



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: April 2024

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 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
		25 March 2024	22 April 2024	22 April 2024
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 ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.3) states:</p> <p><i>“Development consent is required for the Proposed Development as it is the subject of a Direction dated 22 December 2022 made by the Secretary of State (SoS) under Sections 35(1) and 35ZA of the Planning Act 2008 (PA 2008).”</i></p> <p>A copy of the s35 Direction is provided with the application at Appendix 1 of the Planning Statement (Doc 5.2). It confirms the Secretary of State’s decision that the</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)

	30 does the Proposed Development fall)? 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?	Proposed Development, and any associated matters, should be treated as development for which development consent is required under the PA2008.
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 4.1) 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 On 30 March 2023 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 14 September 2023. Section 16 of the Consultation Report (Doc 5.1) details how the Applicant carried out consultation in accordance with the EIA Regulations, however, a copy of the notification letter has not been provided.
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	Yes There are twelve host and neighbouring authorities, of which three responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation

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

	duties under s42, s47 and s48?	<p>Representation (AoCR) dated 10 April 2024.</p> <p>All three 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:</p> <ul style="list-style-type: none"> • Durham County Council (A authority) • Redcar and Cleveland Borough Council (B authority) • Stockton-on-Tees Borough Council (B authority) <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN070009/documents</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><u>First consultation</u></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) in the first consultation, on 14 September 2023 at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letters sent to s42(1)(a) consultees is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p><u>Second consultation</u></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) in the second consultation, on 13 December 2023, at Appendix 7.1 of the Consultation Report (Doc 5.1).</p>
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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)

		A sample of the letters sent to s42(1)(a) consultees is provided at Appendix 13.3 of the Consultation Report (Doc 5.1) .
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Yes
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Appendix 7.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 14 September 2023 (first consultation) and 13 December 2023 (second consultation).</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Stockton-on-Tees Borough Council • Redcar and Cleveland Borough Council • Hartlepool Borough Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Middlesbrough Council • Hambleton District Council • Scarborough Borough Council • North Yorkshire County Council • Durham County Council • Darlington Borough Council

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

		<p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • North York Moors National Park <p>A sample of the letters sent to s42(1)(b) relevant authorities is provided at Appendix 10.1 (first consultation) and Appendix 13.3 (second consultation) of the Consultation Report (Doc 5.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p><u>First consultation</u></p> <p>Paragraphs 10.1.2 and 10.2.1 of the Consultation Report (Doc 5.1) state that all persons identified under s42(1)(d) were consulted on 14 September 2023.</p> <p>Paragraphs 7.2.17 to 7.2.21 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 lands affected by the Draft DCO (Doc 4.1). The full methodology undertaken by the Applicant is not provided in the Consultation Report (Doc 5.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p><u>Second consultation</u></p> <p>Paragraphs 13.4.1 and 13.4.7 of the Consultation Report (Doc 5.1) state that all persons identified under s42(1)(d) were consulted on 13 December 2023.</p> <p>Paragraphs 7.2.17 to 7.2.21 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an</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.

		<p>interest in lands affected by the Draft DCO (Doc 4.1). However, the full methodology undertaken by the Applicant has not been provided in the Consultation Report (Doc 5.1).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix 13.3 of the Consultation Report (Doc 5.1).</p> <p><u>Additional consultation</u></p> <p>The Applicant carried out additional consultation pursuant to Section 42 in January and February 2024 to additional landownership interests who had been identified. These parties were provided with the same information as had been issued for the second consultation.</p> <p>The Applicant carried out targeted consultation to landowners within the vicinity of Cowpen Bewley Village, near Billingham on 9 February 2024 due to changes to pipeline routing and replacement open space. Details of the targeted consultation are provided in Section 14.6 of the Consultation Report (Doc 5.1).</p>
<p>Section 45: Timetable for s42 consultation</p>		
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</p> <p><u>First consultation</u></p> <p>A sample of the letter sent to s42 consultees in the first consultation is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 14 September 2023 confirmed that consultation commenced on 14 September 2023 and closed on 26 October 2023, providing more than the required minimum time for receipt of responses.</p> <p><u>Second consultation</u></p> <p>A sample of the letter sent to s42 consultees in the second consultation is provided at Appendix 13.3 of the Consultation Report (Doc 5.1).</p>

The sample letter dated 13 December 2023 confirmed that consultation commenced on 13 December 2023 and closed on 23 January 2024, providing more than the required minimum time for receipt of responses.

Section 46: Duty to notify the Planning Inspectorate of proposed application

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 28 November 2023, after becoming aware of an administrative error that occurred when sending the original notice on 11 September 2023. As a result of the administrative error, the Applicant did not give notice before the beginning of s42 consultation which commenced on 14 September 2023.</p> <p>A copy of the s46 notification letter is provided at Appendix 9.1 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 9.2 of the Consultation Report (Doc 5.1).</p> <p>However, the Applicant gave notice under s46 on 12 December 2023 before the beginning of the second s42 consultation which commenced on 13 December 2023.</p> <p>A copy of the s46 notification letter is provided at Appendix 13.2 of the Consultation Report (Doc 5.1) but a copy of s46 notification acknowledgement letter from the Planning Inspectorate has not been provided in the Consultation Report (Doc 5.1).</p>
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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 6.5 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	<p>Yes</p> <p>The Applicant sent the draft SoCC to Stockton-on-Tees Borough Council, Redcar and Cleveland Borough Council and Hartlepool Borough Council ('B Authority') for an</p>

	<p>days beginning with the day after the day that ‘B’ and, where applicable, ‘C’ authorities received the consultation documents?</p>	<p>‘informal’ non-statutory consultation prior to the statutory consultation.</p> <p>The Applicant sent the draft SoCC to Stockton-on-Tees Borough Council, Redcar and Cleveland Borough Council and Hartlepool Borough Council (‘B Authority’) and the Tees Valley Combined Authority and the South Tees Development Corporation on 17 May 2023 and set a deadline of 15 June 2023 for responses; providing more than the required minimum time for responses to be received.</p> <p>Paragraphs 6.4.1 to 6.5.5 of the Consultation Report (Doc 5.1) provide details of the draft SoCC consultation.</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes</p> <p>Table 6.1 of the Consultation Report (Doc 5.1) provides a summary of the consultation response from Hartlepool Borough Council (‘HBC’), who were the only Authority to comment, 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"> • HBC referred the Applicant to their Statement of Community Involvement and advised the Applicant of additional parties to consult with. The Applicant reviewed the suggested list of bodies and added additional parties to the prescribed and non-prescribed consultees list. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>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>	<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"> • Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT • Stockton Central Library, Church Road, Stockton, TS18 1TU • Hartlepool Civic Centre, Victoria Road, Hartlepool, TS24 8AY

		<p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Telegraph – 14 September 2023 • London Gazette – 14 September 2023 • Lloyds List – 14 September 2023 • Fishing News – 14 September 2023 • Northern Echo – 14 & 21 September 2023 • Teesside Gazette – 14 & 21 September 2023 • Darlington and Stockton Times – 15 & 22 September 2023 <p>The published SoCC notice, provided at Appendix 6.6 of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 12.1 of the Consultation Report (Doc 5.1).</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>Paragraphs 1.20 to 1.21 of the final SoCC at Appendix 6.5 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><u>First consultation</u></p> <p>Paragraphs 11.3.1 to 11.3.31 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 11.4 of the Consultation Report (Doc 5.1) sets out how the Applicant has</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

		<p>complied with the commitments during the first consultation set out in the final SoCC. Appendices 10.3 to 11.12 of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.</p> <p><u>Second consultation</u></p> <p>Paragraphs 13.4.5 to 13.6.5 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>There is no table in the Consultation Report (Doc 5.1) that sets out how the Applicant has complied with the commitments during the second consultation set out in the final SoCC.</p> <p>However, the s42 consultation letter provided at Appendix 13.3 and Appendices 13.4 to 13.6 of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate notes that no public or virtual consultation events were held for the second consultation, no Authorities have raised concerns with this matter and the Planning Inspectorate is satisfied that the Applicant has generally carried out consultation in accordance with the final SoCC.</p>
<p>Section 48: Duty to publicise the proposed application</p>		
19	<p>Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?</p>	<p>Yes</p> <p><u>First consultation</u></p> <p>Paragraph 12.1.4 of the Consultation Report (Doc 5.1) states:</p> <p><i>“In accordance with Section 48 and APFP Regulation 4(2), the notice was published in the Telegraph (a national newspaper), the London Gazette and the three local newspapers circulating within the vicinity of the Site and within the consultation area. In addition, as the Proposed Development involves parts of the tidal River Tees (and therefore includes an area within the UK marine area), the notice was published in the Lloyds List and Fishing News.”</i></p> <p>Table 12.1 of the Consultation Report (Doc 5.1) displays the newspapers and</p>

dates of s48 publicity as set out below.

A copy of the s48 notice is provided at **Appendix 12.1** of the **Consultation Report (Doc 5.1)**.

Clippings of the published notices set out below are provided at **Appendix 12.1** of the **Consultation Report (Doc 5.1)**:

Second consultation

Paragraph 13.5.1 of the **Consultation Report (Doc 5.1)** states:

“Although there was no statutory requirement to do so, as a Section 48 notice had been published for the First Consultation, the Applicant decided to publish a Section 48 notice for the Second Consultation in view of the scale and number of changes to the proposed Order Limits.”

Table 13.1 of the **Consultation Report (Doc 5.1)** displays the newspapers and dates of s48 publicity as set out below.

A copy of the s48 notice is provided at **Appendix 13.6** of the **Consultation Report (Doc 5.1)**.

Clippings of the published notices set out below are **not provided** in the **Consultation Report (Doc 5.1)**:

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;

First consultation

- Northern Echo
- Teesside Gazette
- Darlington and Stockton Times

14 & 21 September 2023 (Northern Echo and Teesside Gazette)
 15 & 22 September 2023 (Darlington and Stockton Times)

		<p><u>Second consultation</u></p> <ul style="list-style-type: none"> Northern Echo Teesside Gazette Darlington and Stockton Times 	<p>14 & 21 December 2023 (Northern Echo and Teesside Gazette)</p> <p>15 & 22 December 2023 (Darlington and Stockton Times)</p>
b)	once in a national newspaper;	<p><u>First consultation</u></p> <ul style="list-style-type: none"> The Telegraph <p><u>Second consultation</u> The Telegraph</p>	<p>14 September 2023</p> <p>14 December 2023</p>
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><u>First consultation</u></p> <ul style="list-style-type: none"> London Gazette <p><u>Second consultation</u> London Gazette</p>	<p>14 September 2023</p> <p>14 December 2023</p>
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<p><u>First consultation</u></p> <ul style="list-style-type: none"> Lloyds List The Fishing news <p><u>Second consultation</u></p> <ul style="list-style-type: none"> Lloyds List 	<p>14 September 2023 (both)</p> <p>14 December 2023 (both)</p>

		<ul style="list-style-type: none"> The Fishing news 	
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?		
Information		Paragraph	Information
a)	the name and address of the Applicant.	<u>First consultation</u> 1 <u>Second consultation</u> 1	b)
			a statement that the Applicant intends to make an application for development consent to the Secretary of State
			<u>First consultation</u> 1 <u>Second consultation</u> 1
c)	a statement as to whether the application is EIA development	<u>First consultation</u> 9 <u>Second consultation</u> 10	d)
			a summary of the main proposals, specifying the location or route of the Proposed Development
			<u>First consultation</u> 4, 6 and 7 <u>Second consultation</u> 5, 7 and 8
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"> the nature and location of the Proposed Development 	<u>First consultation</u> 5, 16 and 17 <u>Second consultation</u> 6, 15 and 16	f)
			the latest date on which those documents, plans and maps will be available for inspection
			<u>First consultation</u> 16 and 18 <u>Second consultation</u> 15 and 17

	<ul style="list-style-type: none"> The address of the website The place on the website A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	<u>First consultation</u> 17 <u>Second consultation</u> 16	h)	details of how to respond to the publicity <u>First consultation</u> 19 <u>Second consultation</u> 18
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	<u>First consultation</u> 21 <u>Second consultation</u> 20		
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	Yes <u>First consultation</u>		

	<p>notified to the Applicant in accordance with the EIA Regulations¹⁰?</p>	<p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 12.1.8 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 10.1 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p> <p><u>Second consultation</u></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 13.4.8 and paragraph 13.5.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 13.3 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>		
<p>23</p>	<p>Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Yes</p> <p><u>First consultation</u></p> <p>Table 15.1 and 15.4 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the 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><u>Second consultation</u></p> <p>Table 15.2 and 15.5 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</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

		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.
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 ?	Section 3.0 and Table 3.2 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	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? 	Yes Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate. Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development. A Location Plan (Doc 2.1) has been provided.
27	Is it accompanied by a Consultation Report?	Yes

¹¹ 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 (Doc 5.1) .
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)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:

Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (ES) Non-Technical Summary (NTS) (Doc 6.1) ES Volume I (Main Report) (Doc 6.2) ES Volume II (Figures) (Doc 6.3) ES Volume III (Appendices) (Doc 6.4) A Scoping Opinion was adopted on 17 May 2023. It is provided as ES Appendix 1B (Doc 6.4.2)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 4.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and set out in s51 advice)
c)	An Explanatory	Explanatory Memorandum (Doc	d)	Where applicable, a	Book of Reference (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

e)	Memorandum explaining the purpose and effect of provisions in the draft DCO	4.2)	f)	Book of Reference	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and set out in s51 advice)
	A copy of any Flood Risk Assessment	ES Appendix 9A Flood Risk Assessment (Doc 6.4.9)		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 (Doc 5.6) has been provided, which considers the matters set out in section 79(1) of the Environmental Protection Act 1990. It draws on assessments carried out as part of ES, in particular ES Chapter 8 Air Quality (Doc 6.2.8), ES Chapter 11 Noise and Vibration (Doc 6.2.11), ES Chapter 15 Traffic and Transport (Doc 6.2.15), ES Chapter 16 Landscape and Visual (Doc 6.2.16) (including for visible plumes), ES Chapter 21 Human Health (Doc 6.2.21) and ES Chapter 22 Materials and Waste (Doc 6.2.22). The Applicant concludes that with the mitigation, including compliance with the Framework Construction Environmental Management Plan (Doc 5.12) there would be no adverse effects giving rise to statutory nuisance.
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application	Statement of Reasons (Doc 3.2) Funding Statement (Doc 3.3)	i)	A Land Plan identifying:- (i) the land required	Land Plans (Doc 2.2)

	involves any Compulsory Acquisition)	Schedule of Negotiations and Powers Sought (Doc 3.4)		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?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and set out in s51 advice)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and	Works Plans (Doc 2.4)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or	Access and Rights of Way Plan (Doc 2.5)

	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		creation of rights of way or public rights of navigation	
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin	(i) Statutory designated sites of nature conservation are shown on ES Figure 12-1 (Doc 6.3.66). Non-statutory designated sites of nature conservation are shown on ES Figure 12-2 (Doc 6.3.67). Designated landscapes are shown on ES Figure 16-1 (Doc 6.3.86). (i) In addition to the figures showing nature conservation sites listed at (i), ES Figure 12-3 (Doc 6.3.68) shows potential habitats of principal importance.	m)	The following plans are provided: ES Figure 17-1 (Doc 6.3.94) shows the location of designated heritage assets within the study area. ES Figure 17-2 (Doc 6.3.95) shows the location of non-designated heritage assets within the study area. ES Figure 17-3 (Doc 6.3.96) shows the location of cultural heritage events within the study area. ES Figure 17-4 (Doc 6.3.97) shows historic landscape character areas within the study area. An assessment of effects is provided in ES Chapter 17 Cultural Heritage (Doc 6.2.17). Additional information is presented in ES Appendix 17A Cultural Heritage Desk

<p>management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>An assessment of effects for (i) and (ii) is provided in:</p> <p>ES Chapter 12 Ecology and Nature Conservation (Doc 6.2.12).</p> <p>ES Chapter 13 Ornithology (Doc 6.2.13).</p> <p>ES Chapter 14 Marine Ecology (Doc 6.2.14). Additional information is provided in a Report to Inform Habitats Regulation Assessment (HRA) Report (Doc 5.10).</p> <p>Table 12-5 of ES Chapter 12 (Doc 6.2.12) shows that no sites of special scientific interest (SSSI) designated for geological interest were taken forward for assessment due to an absence of impact pathways.</p> <p>Table 1E-1 of ES Appendix 1E (Doc 6.4.5) states that the North York Moors National Park was scoped out of further assessment in ES Chapter 16 Landscape and Visual Amenity (Doc 6.2.16).</p> <p>(i) The locations of surface water bodies in a river basin management plan (RBMP) are shown on ES Figure 9-1 (Doc 6.3.27).</p>		<p>Based Assessment (Doc 6.4.30)</p>
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		<p>The locations of groundwater bodies in a RBMP are shown on ES Figure 9-2 (Doc 6.3.28).</p> <p>An assessment of effects is provided in the Water Framework Directive WFD Assessment (Doc 5.14) and ES Chapter 9 Surface Water, Flood Risk and Water Resources (Doc 6.2.9).</p>		
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Special Category Land and Crown Land Plans (Doc 2.3)	o)	<p>Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping</p> <p>Location Plan (Doc 2.1) Indicative Hydrogen Production Facility and Above Ground Installations Plan (Doc 2.6) Indicative Natural Gas Connection and Above Ground Installations Plans (Doc 2.7) Indicative Electrical Connection Plan (Doc 2.8) Indicative Water Connections Plan (Doc 2.9) Indicative Hydrogen Distribution Network Plans (Doc 2.10) Indicative CO₂ Export Pipeline Plan (Doc 2.11) Indicative Surface Water Drainage Plan (Doc 2.12) Temporary Traffic Regulation Measures Plan (Doc 2.13)</p>

			<p>H2Teesside and NZT Main Site Shared Area Plan (Doc 2.14)</p> <p>Important Hedgerows to be Removed Plan (Doc 2.15)</p> <p>Indicative Industrial Gases Connection Plans (Doc 2.16)</p>
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)	Are they of a satisfactory standard? Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Pipeline Statement (Doc 5.5)	q) Any other documents considered necessary to support the application
			<p>Cover Letter (Doc 1.1)</p> <p>Application Guide (Doc 1.2)</p> <p>Application Form (Doc 1.3)</p> <p>Notices for Statutory Publicity (Doc 1.4)</p> <p>Section 55 Checklist (Doc 1.5)</p> <p>Applicant's Response to PINS Comments on Draft Application Documents (Doc 1.6)</p> <p>Schedule of Negotiations and Powers Sought (Doc 3.4)</p> <p>Statutory Instrument Validation Statement (Doc 4.3)</p> <p>Planning Statement (Doc 5.2)</p> <p>Planning Statement – Planning Policy Assessment Tables (Doc 5.2.1)</p> <p>Need Statement (Doc 5.3)</p> <p>Design and Access Statement (Doc 5.4)</p> <p>Other Consents and Licences Statement (Doc 5.7)</p> <p>Indicative Lighting Strategy (Operation) (Doc 5.8)</p>

			<p>Outline Landscape and Biodiversity Management Plan (Doc 5.9)</p> <p>Schedule of Operational Mitigation and Monitoring (Doc 5.11)</p> <p>Framework Construction Environmental Management Plan and Appendices A to C (Docs 5.12 to 5.12.3)</p> <p>Nutrient Neutrality Assessment (Doc 5.13)</p> <p>Water Framework Directive Assessment (Doc 5.14)</p> <p>Framework Construction Workers Travel Plan (Doc 5.15)</p> <p>Framework Construction Traffic Management Plan (Doc 5.16)</p>
Are they of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p>There are typographical, grammatical and referencing errors throughout all documents e.g. Book of Reference, Page 2, paragraph 1.2 '<i>H2Teesside</i>'; references in paragraph 1.6 '<i>The works comprising the authorised development are described in Schedule 1 to the Order (Document Ref <u>2.1</u>) and shown on the Works Plans (Document Ref <u>4.4</u>).</i>'</p> <p>Land Plans (Doc 2.2)</p> <ul style="list-style-type: none"> • Sheet 15c, two parcels of unmarked blue land. <p>Special Category and Crown Land Plans (Doc 2.3)</p> <ul style="list-style-type: none"> • Plots 11/93 and 11/97 are missing from the plan (listed on pages 4148 and 4149 of the Book of Reference, respectively). 		

Works Plans (Doc 2.4)

- For readability, hatching and shading using similar colours/patterns could be review e.g. Sheet 11 of 44.
- Green hatched area on Sheets 9 of 44 and 10 of 44 refer to *Underground High Pressure Gas Pipeline*. Works 2a in dDCO has no mention of 'underground'.

Access and Rights of Way Plans (Doc 2.5)

- Sheet 5: M1 and M1a in north of map – these are not referenced in the dDCO.

Book of Reference (Doc 3.1)

- As street addresses are necessary to identify location of plots on Land Plans, those plans should be checked to ensure road names are present e.g. 4/10 – *Cowbridge Lane* is not marked on Sheet 4, Land Plans; 5/30 – *Seal Sands Road* is not marked on Sheet 5, Land Plans; 6/1 – *Seal Sands Road* is not marked on Sheet 6, Land Plans.
- The document fails to cross-reference to relevant articles in the draft Development Consent Order; the Land Plans also do not cross-reference to relevant articles.
- Inconsistent labelling between this document and Land Plans e.g. Permanent acquisition of new rights... vs new rights to be compulsorily acquired. Consistency between all documents should be maintained to aid interpretation.

Draft Development Consent Order (Doc 4.1)

- Check for duplicate plot references within tables e.g. Schedule 10, Table 8 contains two lots of 5/91 and 5/93.
- Schedule 14 contains multiple instances of document references that do not match the Application Index.
- Check consistency of document titling between documents e.g. Page 8 refers to “traffic regulation measures plans” whereas submitted doc is titled (2.13) **Temporary** Traffic Regulation Measures Plan.
- Check all Schedules referred to in Articles, and vice versa, are referenced correctly e.g. Schedule 2 refers to Article 4, however Article 4 does not refer to Schedule 2; it is referred to in Article 2.
- Schedule 14 of the dDCO incorrectly refers to the indicative surface water drainage plan as Doc 2.13 (it is **Doc 2.12**) and only

gives Doc ref 6.1 for the environmental statement (instead of **Docs 6.1 to 6.4**).

Consultation Report (Doc 5.1)

- Clippings of the published notices for the second consultation detailed in **Table 13.1** are not provided.

Various Plans

In the plan sets listed below, the Key Plan drawings make reference to 'Sheet (x)', however the succeeding plans are all titled 'Drawing (x)'. It is considered this could lead to confusion and recommend this is amended:

- 2.4 Works Plan;
- 2.5 Access and Rights of Way Plans;
- 2.7 Indicative Natural Gas Connection and Above Ground Installations Plans;
- 2.10 Indicative Hydrogen Distribution Network Plans;
- 2.13 Temporary Traffic Regulation Measures Plan; and
- 2.16 Indicative Industrial Gases Connection Plans.

Environmental Statement (ES) Figure 9-1 (Doc 6.3.27)

This figure shows the location of surface water bodies in a river basin management plan, which have been assessed in the WFD Assessment (**Doc 5.14**). Tees Transitional Waterbody is not labelled on the plan although water bodies within it, including Greatham Creek, Dabholm Gut and Billingham Beck as identified in Table 5-1 of the WFD Assessment, are separately labelled.

ES Figure 12-1 (Doc 6.3.66)

This figure shows the location of statutory designated nature sites within the 15km study area used by the Applicant. Boulby Quarries SSSI, which is identified in Table 12-3 of ES Chapter 12 (**Doc 6.2.12**) as being just within the study area, is not shown on the plan.

ES Figure 17-1 (Doc 6.3.94)

This figure shows the location of designated heritage assets within the 5km study area used by the Applicant. It cross refers to listed

building identification numbers from the National Heritage List for England (NHLE), which are linked to the asset name in Table 17A.A.2 in Annex A of ES Appendix 17A (**Doc 6.4.17**). Many of the listed buildings do not have their NHLE identification number annotated, including the five listed buildings scoped into the assessment (as shown in Table 17-5 of ES Chapter 17 (**Doc 6.2.17**)).

ES Figure 17-2 (Doc 6.3.95)

This figure shows the location of non-designated heritage assets within the 1km study area used by the Applicant. It cross refers to information from the Historic Environment Record (HER), which is summarised in Table 17A.A.3 in Annex A of ES Appendix 17A (**Doc 6.4.17**). Many of the asset points do not have their HER asset number annotated. ES Chapter 17 (**Doc 6.2.17**) includes an assessment of effects to do two sites identified during a geophysical survey with potential for archaeological interest. These are called GS Sites 1 and 2. The site locations are not shown on ES Figure 17-2.

Section 51 advice has been issued to the Applicant in respect of the above matters:
<https://infrastructure.planninginspectorate.gov.uk/document/EN070009-000419>

31	<p>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>	<p>Yes</p> <p>A Report to Inform Habitat Regulations Assessment (HRA) is provided (Doc 5.10).</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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¹⁴ 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 ¹⁵	No hard copies requested.
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 The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
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 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: https://infrastructure.planninginspectorate.gov.uk/document/EN070009-000419
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 5 March 2024; before the application was made.

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

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

Role	Electronic signature	Date
Case Manager	<i>Lily Robbins</i>	22 April 2024
Acceptance Inspector	<i>Matthew Sims</i>	22 April 2024

