
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p><u>Preferred Route Consultation – 6 September to 19 October 2018</u></p>			

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		<p>Sections 5.20 and 5.21 of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>Appendix 5.24 of the Consultation Report: Appendix 5 (Doc 5.1) provides a summary of matters raised by consultees.</p> <p><u>Design Refinements Consultation – 21 January to 19 February 2019</u></p> <p>Sections 6.17 and 6.18 of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>Appendix 6.18 of the Consultation Report: Appendix 6 (Doc 5.1) provides a summary of matters raised by consultees.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Section 1.6 of the Consultation Report (Doc 5.1) explains how the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these, available here: https://infrastructure.planninginspectorate.gov.uk/document/EN070005-000310</p>
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)		

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

26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>Section 6 of the Application Form (Doc 1.2) provides a summary of the route of the proposal. As this is a linear scheme a single location plan has not been provided. However the route is contained within the Land Plans (Doc 2.1) and Works Plans (Doc 2.2).</p>									
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report and Appendices (Docs 5.1). Although the Consultation Report and Appendices have the same document reference (5.1), they are clearly titled to avoid confusion.</p>									
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes</p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below.</p>									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA Regulations¹³ and any scoping or screening</td> <td>Environmental Statement (Docs 6.1 to 6.4)</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	Environmental Statement (Docs 6.1 to 6.4)	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>Draft Development Consent Order (Doc 3.1)</td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
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a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	Environmental Statement (Docs 6.1 to 6.4)										
Information	Document										
b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)										

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

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

	opinions or directions			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition) Book of Reference (Doc 4.3)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (Doc 7.3)	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 Statement of Statutory Nuisance (Doc 6.4 - Appendix 13.5)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		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 Land Plans (Doc 2.1)

			Acquisition or any rights to use land;	
			(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	
			(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes (with minor discrepancies 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 DCO	Works Plan (Doc 2.2)	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	Access and Public Right of Way Pans (Doc 2.5)
	Is this of a satisfactory standard?	Yes	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 eg 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>	<ul style="list-style-type: none"> (i) Figures 7.1 and 7.2 in Doc 6.3 Chapter 7 (Biodiversity); Figures 11.3 (Sheet 6 of 14) and 11.5 in Doc 6.3 Chapter 11 (Soils and Geology); and Figure 10.3 in Doc 6.3 Chapter 10 (Landscape and Visual) (ii) Figures 7.3 to 7.5 in Doc 6.3 Chapter 7 (Biodiversity) (iii) Figures 8.1 and 8.2 in Doc 6.3 Chapter 8 (Water); and Drawing A8.6.1 and Figure A8.6.3 in Doc 6.4 Appendix 8.4 (Groundwater Abstraction Assessment) <p>Assessments contained in Doc 6.2 Chapter 7 (Biodiversity); Doc 6.2 Chapter 8 (Water); Doc 6.2 Chapter 11 (Soils and Geology); and Doc 6.4 Appendix 8.4 (Water Framework Directive Compliance Assessment)</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Figures 9.1 to 9.3 in Doc 6.3 Chapter 9 (Historic Environment); and Figure 10.3 in Doc 6.3 Chapter 10 (Landscape and Visual)</p> <p>Assessment in Doc 6.2 Chapter 9 (Historic Environment); and Doc 6.2 Chapter 10 (Landscape and Visual).</p>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 2.4)	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	<p>Special Category Land Plan (Doc 2.3)</p> <p>General Arrangement Plans (Doc 2.6)</p> <p>Other Plans (Doc 2.7)</p>

			buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	
	Is this of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	N/A No additional documents are required for the construction of a pipeline. Information required for pipeline projects is provided in Table 1.1 of the Planning Statement (Doc 7.1) .	q) Any other documents considered necessary to support the application	Not Applicable Chapter 1 of the Planning Statement (Doc 7.1) provides an overview of the project, with reference to required documents.
	Are they of a satisfactory standard?	Not Applicable	Are they of a satisfactory standard?	Not Applicable
30	Are there any observations in respect of the documents provided above?			
	<p>1. Volume 7 Flood Risk Assessment (Doc 7.3)</p> <p>The Flood Risk Assessment (FRA) states in Section 2.7 Consideration of Climate Change that the Environment Agency (EA) have agreed with the Applicant that climate change allowances do not need to be factored into the assessment for fluvial and pluvial (surface water) flood sources.</p> <p>The FRA does not provide evidence of this agreement. The agreement with the EA and Applicant should be appended to the FRA.</p> <p>The FRA has also not factored in climate change allowances for the assessment of groundwater flooding. Section 2.7.8 of the FRA states that “<i>given the nature of the works during construction, it is considered that climate change would have no discernible impact upon groundwater flood risk</i>”. No evidence has been provided to confirm that the approach to groundwater flooding has been agreed with the relevant statutory body(ies), including the EA. The Applicant should provide evidence of any consultation and agreements reached with the EA.</p> <p>2. There are some discrepancies on some Land Plans. These include duplicate plots, plots listed on incorrect sheets and on some Land Plans</p>			

the direction of north is missing. However, on balance, the plans can be adequately read, understood and a direction of north is included in the key.

3. The Applicant has indicated at various points within the documentation, that it is anticipated that one of the alternative routing options shown on Works Plans and Land Plans Sheets 10 and 11 should be withdrawn around the time of the Preliminary Meeting (PM). As currently drafted the dDCO does not appear to identify both sub options under Work No. 1A specifically.

4. In some Works Plans there are plots which do not appear to have a use category/shading (for example sheet 109).

Section 51 advice has been issued to the Applicant in respect of these matters, and those identified elsewhere in the checklist:

<https://infrastructure.planninginspectorate.gov.uk/document/EN070005-000310>

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)? ¹⁴	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report is provided (Document 6.5).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the examination.</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	The Planning Inspectorate did not request two paper copies of the application form and other supporting documents and plans.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p>Yes</p> <p>The Application Cover Letter (Doc 1.1) explains that the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. In respect of the discrepancies identified in the checklist, to help facilitate an efficient and effective examination of the application, s51 advice has been provided to the Applicant in conjunction with the decision to accept the application for examination. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/document/EN070005-000310
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The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 3 May 2019, before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Hefin Jones</i>	11 June 2019
Acceptance Inspector	<i>Kevin Gleeson</i>	11 June 2019

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

