



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:** August 2022

## Viking CCS Pipeline 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 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 Department for Levelling Up, Housing and Communities.

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
		<b>23 October 2023</b>	<b>20 November 2023</b>	<b>17 November 2023</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
<b>Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent</b>				
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 specify the development to which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 2.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of a pipe-line other than by a gas transporter and satisfies section 14(1)(g) of the PA2008; including subsection 21(1).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.3)</b> which states that the application is for an NSIP:</p> <p>The Viking CCS Pipeline ('the Proposed Development') comprises a new 24"</p>		

<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)

	If the development does not fall within the categories in s14 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?	(609 mm) diameter onshore pipeline of approximately 55.5 km in length, which will transport Carbon Dioxide (CO <sub>2</sub> ) from the Immingham industrial area to the Theddlethorpe area on the Lincolnshire coast, where it will connect into the existing 36" (921 mm) diameter offshore LOGGS pipeline.
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 2.1)</b> includes development for which development consent is required.
<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>		
4	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?	<b>Yes</b> On <b>14 November 2022</b> the Applicant notified the Planning Inspectorate 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 <b>22 November 2022</b> . A copy of the notification letter is provided at <b>Appendix D6</b> of the <b>Consultation Report (Doc 5.1)</b> .
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	<b>Yes</b> There are 19 host and neighbouring authorities plus one non prescribed authority (additional Local Authority), of which 16 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation

<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)

<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

<p>duties under s42, s47 and s48?</p>	<p>(AoCR) dated 24 October 2023.</p> <p>All 16 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 made no comments/ objections. These local authorities were:</p> <ul style="list-style-type: none"> <li>• Bassetlaw District Council (A authority)</li> <li>• City of Lincoln Council (A authority)</li> <li>• Newark and Sherwood District Council (A authority)</li> <li>• North Kesteven District Council (A authority)</li> <li>• Nottinghamshire County Council (A authority)</li> <li>• East Lindsey District Council (B authority)</li> <li>• North East Lincolnshire Council (B authority)</li> <li>• North Lincolnshire Council (B authority)</li> <li>• West Lindsey District Council (B authority)</li> <li>• Lincolnshire County Council (C authority)</li> <li>• Cambridgeshire County Council (D authority)</li> <li>• Norfolk County Council (D authority)</li> <li>• North Northamptonshire Council (D authority)</li> <li>• Peterborough City Council (D authority)</li> <li>• Rutland County Council (D authority)</li> <li>• South Holland District Council (non prescribed)</li> </ul> <p>The following authorities did not respond to the invitation to submit an AoCR:</p> <ul style="list-style-type: none"> <li>• Boston Borough Council (A authority)</li> </ul>
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		<ul style="list-style-type: none"> <li>• Doncaster Metropolitan Borough Council (A authority)</li> <li>• East Riding of Yorkshire Council (A Authority)</li> <li>• Leicestershire County Council (D authority)</li> </ul> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: <a href="https://documents.vikingccs.com/planninginspectorate.gov.uk">Documents   Viking CCS Pipeline (planninginspectorate.gov.uk)</a></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 <sup>5</sup> ?	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 16 November 2023 at <b>Appendix D1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix D5</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Royal National Lifeboat Institution</li> <li>• Historic Buildings and Monuments for England (Offshore): Historic England</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the bodies identified above have not been consulted. However, it is noted that the licences</p>
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<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>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 <b>Book of Reference (Doc 3.3)</b>.</p> <p>The Applicant also undertook a targeted consultation between <b>14 April</b> and <b>14 May 2023</b>. All prescribed bodies were contacted under s42(a) and (b) except for parish councils who were contacted on a targeted basis.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335">https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Yes</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Paragraphs 5.3.2 to 5.3.5</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 16 November 2022 for the Statutory Consultation. <b>Paragraph 7.1.2</b> confirms that the same Local Authorities were consulted in respect of the targeted Statutory Consultation on 14 April 2023.</p>

<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

<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

The host 'B' authority was consulted:

- North Lincolnshire Council
- East Lindsey District Council
- West Lindsey District Council
- North East Lincolnshire Council

The host 'C' authority was consulted:

- Lincolnshire County Council

The boundary 'A' authorities were consulted:

- Bassetlaw District Council
- Boston District Council
- City of Lincoln Council
- Newark and Sherwood District Council
- North Kesteven District Council

The boundary 'D' authorities were consulted:

- Cambridgeshire County Council
- Doncaster Council
- East Riding of Yorkshire Council
- Leicestershire County Council
- Norfolk County Council
- North Northamptonshire Council
- Nottinghamshire County Council
- Peterborough City Council

		<ul style="list-style-type: none"> <li>• Rutland County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix D5</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Targeted Statutory Consultation (14 April to 14 May 2023)</b></p> <p>The Applicant contacted all prescribed bodies under s42(a) and (b) at the statutory consultation via email.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>N/A</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 5.4.8</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 16 November 2022.</p> <p><b>Paragraphs 5.4.2 to 5.4.7</b> of the <b>Consultation Report (Doc 5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 2.1)</b>. The full methodology undertaken by the Applicant is provided in <b>sections 2.2 and 7.4</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed are listed in the <b>Book of Reference (Doc 3.3)</b>, rather than in an appendix to the Consultation Report.</p> <p>A sample of the letter from the Statutory Consultation is provided at <b>Appendix D3</b> of the <b>Consultation Report (Doc 5.1)</b>. A sample of the letter from the targeted Statutory Consultation is provided at <b>Appendix F3 and F4</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		

<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.



11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix D5</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 17 November 2022 confirmed that consultation commenced on 22 November 2022 and closed on 24 January 2023, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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><b>Yes</b></p> <p>The Applicant gave notice under s46 on 14 November 2022, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix D6</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>Section 47: Duty to consult local community</b>		
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><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix B1</b> of the <b>Consultation Report (Doc 5.1)</b>.</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><b>Yes</b></p> <p>The Applicant sent the draft SoCC to North Lincolnshire Council, North East Lincolnshire Council, East Lindsey District Council, West Lindsey District Council ('B Authorities') and Lincolnshire County Council ('C' authority) on 20 September 2022 and set a deadline of 19 October 2022 for responses; providing the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses	<p><b>Yes</b></p>

	received when preparing the SoCC?	<p><b>Table 3-1</b> of the <b>Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Lincolnshire County Council, North Lincolnshire Council, North East Lincolnshire Council, East Lindsey District Council, West Lindsey District Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• The inclusion of an out of hours phone back service, as suggested by Lincolnshire County Council.</li> <li>• The inclusion of a consultation event to be held at Mablethorpe, as requested by East Lindsey District Council.</li> <li>• The identification of seldom heard groups through liaison with the council, as suggested by North East Lincolnshire Council.</li> </ul> <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 on a website maintained by or on behalf of the Applicant; 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><b>Yes</b></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"> <li>• Immingham Library, Pelham Road, Immingham DN40 1QF</li> <li>• Keelby Community Library, Victoria Road, Keelby, Grimsby, DN41 8EH</li> <li>• Waltham Library, High Street, Waltham, Grimsby, DN37 0LL</li> <li>• Louth Library, Northgate, Louth, LN11 0LY</li> <li>• Mablethorpe Library, Stanley Avenue, Mablethorpe, LN12 1DP</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Grimsby Telegraph, 8 and 15 November 2022</li> </ul>

		<ul style="list-style-type: none"> <li>• London Gazette, 8 November 2022</li> <li>• The Times, 8 November 2022</li> </ul> <p>The published SoCC notice, provided at <b>Appendix D7</b> of the <b>Consultation Report (Doc 5.2.2)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix D7</b> of the <b>Consultation Report (Doc 5.2.2)</b>.</p>
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?	<p><b>Yes</b></p> <p><b>Paragraphs 2.2.1 – 2.2.4</b> of the final SoCC at <b>Appendix B1</b> of the <b>Consultation Report (Doc 5.2.2)</b> set 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><b>Paragraphs 3.5.2 and 3.5.3</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table 3-2</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices C1, C2 C8, C10, D1, D3, D5, D7, E1- E3</b> and <b>Figures 4-1, 4-3, 4-4, 4-6</b> of the <b>Consultation Report (Doc 5.1 and Doc 5.2.2)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• 5.6.1 of Table 3-2 states that the Applicant has not yet launched working groups in relation to topics of significant interest (construction</li> </ul>

<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

impacts and Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) due to the future refinement of the approach to construction. The Applicant has stated this will be reviewed at the appropriate date.

**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 which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p><b>Yes</b></p> <p><b>Paragraph 5.8.3</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“The Applicant publicised the notice two weeks ahead of the statutory consultation launch to provide notice of the in-person events starting on 22 November 2022. The notice was published nationally in the London Gazette and The Times on 8 November 2022. It was also published locally in the Grimsby Telegraph for two consecutive weeks on 8 and 15 November 2022.”</i></p> <p><b>Table 1.3 / Section 5.8</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix D7</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix D7</b> of the <b>Consultation Report (Doc 5.2.2)</b>:</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;	<ul style="list-style-type: none"> <li>Grimsby Telegraph</li> </ul>	<p>8 November 2022</p> <p>15 November 2022</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Times</li> </ul>	8 November 2022

c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>London Gazette</li> </ul>	8 November 2022
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p><b>Yes</b>, with minor discrepancies, as listed in box 21.</p> <p>The published s48 notice, supplied at <b>Appendix D7</b> of the <b>Consultation Report (Doc 5.1)</b>, contains the required information as set out below:</p>	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	Paragraph 1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	Paragraph 1
c)	a statement as to whether the application is EIA development	Paragraph 8	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph 3
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>The address of the website</li> </ul>	Paragraph 3	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 9

	<ul style="list-style-type: none"> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>	Paragraph 9  "How to contact us" section		
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 9	h)	<p>details of how to respond to the publicity</p> <p>"How to respond to the consultation" section</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	Paragraph 9		
21	<p>Are there any observations in respect of the s48 notice provided above?</p> <p><b>Yes</b></p> <p>The information about charges for hard copies of any documents (Regulation 4(3)(g) of APFP Regulations) is not explicit in paragraph 9 of the notice.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335">https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335</a></p>			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the</p>		

	the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	s42 consultation, as confirmed in <b>paragraph 5.5.5</b> of the <b>Consultation Report (Doc 5.1)</b> .  A sample of the s42 consultation letter provided at <b>Appendix D5</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.
<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?	<p><b>Appendices E1 to E3 and F5 to F7</b> of the <b>Consultation Report (Doc 5.2)</b> sets out how the Applicant had regard to the statutory and targeted consultation responses received; including whether or not responses led to changes to the application.</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> <p>Whilst the application was submitted to the Inspectorate with a targeted consultation ongoing, solely with Lincolnshire County Council running until 9 November 2023, the Applicant had previously consulted with the Council and the Council's response was taken into account, as evidenced in the <b>Appendices E1</b> of the <b>Consultation Report (Doc 5.2)</b>. The Adequacy of Consultation response from Lincolnshire County Council confirms that the Applicant has fulfilled the obligations.</p> <p>Therefore the Inspectorate is satisfied that the Applicant has had regard to relevant responses.</p>
<b>Guidance about pre-application procedure</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

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Chapter 7 and Tables 1-2 to 1-5 of the Consultation Report (Doc 5.2)</b> state that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, overall the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance. However, minor discrepancies are noted in Box 30.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
<p><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></p>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <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>	<p><b>Yes</b></p> <p><b>Section 4 of the Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5 of the Application Form (Doc 1.3)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 4.1)</b> has been provided.</p>
27	Is it accompanied by a Consultation Report?	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and</p>

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



		<b>Consultation Report Appendices (Doc 5.2 Appendices A - F).</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>	<b>Yes</b>
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>	<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	<b>Environmental Statement Non - Technical Summary (Doc 6.1)</b> <b>Environmental Statement Volume 2 (Docs 6.2.1 – 6.2.21) – Main text</b> <b>Environmental Statement Volume 3 – (Docs 6.3.1 – 6.3.3) – Figures</b> <b>Environmental Statement Volume 4 – (Docs 6.4.1.1 – 6.4.20.1)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 2.1)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining	<b>Explanatory Memorandum to the draft Development Consent</b>	d)	Where applicable, a	<b>Book of Reference (Doc 3.3)</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

	the purpose and effect of provisions in the draft DCO	<b>Order (Doc 2.2)</b>		Book of Reference	
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>ES Volume IV - Appendix 11-5 Flood Risk Assessment (Doc 6.4.11.5)</b>  Related documents: <b>Appendix 11-1 Water Environment Supporting Baseline Information - (Doc 6.4.11.1)</b> <b>Appendix 11-3 Drainage Strategy (Doc 6.4.11.3)</b> <b>Appendix 11-4 WFD Assessment (Doc 6.4.11.4)</b> <b>Appendix 11-6 Outline Surface Water Management Plan (Doc 6.4.11.6)</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	<b>Statement of Statutory Nuisance (Doc 6.6)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons	<b>Funding Statement (Doc 3.1)</b>	i)	A Land Plan identifying:-	<b>Land Plans (Doc 4.3)</b>

	and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 3.2)</b>		(i) the land required for, or affected by, the Proposed Development;	
				(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;	
				(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	
				(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location	<b>Work Plans part 1 of 2 and part 2 of 2 (Doc 4.2)</b>	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any	<b>Public Access and Rights of Way Plans (Doc 4.20)</b>

	<p>or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>			<p>diversions, extinguishments or creation of rights of way or public rights of navigation</p>	
	<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b> (with minor discrepancies as noted in Box 30)</p>		<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b></p>
<p>l)</p>	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features;</p>	<p>(i) <b>Large Scale - Plans of Statutory and Non-Statutory Sites/Features of nature Conservation (Doc 6.9.1). Small scale - Environmental Statement Figures Volume III (Doc 6.3.2) and Environmental Statement Chapter 6 (Doc 6.2.6). Assessment is within Doc 6.2.6 and Habitats Regulations Assessment (Doc 6.5)</b></p>	<p>m)</p>	<p>Where applicable, a plan with accompanying information identifying any statutory or 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,</p>	<p><b>Large Scale - Plans showing Statutory and Non-Statutory Features of Historic Environment (Doc 6.10)</b></p> <p><b>Small scale - Environmental Statement Figures Volume III (Doc 6.3.2) and Environmental Statement Chapter 8 (Doc 6.2.8). Assessment is within Doc 6.2.8.</b></p>

n)	and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development	(ii) <b>Large Scale - Habitats of Protected Species, Important Habitats or other diversity features (Doc 6.9.2). Small scale - Environmental Statement Figures Volume III (Doc 6.3.2) and Environmental Statement Chapter 6 (Doc 6.2.6). Assessment is within Doc 6.2.6.</b>  (iii) <b>Large Scale - Waterbodies in a River Basin Management Plan (Doc 6.9.3). Small scale - Environmental Statement Figures Volume III (Doc 6.3.3) and Environmental Statement Chapter 11 (Doc 6.2.11). Assessment is within Doc 6.2.11.</b>	o)	features or structures likely to be caused by the Proposed Development	
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
	Where applicable, a plan with any accompanying information identifying	<b>Crown Land Plans (Doc 4.4)</b>		Any other plans, drawings and sections necessary to describe the development	<b>Immingham Facilities Plot Plan Routing Elevation (Doc 4.6)</b> <b>Theddlethorpe Facilities Option 1</b>

any Crown land			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	<b>Plot Plan Routing Elevation (Doc 4.7)</b> <b>Theddlethorpe Facilities Option 2 Plot Plan Routing Elevation (Doc 4.8)</b> <b>Indicative Northern Construction Compound Layout (Doc 4.9)</b> <b>Indicative Central Construction Compound Layout (Doc 4.10)</b> <b>Indicative Southern Construction Compound Layout (Doc 4.11)</b> <b>Welfare and Parking area layout (Doc 4.12)</b> <b>Laydown Welfare and Parking Area (Doc 4.13)</b> <b>Washingdales Lane Block Valve Station Plan and Elevations (Doc 4.14)</b> <b>Thoroughfare Block Valve Station Plan and Elevations (Doc 4.15)</b> <b>Louth Road Block Valve Station Plan and Elevations (Doc 4.16)</b> <b>Standard Trench Excavation Details (Doc 4.17)</b> <b>Temporary Flume Design (Doc 4.18)</b> <b>Indicative Junction Designs (Doc 4.19)</b>
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	Is this of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Planning Design and Access Statement (Doc 7.1)</b>	q)	Any other documents considered necessary to support the application	<b>Application Covering Letter (Doc 1.1)</b> <b>S55 Checklist (Doc 1.2)</b> <b>Electronic Application Index (Doc 1.4)</b> <b>Guide to the Application (Doc 1.5)</b> <b>Application Glossary (Doc 1.6)</b> <b>Schedule of Negotiations and Powers South (Doc 3.4)</b> <b>Bridging Document (Doc 6.12)</b> <b>Initial Biodiversity Net Gain Strategy (Doc 6.7.2)</b> <b>Outline Landscape and Ecological Management Plan (Doc 6.8)</b> <b>Consents and Agreements Position Statement (Doc 7.2)</b> <b>Need Case for the Scheme (Doc 7.3)</b>
	Are they of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b>
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				

### **Draft Development Consent Order (Doc 2.1)**

Section 44 references certified documents. The Development Consent Order (DCO) refers to "the outline archaeological written scheme of investigation (document numbers 6.4.8.3 and 6.4.8.4)". Document 6.4.8.4 has not been supplied and it isn't listed in the index.

The DCO lists an outline operational and maintenance environmental management plan (document number 6.4.3.6) which is "Environmental Statement Volume IV Appendix 3-6 Operational Phase Mitigation". The Application does not appear to include an outline operational and maintenance environmental management plan.

### **Funding Statement (Doc 3.1)**

The contents page numbering is not correct (7,8,9).

### **Statement of Reasons (SoR) (Doc 3.2)**

The SoR lists land plan plots 35/29 & 35/32 as Temporary Possession, however these are listed as requiring Permanent Rights and Temporary Use in the land plans, and are not listed in Schedule 6 Part 1 of the dDCO (Land subject to Temporary Possession).

The SoR lists land subject to permanent acquisition of subsurface as being shown as "hatched pink" on the land plans, however the land plans show this land as orange.

### **Book of Reference (Doc 3.3)**

Plot 35/8 – should say 'A1013' and is located east of Mablethorpe, not west.

Plot 8/2 – Described as east of Riby Road but appears to be more north/northwest.

Plot 22/6 – described as west of Chequers Farm but appears to be more southwest.

### **Work Plans (Doc 4.2 Part 1 of 2 and Part 2 of 2)**

Works numbers are labelled differently between plans and DCO: Work No.01, No.01a etc. in plans but Work No.1, No.1a etc. in DCO.



Descriptions of works is not always consistent with the description given in the DCO (for example Work No. 43).

There are no title or scale on map insets compared to land plan insets.

### **Land Plans (Doc 4.3)**

Plots 35/29 & 35/32 are listed as requiring Permanent Rights and Temporary Use in the land plans but are listed as Temporary Possession in the SoR.

Points of reference should be reviewed and labelled appropriately. An example is Ashby Hill (B1203) needs to be added on sheet 15.

There are no grid references around the border for each plan (whereas there are on the Work Plans).

### **Indicative Junction Designs Plans (Doc 4.19)**

There is no scale bar or scale provided on plan. Also, the diagonal 'R' dimensions are partially intersected by the annotating arrows. Presentation is unclear.

### **Consultation Report and Appendices (Doc 5.1 and 5.2)**

There are references to engagement where relevant evidence has not been appended to the consultation report as evidence. Examples are emails to prescribed bodies for the targeted consultation, engagement with local media and MP's in Table 3-2.

Evidence of consideration of statutory guidance "Planning Act 2008: Guidance on the pre-application process" has no explicit reference to the consideration of elements of the guidance, including Local Impact Reports and Statements of Common Ground.

### **Environmental Statement (ES)**

ES Chapter 2 Figures 2-7 and 2-8 do not appear to wholly correspond with the supporting text in paragraphs 2.9.14 or 2.9.20 above.

In plans showing Statutory / Non-Statutory Features of the Historic Environment (**Doc 6.10**), the figures are labelled in full. In ES Volume III – Figures: Part 2 of 3 (**Doc 6.3.2**) they are labelled with the gazetteer number (unique identifier) only. ES Volume II – Chapter 8: Historic Environment (**Doc 6.2.8**) does not refer to the location of this gazetteer table so reading the ES figure alone may lead to confusion as to what is being represented by the numbers on the figure.

Information is provided in full in plans showing Statutory and non-statutory nature conservation sites (**Doc 6.9.1**), however not all sites

from this are labelled on the equivalent figures in **Doc 6.3.2** (ES Figures) and ES Chapter 6: Ecology and Biodiversity (**Doc 6.2.6**) (boundaries etc are represented but no labels).

**Flood Risk Assessment**

ES Volume IV – Appendix 11-3 (**Doc 6.4.11.3**) makes reference to annexes A to D, but these annexes have not been provided.

No figures have been provided to demonstrate the proposed location and extent of sustainable drainage systems (SuDS) measures for each site described in the Drainage Strategy.

**Habitats Regulations Assessment (Doc 6.5)**

Para 4.2.2 has a reference omitted (shows as Error! Reference source not found) with respect to a figure which shows the locations of the European sites in relation to the DCO Site Boundary. It is assumed that this is referring to Figure 1.

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><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report is provided (<b>Doc 6.5</b>).</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>
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<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>	<b>No hard copies requested.</b>
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><b>Yes</b></p> <p><b>The Application Form (Doc 1.3)</b> explains how 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>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In addition to the discrepancies identified in Box 30 of this 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. That advice is published on the National Infrastructure Planning website, here:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335">https://infrastructure.planninginspectorate.gov.uk/document/EN070008-000335</a></p>
<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> ?	The fee was received on 19 October 2023; before the application was made.

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

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Caroline Hopewell</i>	17 November 2023
Acceptance Inspector	<i>David Wallis</i>	17 November 2023

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<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.