

## DRAFT SECTION 55 CHECKLIST

### HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

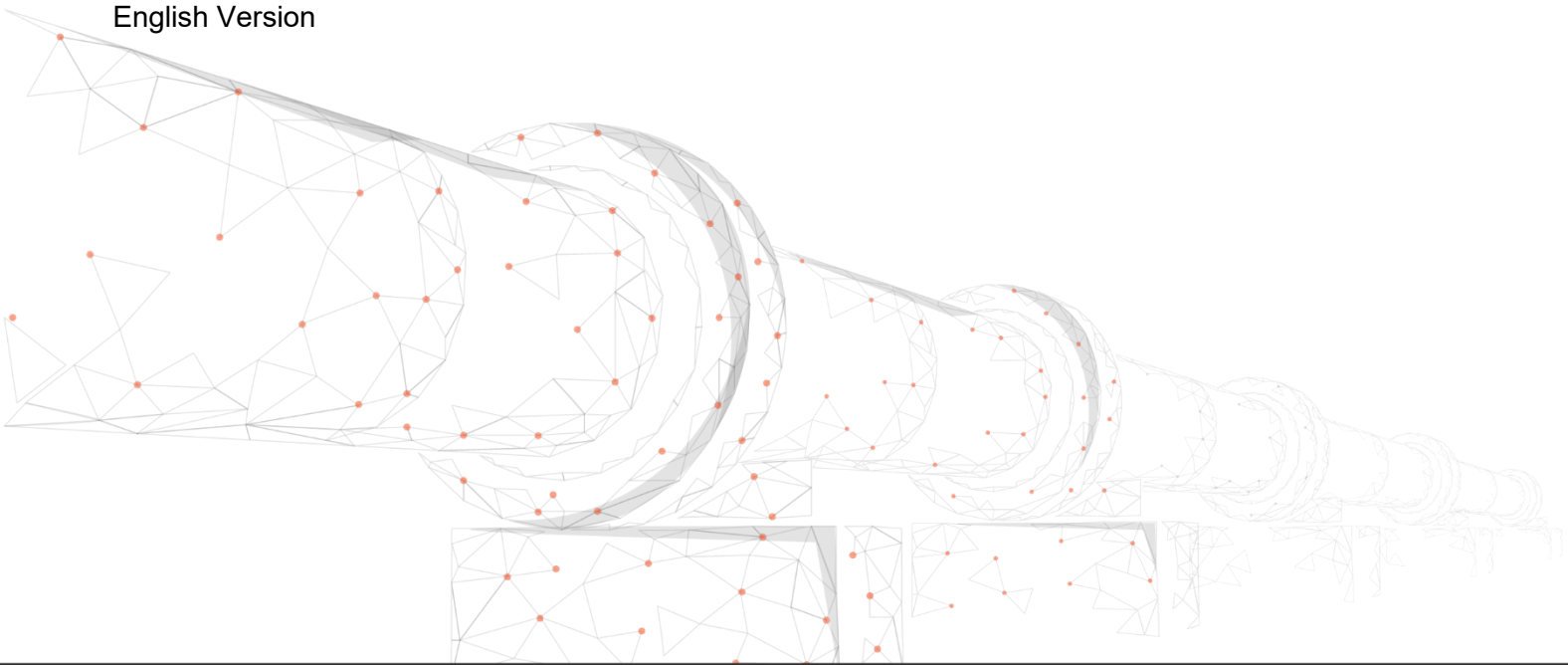
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)

Document Reference Number D.1.5

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007

English Version



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Choose an item.

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# **1. INTRODUCTION**

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## **1.0. BACKGROUND**

1.0.1. This draft Section 55 checklist has been prepared on behalf of the Applicant to support an application (Application) for a Development Consent Order that has been submitted to the Secretary of State (SoS) for Business, Energy and Industrial Strategy under Section 37 of the Planning Act 2008 (PA 2008). The Application relates to the DCO Proposed Development.

## **1.1. SECTION 55 OF THE PLANNING ACT 2008 (AS AMENDED)**

1.1.1. Section 55 of the PA 2008 sets out the circumstances under which the SoS may accept an application for development consent. Following acceptance, an application will be subject to an examination pursuant to Sections 86 to 102B of the PA 2008.

1.1.2. The 'Section 55 checklist' is a document prepared by the Planning Inspectorate (PINS) on behalf of the SoS upon submission of an application. Completion of the Section 55 checklist by an applicant is not a requirement under Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations'), nor does the submission of a draft completed Section 55 checklist by the Applicant hold any weight at the acceptance stage.

1.1.3. However, the Applicant considers that the submission of a 'draft' Section 55 checklist can assist the Planning Inspectorate with the compliance check at the acceptance stage by signposting to relevant Application documents or parts within Application documents. Therefore, the Applicant has decided to complete the Section 55 checklist for the Application.

## 2. SECTION 55 CHECKLIST

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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:** October 2019

## Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.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
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	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application	Yes. The DCO Proposed Development constitutes an NSIP within sections 14(1)(g) and 21 (1) of the Planning Act 2008 (PA 2008), as set out in schedule 1 of the draft DCO ( <b>document reference D.3.1</b> ).		

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

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

	<p>specify the development to which it relates (i.e. 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 to be treated as development for which development consent is required?</p>	<p>This is also summarised in the following supporting documents; <b>Section 4</b> of the Application Form (<b>document reference D.1.4</b>) and <b>Chapter 1</b> of the Planning Statement (<b>document reference D.5.4</b>).</p> <p>The project is an NSIP under section 14(1)(g) of the PA 2008 because it is a cross country pipeline for the purposes of section 66 of the Pipeline Act 1962 as the length of the new pipeline is intended to exceed 16.093km (10 miles). Additionally, the construction of the new pipeline would require authorisation under section 1(1) of the 1962 Act.</p> <p>The project therefore meets each of the relevant qualifying criteria in section 21(1) of the PA 2008.</p>
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	<p>The draft DCO (<b>document reference D.3.1</b>) <b>Schedule 1</b> and <b>Section 4</b> of the Application Form (<b>document reference D.1.4</b>) demonstrate that the application as submitted is an application for an order granting development consent under the PA 2008.</p>
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes, the Applicant notified the Planning Inspectorate and SoS under the 2017 EIA Regulations – Regulation 8(1)(b) ‘Notification of Intention to Provide an Environmental Statement’ and Regulation 10(1) ‘Request for a Scoping Opinion’ on 8 March 2022 (EN060006). It has been determined that an Environmental Statement (‘ES’) will be submitted with the Application pursuant to Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’).</p>

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

5	Have any Adequacy of Consultation Representations <sup>4</sup> 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?	<p>The Consultation Report (<b>document reference D.5.1</b>) and its respective appendices sets out how the Applicant complied with its duties under Sections 42, 47 and 48 of the PA 2008.</p> <p>The list of Authorities in respect of the Application is contained in <b>Section 2</b> (Project Overview) of the Consultation Report (<b>document reference D.5.1</b>).</p> <p>Host Authorities:</p> <ul style="list-style-type: none"> <li>- Cheshire West and Chester Council (CWCC)</li> <li>- Flintshire County Council (FCC)</li> </ul>
<b>Section 42: Duty to consult</b>		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p>Yes - The prescribed consultees under Section 42(1)(a) of the PA 2008 were consulted, see <b>Section 6.3</b> of the Consultation Report (<b>document reference D.5.1</b>) for more detail. A full list of the bodies consulted under Section 42 (1)(a), as identified through Schedule 1 of the APFP Regulations can be found at <b>Appendix E1 – E3</b> of the Consultation Report (<b>document reference D.5.1.5</b>).</p> <p>The Applicant sent an email to stakeholders on 7 February 2022, notifying them of the start of the consultation. A copy of this email can be found in <b>Appendix G2</b> of the Consultation Report (<b>document reference D.5.1.7</b>)</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<p>The Applicant sent an email to stakeholders in January and June of 2022 notifying them of the start of the consultation. A copy of this email can be found in <b>Appendix G2</b> of the Consultation Report (<b>document reference D.5.1.7</b>)</p>

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

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

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



8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p>Yes - The prescribed consultees under Section 42(1)(b) of the PA2008 were consulted, see <b>Section 6.4</b> of the Consultation Report (<b>document reference D.5.1</b>) for more detail.</p> <p>The Applicant consulted the local authorities throughout project development. An email notifying stakeholders of the start of the consultation was further circulated to raise awareness of the consultation period. This was sent on 9 February 2022. A copy of this letter can be found in <b>Appendix G2</b> of the Consultation Report (<b>document reference D.5.1.7</b>). The Applicant held monthly (virtual) meetings with CWCC and FCC. These meetings provided the councils with information ahead of publication, as well as updates on the DCO process. A schedule of these meetings can be found in <b>Appendix A3</b> and <b>A4</b> of the Consultation Report (<b>document reference D.5.1.1</b>).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	The Greater London Authority was not consulted as the DCO Proposed Development site does not involve land within Greater London.
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p>The prescribed consultees under Section 42(1)(a) of the PA 2008 were consulted, see <b>Section 6.5</b> of the Consultation Report (<b>document reference D.5.1</b>) for more detail.</p> <p>The Applicant's consultation with PILs ("Persons with an Interest in Land") consisted of letters sent by Royal Mail 1st class, on 7 February 2022, of which copies can be found in <b>Appendix E3 (document reference D.5.1.5)</b> of the Consultation Report. If any letters were returned as 'undeliverable', desktop research was conducted to find alternative addresses. There were 19 instances of notices being re-issued. Five PILs were initially missed from interests identified in LIQs returned after the initial mailout. Section 42 notices were sent to these PILs on 18 March 2022 with a deadline for receipt of comments (see <b>Appendix F4 (document reference D.5.1.6)</b>).</p>

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

<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. 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

<b>Section 45: Timetable for s42 consultation</b>		
11	<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 – each of the letters issued to the Section 42 Consultees clearly stated a deadline for the receipt of consultation responses.</p> <p><b>Section 42 Consultation</b></p> <p>Each of the letters were issued on 9 February 2022 and provided a deadline for comments no later than 11:59pm on 22 March 2022. This allowing the public consultation to run for a period of six weeks.</p> <p>The Applicant sent an email to all Section 42(1)(a) and Section 42(1)(b) stakeholders in accordance with Section 48 of the PA 2008. The list of the stakeholders that this email was sent to can be found in <b>Appendix E1 and E2 (document reference D.5.1.5)</b> of the Consultation Report. A copy of the email can be found in <b>Appendix F1 (document reference D.5.1.6)</b>.</p> <p><b>Further Section 42 Consultation (Targeted Consultation)</b></p> <p>Additional targeted consultation covering 24 changes ran from 17 June 2022 to 19 July 2022. Section 42(1)(a), Section 42(1)(b) and Section 42(1)(d) consultees were informed of the consultation by letter or, if they had previously expressed a preference for it, by email. Non-prescribed groups were also informed by email. Site notices were displayed at each location and checked weekly throughout the consultation period. Information regarding targeted consultation can be found in <b>Appendix L (document reference D.5.1.12)</b>.</p> <p>A third consultation on five changes ran from 21 July 2022 to 19 August 2022. A letter was sent to Section 42(1)(d) consultees along with the Lead Local Flood Authorities and Highways Authorities for each local authority. A copy of the letters can be found in <b>Appendix L (document reference D.5.1.12)</b> of the Consultation Report.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the</p>	<p>The Applicant supplied information to notify the Planning Inspectorate of the proposed Application in a letter dated 7 February 2022; this was therefore completed prior to commencing consultation under s42. This letter was sent pursuant to Section 46 of the</p>

	<p>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>	<p>PA 2008. Further details of the Section 46 letter are contained in <b>Section 6.4</b> of the Consultation Report (<b>document reference D.5.1</b>). A copy of the Section 46 Letter is appended to the Consultation Report at <b>Appendix F1 (document reference D.5.1.6)</b>.</p> <p>The Section 46 Letter Contained:</p> <ul style="list-style-type: none"> <li>- A Summary of the proposed development for which the DCO will be sought</li> <li>- An example copy of the section 42 letter</li> <li>- Section 48 Notice which has also been published in local and national newspapers to publicise the proposed application</li> <li>- The public consultation brochure which provides an overview of the DCO Proposed Development</li> <li>- The Preliminary Environmental Information Report ('PEIR') which details the DCO Proposed Development and a preliminary assessment of its likely significant environmental effects</li> <li>- The Non-Technical Summary ('NTS') of the findings in the PEIR</li> <li>- The Statement of Community Consultation (SoCC) which states how the Applicant is consulting the local community in the vicinity of the DCO Proposed Development</li> </ul>
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**Section 47: Duty to consult local community**

<p>13</p>	<p>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>	<p>Yes – a draft SoCC was produced. A copy of which can be found in <b>Appendix D</b> of the Consultation Report (<b>document reference D.5.1.4</b>).</p> <p>Section 47 of the PA 2008 requires developers to publish a SoCC, setting out the Applicant's proposals and how they propose to consult on them, with a focus on people living in the vicinity of the DCO Proposed Development. The Applicant developed this document with a view to providing opportunities for people of all ages, backgrounds, and life circumstances to get involved, including traditionally 'hard to reach' demographic groups.</p> <p>The SoCC set out a number of proposed consultation methods including the following; setting up a Project Website, sending out a detailed information leaflet, writing to local</p>
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		political representatives, sending out press releases, publishing notices in newspapers, placing posters in the local areas, hosting virtual and public consultation events.
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?	Yes – Both FCC and CWCC were consulted during the statutory consultation on 9 February 2022. Formal responses were received and recorded.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes - comments were received from both FCC and CWCC. The Applicant has had regard to these in preparing and finalising the SoCC.  The comments raised by FCC and CWCC are set out in <b>Appendix D5</b> of the Consultation Report ( <b>document reference D.5.1.4</b> ).
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?	The Applicant published the final SoCC on the project's dedicated online consultation hub [REDACTED] on 9 February 2022 (the start of the statutory consultation period). Hard copies of the SoCC were also available to view at local deposit points. <b>Appendix H1</b> of the Consultation Report ( <b>document reference D.5.1.8</b> ) provides copies of the newspaper notices that the Applicant published under Section 47 (1) (a) – notifying the public that the SoCC can be viewed in full on the website and at the deposit points.
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	Yes – the SoCC confirms that the DCO Proposed Development is EIA development. The SoCC confirmed that a Preliminary Environmental Information Report (PEIR) would be prepared for the consultation and how this would be publicised and made available (including the ability to download the information via the Project Website).
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes - Section 47 (2) of the PA 2008 requires the Applicant to consult each local authority within Section 43(1) about the SoCC. The Applicant sent the SoCC to the relevant local planning authorities to allow them to make comments. The team met with FCC and CWCC on 2 November 2021 to discuss details on the imminent release of the

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

		<p>SoCC. Details on this can be found in <b>Appendix D3</b> of the Consultation Report (<b>document reference D.5.1.4</b>).</p> <p>The Applicant sent the SoCC to the local authorities for comment on 3 November 2021. The local authorities were requested to provide their comments by 1 December 2021, allowing them 28 days to do so (from 4 November 2021). This was extended by agreement following a request from the Councils.</p> <p>Comments were received from CWCC and FCC on 25 November 2021 and 7 December 2021, respectively. These responses can be found in <b>Appendix D4</b> of the Consultation Report. A meeting with FCC and CWCC was held on 8 December 2021 to confirm action taken following comments received on the SoCC. Notes from this meeting can be found in <b>Appendix D3 (document reference D.5.1.4)</b>.</p> <p><b>Appendix D5</b> of the Consultation Report (<b>document reference D.5.1.4</b>), 'Regard had to SoCC Responses' provides a summary of the local authorities' comments on the draft SoCC and how the team had regard to those responses, including changes made to the SoCC.</p> <p>The Applicant published the final SoCC on the project's dedicated online consultation hub <a href="http://www.hynethub.co.uk">www.hynethub.co.uk</a> on 9 February 2022 (the start of the statutory consultation period). <b>Appendix H1</b> of the Consultation Report (<b>document reference D.5.1.8</b>) provides copies of the newspaper notices that the Applicant published under Section 47 (1) (a) – notifying the public that the SoCC can be viewed in full on the website and at the deposit points.</p> <p>Consultation was completed in compliance with the SoCC.</p>
<b>Section 48: Duty to publicise the proposed application</b>		
19	<p>Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?</p>	<p>The Applicant publicised the proposed Application in a Section 48 Notice in accordance with Regulation 4(2) of the APFP Regulations in the following newspapers:</p> <ul style="list-style-type: none"> <li>- The Chester Chronicle (27<sup>th</sup> January, 3<sup>rd</sup> February).</li> <li>- The London Gazette (31<sup>st</sup> January).</li> <li>- The Guardian (31<sup>st</sup> January).</li> <li>- Chester Standard (31<sup>st</sup> January).</li> <li>- The Daily Post (+ Translation) (31<sup>st</sup> January).</li> </ul>

		<p>- The Flintshire Leader (+ Translation) (31<sup>st</sup> January, 7<sup>th</sup> February).</p> <p>The Consultation Report explains how the notice complies with the prescribed manners set out in Regulation 4(2). A copy of the Section 48 Notice can be found in <b>Appendix H</b> of the Consultation Report (<b>document reference D.5.1.8</b>).</p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 35%;">Newspaper(s)</th> <th style="width: 60%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td> <p>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>The Chester Chronicle</p> <p>The Flintshire Leader</p> </td> <td> <p><i>27<sup>th</sup> January 2022 and 3<sup>rd</sup> February 2022</i></p> <p><i>31<sup>st</sup> January 2022 and 7<sup>th</sup> February 2022</i></p> </td> </tr> <tr> <td>b)</td> <td> <p>once in a national newspaper;</p> <p>The Guardian</p> </td> <td> <p><i>31<sup>st</sup> January 2022</i></p> </td> </tr> <tr> <td>c)</td> <td> <p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>London Gazette</p> </td> <td> <p><i>31<sup>st</sup> January 2022</i></p> </td> </tr> <tr> <td>d)</td> <td> <p>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> </td> <td> <p><i>N/A</i></p> </td> </tr> </tbody> </table>				Newspaper(s)	Date	a)	<p>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>The Chester Chronicle</p> <p>The Flintshire Leader</p>	<p><i>27<sup>th</sup> January 2022 and 3<sup>rd</sup> February 2022</i></p> <p><i>31<sup>st</sup> January 2022 and 7<sup>th</sup> February 2022</i></p>	b)	<p>once in a national newspaper;</p> <p>The Guardian</p>	<p><i>31<sup>st</sup> January 2022</i></p>	c)	<p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>London Gazette</p>	<p><i>31<sup>st</sup> January 2022</i></p>	d)	<p>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><i>N/A</i></p>
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20	<p>Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?</p>	<p>The Section 48 Notice, which is provided at <b>Appendix H2</b> of the Consultation Report (<b>document reference D.5.1.8</b>), contains the required information as set out below:</p> <ul style="list-style-type: none"> <li>• the name and address of the Applicant;</li> <li>• a statement that the Applicant intends to make an application for a DCO;</li> <li>• a statement that the DCO Proposed Development is EIA development or that an EIA is being undertaken;</li> <li>• a summary of the DCO Proposed Development, including its location;</li> </ul>															

		<ul style="list-style-type: none"> <li>• a statement that the consultation documents (including plans and maps showing the location of the DCO Proposed Development) were available to inspect free of charge at a location within the vicinity of the DCO Proposed Development, including the times that the documents could be inspected at these venues;</li> <li>• the latest date on which the consultation documents could be inspected, which was on or after the last date for consultation responses;</li> <li>• confirmation that requests for hard copies, electronic copies and USB copies of the consultation documents would be free of charge;</li> <li>• details were provided of how to respond to the publicity. This included the DCO Proposed Development website, email and freepost addresses and a telephone number;</li> <li>• each notice stated a deadline for the receipt of responses, being in excess of 28 days and running from the date when the Section 48 Notice was last published.</li> </ul>
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2	Information	Paragraph	Information	Paragraph
a)	the name and address of the Applicant.	<p>Yes</p> <p>Paragraph 1 of the Section 48 Notice states:</p> <p>“Notice is hereby given that Liverpool Bay CCS Limited, whose registered address is at Eni House, 10 Ebury Bridge Road, London, SW1 8PZ”</p>	b)	<p>Yes</p> <p>Paragraph 1 of the section 48 Notice states:</p> <p>“Notice is hereby given that Liverpool Bay CCS Limited, whose registered address is at Eni House, 10 Ebury Bridge Road, London, SW1 8PZ (The Applicant) proposes to make an application (the “DCO Proposed Development”) under section 37 of the Planning Act 2008 (PA2008) to the Secretary of State for Business, Energy and Industrial Strategy (“Secretary of State” “SoS) for a DCO.</p>

c)	a statement as to whether the application is EIA development	<p>Yes.</p> <p>Paragraph 6 of the Section 48 Notice states:</p> <p>“The Applicant has notified the SoS in writing under Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’) that it proposes to provide an Environmental Statement (‘ES’) in respect of the Proposed Development.</p>	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	<p>Yes</p> <p>Paragraph 2-5 provides a summary of the development and its location.</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>Yes</p> <p>Section 8, 9 and 10 of the Section 48 Notice provide details on how the documents, plans and maps showing the nature and location of the DCO Proposed Development could be accessed both online and physically, including information on an inspection venue (and its opening hours) which could be visited by appointment through contacting the provided consultation</p>	f)	the latest date on which those documents, plans and maps will be available for inspection	<p>Yes</p> <p>Paragraph 15 of the Section 48 Notice provides the details of the date of closure. This being 22 March 2022.</p>



		freephone number or email address.			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Yes. The Section 48 Notice confirmed at paragraphs 12 that copies of any of the documents, plans or maps could be viewed free of charge through any of the means provided. Though the PEIR due its size would have a delivery and printing fee.	h)	details of how to respond to the publicity	Yes Paragraph 13 of the Section 48 Notice provides the information of public response. Website: <a href="http://www.hynethub.co.uk">www.hynethub.co.uk</a> Email: <a href="mailto:info@hynet.co.uk">info@hynet.co.uk</a> Mail: FREEPOST HYNET NORTH WEST Contact Number: 0203 116 5919
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	Yes. Paragraph 15 of the Section 48 Notice states: “All responses must be received by the applicant no later than 11:59pm on the 22 <sup>nd</sup> March 2022”			
21	Are there any observations in respect of the s48 notice provided above?				
	N/A				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	Yes – a copy of the Section 48 Notice was sent to the EIA consultation bodies at the same time as the Section 42 letters. This is explained at <b>Chapter 16</b> of the Consultation Report ( <b>document reference D.5.1</b> ).			

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

<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	Yes – all responses received to the consultation have been considered by the Applicants. A full list of responses can be found in <b>Appendix F</b> of the Consultation Report ( <b>document reference D.5.1.6</b> ).
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<b>Table 3-5</b> of the Consultation Report ( <b>document reference D.5.1</b> ) sets out how the Applicant has complied with the guidance set out by the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) in March 2015 about the pre-application process for the PA 2008.  <b>Section 3.6</b> of the Consultation Report sets out how this has been complied with.
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA 2008.
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	Yes  <b>Section 4</b> of the Application Form ( <b>document reference D.1.4</b> ) explains why the Planning Inspectorate should receive the application.  <b>Section 5</b> of the Application Form ( <b>document reference D.1.4</b> ) provides a brief non-technical description of the site and <b>Section 6</b> provides the location of the Proposed Development.
27	Is it accompanied by a Consultation Report?	Yes

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

		The application is accompanied by a Consultation Report ( <b>document reference: D.5.1</b> ) (appendices A-L are provided under separate reference numbers <b>D.5.1.1 – D.5.1.12</b> )	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	Yes, A Key Plan has been produced for the following documents: <ul style="list-style-type: none"> <li>• Land Plans (<b>document reference D.2.2</b>)</li> <li>• Crown Plans (<b>document reference D.2.3</b>)</li> <li>• Works Plans (<b>document reference D.2.4</b>)</li> </ul>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:	
<b>Information</b>		<b>Document</b>	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	An Environmental Statement is provided in four volumes as follows: <p><b>D.6.1:</b> ES Volume 1 - Non-Technical Summary (including Welsh Translation version)</p> <p><b>D.6.2:</b> ES Volume 2 – Chapters</p> <p><b>D.6.3:</b> ES Volume 3 – Technical Appendices</p> <p><b>D.6.4:</b> ES Volume 4 – Figures</p> EIA Scoping Report ( <b>document reference D.6.3.1.1</b> )	b)
		The draft Development Consent Order (DCO)	Draft Development Consent Order ( <b>document reference: D.3.1</b> )

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

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

		EIA Scoping Opinion ( <b>document reference D.6.3.1.2</b> ) Scoping Opinion Responses ( <b>document reference D.6.3.1.3</b> )			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum ( <b>document reference: D.3.2</b> )	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Book of Reference ( <b>document reference: D.4.3</b> )
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment England ( <b>document reference D.6.3.18.4</b> )  Flood Consequences Assessment Wales ( <b>document reference D.6.3.18.5</b> )	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	A Statutory Nuisance Statement has been provided ( <b>document reference D.5.3</b> ) which considers the matters set out in section 79(1) of the Environmental Protection Act 1990.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons ( <b>document reference D.4.1</b> ) Funding Statement ( <b>document reference D.4.2</b> )	i)	A Land Plan identifying:-  (i) the land required for, or affected by, the Proposed Development;	Land Plans ( <b>document reference D.2.2</b> )  Special Category Land Plan ( <b>document reference D.2.6</b> )

			<ul style="list-style-type: none"> <li>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</li> <li>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</li> <li>(iv) any special category land and replacement land.</li> </ul>	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> <li>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</li> <li>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</li> </ul>	Work Plans ( <b>document reference D.2.4</b> )	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p>Access and Rights of Way Plans (<b>document reference D.2.5</b>)</p>

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Appendix 9.1 Habitats and Designated Sites Survey Report (<b>document reference D.6.3.9.1</b>)</p> <p>Which contains:</p> <ul style="list-style-type: none"> <li>• Figure 9.1.1 Statutory Designated Sites of Nature Conservation</li> <li>• Figure 9.1.2 Non-Statutory Designated Sites of Nature Conservation</li> <li>• Figure 9.3 – Results of Phase 1 Habitat Survey</li> <li>• Figure 9.4 – Frodsham and Ince Marshes LWS</li> </ul> <p>Important Hedgerow Plans (<b>document reference D.2.13</b>)</p> <p>Appendix 11.3 Mineral Resource Assessment (<b>document reference D.6.3.11.3</b>)</p> <p>Which contains:</p> <ul style="list-style-type: none"> <li>• Figure 11.3.2 Geological Map</li> </ul> <p>Appendix 18.1 Baseline Information (<b>document reference D.6.3.18.1</b>)</p> <p>Appendix 18.3 Water Framework Directive Assessment (<b>document reference D.6.3.18.3</b>)</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>ES Chapter 8 Cultural Heritage (<b>document reference D.6.2.8</b>)</p> <p>ES Appendix 8.1 Historic Environmental Desk Based Assessment (<b>document reference D.6.3.8.1</b>)</p> <p>ES Appendix 8.2 Gazetteer (<b>document reference D.6.3.8.2</b>)</p> <p>ES Figure 8.1 Designated Heritage Assets (<b>document reference D.6.4.8.1</b>)</p> <p>ES Figure 8.2 Non-Designated Heritage Assets (<b>document reference D.6.4.8.2</b>)</p> <p>ES Figure 8.3 Previous Investigations (<b>document reference D.6.4.8.3</b>)</p>

n)	Is this of a satisfactory standard?		o)	Is this of a satisfactory standard?	
	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans ( <b>document reference D.2.3</b> )		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	Location Plan ( <b>document reference D.2.1</b> ) Block Valve Stations Location Plan ( <b>document reference D.2.7</b> ) Block Valve Stations Elevations ( <b>document reference D.2.8</b> ) Block Value Stations Planning Arrangement ( <b>document reference D.2.9</b> ) Above Ground Installations Location Plan ( <b>document reference D.2.10</b> ) Above Ground Installations Elevations ( <b>document reference D.2.11</b> ) Above Ground Installations Planning Arrangement ( <b>document reference D.2.12</b> )
p)	Is this of a satisfactory standard?		q)	Are they of a satisfactory standard?	
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Application Cover Letter ( <b>document reference D.1.1</b> ) Application Guide ( <b>document reference D.1.2</b> )		Any other documents considered necessary to support the application	Needs Case for DCO Proposed Development ( <b>document reference D.5.5</b> )

	<p>Application Document Tracker (<b>document reference D.1.3</b>)</p> <p>Application Form (<b>document reference D.1.4</b>) – Specifically section 22.</p> <p>Section 55 Checklist (<b>document reference D.1.5</b>)</p> <p>Electronic Application Index (<b>document reference D.1.6</b>)</p> <p>Glossary (<b>document reference D.1.7</b>)</p>		<p>Planning Statement (<b>document reference D.5.4</b>)</p> <p>Other Consents and Licences (<b>document reference D.5.2</b>)</p> <p>Welsh Language Statement (<b>document reference D.5.6</b>)</p> <p>Schedule of Negotiations with Land Interests (<b>document reference D.5.7</b>)</p>
Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?		
	N/A		
31	<p>Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &amp;c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?<sup>14</sup></p>	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (<b>document reference D.6.5.6</b>).</p> <p>The HRA provides an assessment of likely effects on any relevant European sites. The information provided within is adequate for assessment.</p>	

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations



32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	Not required
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?	Yes
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Applicant has complied with s55(3)(f) and s55(5A) of the PA 2008.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	Yes, a payment of £7,488 has been made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager		
Acceptance Inspector		

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

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