

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

M4 Junctions 3 to 12 Smart Motorway Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	30 March 2015	27 April 2015	27 April 2015
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (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 order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes.</p> <p>Section 4 of the Application Form (Doc 1.3) states that:</p> <p>“The area of development for the scheme is greater than 15 hectares, and the improvement of the highway is likely to have a significant effect on the environment. Accordingly, the scheme is classified as a nationally significant infrastructure project for the purposes of sections 14(1)(h) and 22 of the Planning Act 2008. Under section 37 of that Act, an application for development consent is required to authorise the alteration or improvement of such a highway.”</p> <p>The application however does not make explicit to which specific category within s22 PA2008 the scheme relates. The scheme is described as both the <i>alteration</i> of a qualifying highway [s22(4)]</p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>and the <i>improvement</i> of a qualifying highway [s22(3)], and these terms are used both in combination and interchangeably throughout the application.</p> <p>Schedule 1 of the Draft Development Consent Order (Doc 3.1) and the Explanatory Memorandum (Doc 3.2) describe the works comprising the authorised development. There is no associated development included in the draft Order.</p>
<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>The Inspectorate considers that the Draft Development Consent Order (Doc 3.1) includes development which comprises an NSIP as defined by s14 of the PA2008, and that development consent is required for that development.</p>
<p>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>	
<p>2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development⁴?</p>	<p>Yes.</p> <p>Notification under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regs) was sent to the Planning Inspectorate on 10 November 2014. A scoping report was submitted to the Planning Inspectorate under Regulation 8 of the EIA Regs in August 2014.</p> <p>Table 1 of the Consultation Report (Doc 5.1) indicates that the 6 week statutory consultation period started on 10 November 2014. Notification under Regulation 6 of the EIA Regs was provided on the same day the applicant began its s42 consultation.</p> <p>A sample letter is provided at Appendix 15 of the Consultation Report (Doc 5.1).</p>

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

2.2 Have any adequacy of consultation representations⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?

Yes.

Adequacy of consultation representations have been received from the below listed authorities. The following authorities considered the consultation adequate and/or that the applicant has complied with its duties under the PA2008:

- Bracknell Forest Council (B);
- London Borough of Hounslow (B);
- Reading Council (B);
- Royal Borough of Windsor & Maidenhead (B);
- West Berkshire Council (B);
- Slough Borough Council (B);
- Wokingham Council (B);
- Ealing Council (A);
- Vale of White Horse/South Oxfordshire District Council (A);
- and
- Wiltshire County Council (A);

The following authorities responded but made no comments/had no issues with the applicant's consultation:

- Basingstoke and Deane Borough Council (A);
- London Borough of Richmond Upon Thames (A);
- Surrey Heath Borough Council (A); and
- Hampshire County Council (D).

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

	<p>The London Borough of Hillingdon (B) stated that the Highways Agency has complied with the requirements of Section 42, 47 and 48 of the Planning Act 2008. However, the authority expressed some concern about due regard not having been given to a number of its pre-application substantive consultation responses. Requests for AOCRs invite local authorities to make representations about whether the applicant has complied with the duties under s42, s47 and s48 of the PA2008. The statutory test for the applicant's demonstration of regard to relevant responses is in s49, a judgement for the Planning Inspectorate on behalf of the Secretary of State to make. LBH has been advised to raise any substantive concerns in relation to the scheme in a relevant representation.</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>Table 46 of the Consultation Report (Doc 5.1) lists the prescribed consultees identified and consulted under s42(1)(a). A further list, inclusive of contact details, is provided at Appendix 11 of the Consultation Report (Doc 5.1).</p> <p>On the basis of the information provided, it appears that the following bodies prescribed by s42(1)(a) of the PA2008 have been omitted from the applicant's statutory consultation:</p> <ul style="list-style-type: none"> • Chilterns Conservation Board. • NHS England (London office). • NHS England South Thames Valley Area Team. • West Middlesex University Hospital NHS Trust.

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<ul style="list-style-type: none"> • Utility Assets Limited. <p>Justification as to why these bodies have not been consulted is not provided in the Consultation Report (Doc 5.1).</p> <p>It is noted that the Utility Assets Limited licence covers Great Britain; however the operational area of this body is not clear from the information in the public domain. UAL are not listed in the Book of Reference (Doc. 3.1).</p> <p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate would suggest that the applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008.</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable.
s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p>Table 47 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 of the PA2008.</p> <p>All 'B' authorities were consulted:</p> <p>West Berkshire Council; Reading Council; Wokingham Council; Bracknell Forest Council; The Royal Borough of Windsor and Maidenhead Council; Slough Borough Council; London Borough of Hillingdon Council; London Borough of Hounslow Council and South</p>

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

	<p>Bucks District Council..</p> <p>All 'A' authorities were consulted:</p> <p>Hertfordshire County Council (also 'D' authority); Vale of White Horse District Council; South Oxfordshire District Council; Wycombe District Council; Three Rivers District Council; Wiltshire Council; Test Valley District Council; Basingstoke and Deane District Council; Hart District Council; Surrey Heath District Council; Runnymede District Council; Spelthorne District Council; Ealing Council; Harrow Council; Richmond Upon Thames London Borough Council; Hammersmith and Fulham London Borough Council and Chiltern District Council.</p> <p>The 'C' Authority was consulted:</p> <p>Buckinghamshire County Council.</p> <p>All 'D' authorities were consulted:</p> <p>Milton Keynes Council; Northamptonshire County Council; Oxfordshire County Council; Central Bedfordshire Council; Surrey County Council and Hampshire County Council.</p> <p>It is noted that Table 47 of the Consultation Report (Doc 5.1) additionally includes the following local authorities identified as 'D' authorities by the applicant:</p> <p>Essex County Council; Thurrock Council and Kent County Council.</p>
<p>s42(1)(c) the Greater London Authority (if in Greater London area)?</p>	<p>Yes.</p> <p>Table 48 of the Consultation Report (Doc 5.1) states that the Greater London Authority was consulted under s42.</p> <p>A sample letter dated 10 November 2014 is provided at Appendix 13 of the Consultation Report (Doc 5.1).</p>

s42(1)(d) each person in one or more of s44 categories⁹?

Section 8 of the **Consultation Report (Doc 5.1)** explains how the applicant made diligent inquiry to identify and consult persons with an interest in the Order land.

However, Table 49 of the **Consultation Report (Doc 5.1)** states that a total of 744 consultation letters were sent to persons identified by the applicant to have an interest in the land, as defined by s44 of the PA2008. The list however only contains 280 parties, most of which are businesses and organisations.

Furthermore, Table 60 of the **Consultation Report (Doc 5.1)** states that 658 consultation letters were sent to persons identified to have an interest in the land. This corroborates **Appendix 14** of the **Consultation Report (Doc 5.1)** which provides the names and addresses of 658 persons identified to have an interest in the land.

The Inspectorate subsequently identified and itemised a number of discrepancies between the s44 persons identified in the **Consultation Report (Doc 5.1)** and the persons listed in the **Book of Reference (Doc 4.3)**. While new land interests can be identified between the end of s42 consultation and the submission of an application, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known (DCLG guidance on the pre-application process, para 51). Due to the number of discrepancies identified and the lack of any explanation for these, the Planning Inspectorate requested on 16 April 2015 under Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 all consultation responses to be provided by the applicant.

In response to this request, on 22 April 2015 the applicant provided information to the Planning Inspectorate to explain why each of the

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

	<p>discrepancies identified had occurred and how the applicant had complied with paras 49-52 of DCLG’s guidance on the pre-application process in taking action to address them (including some limited, targeted further consultation).</p> <p>The document comprising this information has been published alongside this checklist and is available to view, here.</p> <p>Having considered the information provided on 22 April 2015 the Inspectorate is reassured that the applicant has undertaken due diligence in line with its pre-application duties. However, s51 advice concerning the discrepancies and the applicant’s duties under s56 PA2008 has been issued alongside this checklist. That advice is available to view, here.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>A sample of the letter to s42 consultees is provided at Appendix 11 of the Consultation Report (Doc 5.1). It is dated 10 November 2014 and gives a deadline of 21 December 2014. Assuming the letter was received on 11 November, 40 days were provided for responses to be received.</p>
<p>s46: Duty to notify Secretary of State of proposed application</p>	
<p>2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes.</p> <p>Table 50 of the Consultation Report (Doc 5.1) states ‘Notification was given to the Inspectorate (acting on behalf of the Secretary of State) containing information in relation to the proposed application before commencing consultation under s42.’</p> <p>Notification under s46 of PA2008 was sent to the Planning Inspectorate on 10 November 2014 and received on 11 November 2014. This was sent to the Inspectorate the same day as letters</p>

	<p>were posted to the s42 consultees.</p> <p>A sample letter is provided at Appendix 15 of the Consultation Report (Doc 5.1).</p>
<p>s47: Duty to consult local community</p>	
<p>2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes.</p> <p>Table 51 of the Consultation Report (Doc 5.1) states 'A SoCC was prepared by the Agency, setting out how it proposed to consult with the local community on the Scheme proposals.'</p> <p>A copy of the final SoCC has been provided at Appendix 20 of the Consultation Report (Doc 5.1).</p>
<p>2.7 Were "B" and (where relevant) "C" authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p>Table 52 of the Consultation Report (Doc 5.1) lists all the B and C local authorities as having been consulted on the draft SoCC. (These are the same as in box 2.3 s42(1)(b) above).</p> <p>Table 52 of the Consultation Report (Doc 5.1) states 'Copies of the draft SoCC and its supporting document were sent by post to each of the above local authorities on 3 October 2014. Letters were addressed to the Chief Executives and Heads of Planning of the respective authorities, advising of the consultation and that the 28 day deadline for responses to the draft SoCC was 3rd November 2014.'</p> <p>A sample letter dated 3 October 2014, provided at Appendix 13 of the Consultation Report (Doc 5.1), includes a deadline for receipt of responses by 3 November 2014. Assuming the letter was received on 6 October, 28 days were provided for responses to be received.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p>Yes.</p> <p>Appendix 22 of the Consultation Report (Doc 5.1) provides the</p>

	<p>responses received from the following local authorities: Slough Borough Council; West Berkshire Council; South Bucks District Council.</p> <p>It is noted that a meeting was held with London Borough of Hounslow on 29 October 2014 where suggestions on the draft SoCC were also given.</p> <p>Table 52 of the Consultation Report (Doc 5.1) summaries the responses and includes how regard has been had to them.</p> <p>Following consultation on the draft SoCC, additional public information centres were added at the Heston Imperial Sports Ground, Middlesex and The Centre, Slough as well as an additional deposit location at Cranford Library.</p> <p>Slough Borough Council requested that Highways Agency consider providing translated consultation documents to help engage with hard to reach communities. However, it was later agreed that '...the Agency would not translate the consultation material, but would attend any meetings requested with hard to reach groups with a translator if required.'</p> <p>South Bucks District Council noted there was not an exhibition in the west of the district to serve the parishes of Dorney, Taplow and Burnham. However, the Consultation Report (Doc 5.1) states that this exhibition was not added following a lack of venues in the area due to '...use of halls in the pre-Christmas period.'</p> <p>Therefore, the applicant appears to have had regard to responses received when preparing the SoCC.</p>
<p>2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which</p>	<p>Yes.</p> <p>Copies of Newspaper Notices (Doc. 1.4) provides dated newspaper clippings of the published SoCC notice, or an email confirmation that the SoCC notice was published, for the following:</p>

<p>states where and when the SOCC can be inspected?</p>	<ul style="list-style-type: none"> • London Gazette on 10 November 2014. • The Independent on 10 November 2014. • Hounslow Chronicle on 14 and 21 November 2014. • London Metro on 10 and 17 November 2014. • Maidenhead Advertiser on 13 and 20 November 2014. • Reading Chronicle on 13 and 20 November 2014. • Slough & South Bucks Express on 14 and 21 November 2014. • Ascot, Windsor and Eton Express on 14 and 21 November 2014.
<p>2.10 Does the SOCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>Page 1 of the SoCC provided at Appendix 20 of the Consultation Report (Doc 5.1) states that 'Because of its size and potential impacts, the scheme falls within the scope of the environmental impact assessment directive, meaning that an environmental impact assessment (EIA) will be carried out.'</p> <p>On the same page of the SoCC the applicant states 'A preliminary environmental information (PEI) report has been developed which includes information on environmental impacts related to the scheme based on assessment work done to date. Copies of the PEI report will be available at all consultation events and information points, as well as on our website:</p> <p>www.highways.gov.uk/roads/road-projects/M4-Junctions-3-12</p> <p>[...] The PEI report and a non-technical summary (NTS) will be available until 21 December 2014. A copy of the PEI report and the</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	NTS are also available online or to view at the venues listed.'
2.11 Has the applicant carried out the consultation in accordance with the SOCC?	<p>Table 55 of the Consultation Report (Doc 5.1) sets out how the applicant carried out consultation in line with the published SoCC through:</p> <ul style="list-style-type: none"> • PEI Report and NTS availability; • Public information exhibitions; • Unmanned exhibitions; • Scheme website; • Consultation brochure; • Council and community/area forum briefings; • Deposit point locations; and • Consultation material availability. <p>Apart from meeting notes of meetings held on 9 December 2014 with Dorney Parish Council and DfT at Appendix 24 of the Consultation Report (Doc 5.1) along with the deposit point locations monitoring form at Appendix 25 of the Consultation Report (Doc 5.1), no other evidence is provided confirming that this consultation methodology was implemented.</p> <p>However, none of the adequacy of consultation representations summarised in Section 2.2 of this checklist suggest that consultation has not been carried out in accordance with the SoCC.</p>
s48: Duty to publicise the proposed application	
2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	
(a) for at least two successive weeks in one or more local	Yes.

<p>newspapers circulating in the vicinity in which the proposed development would be situated;</p>	<p>Copies of Newspaper Notices (Doc. 1.4) provides dated copies of the s48 notices, or an email confirmation that the notice was published, for the following:</p> <ul style="list-style-type: none"> • Hounslow Chronicle on 14 and 21 November 2014. • London Metro on 10 and 17 November 2014. • Maidenhead Advertiser on 13 and 20 November 2014. • Reading Chronicle on 13 and 20 November 2014. • Slough & South Bucks Express on 14 and 21 November 2014. • Ascot, Windsor and Eton Express on 14 and 21 November 2014.
<p>(b) once in a national newspaper;</p>	<p>Copies of Newspaper Notices (Doc. 1.4) provides a dated copy of the s48 notice for the following:</p> <ul style="list-style-type: none"> • The Independent on 10 November 2014.
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Copies of Newspaper Notices (Doc. 1.4) provides a dated copy of the s48 notice for the following:</p> <ul style="list-style-type: none"> • London Gazette on 10 November 2014 .
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p>Not applicable.</p>
<p>2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:</p>	<p style="background-color: #f4a460;"> </p>

<p>(a) the name and address of the applicant;</p>	<p>Yes. Paragraph 1 of the s48 notice, provided at Appendix 26 of the Consultation Report (Doc 5.1), states the name and address of the applicant.</p>
<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p>Yes. Paragraph 1 of the s48 notice states that the applicant intends to make an application for development consent.</p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>Yes. Paragraph 3 of the s48 notice states that the application is an EIA development.</p>
<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>Yes. Paragraphs 1 and 2 of the s48 notice include a summary of the main proposals, specifying the route of the proposed development.</p>
<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>Yes. Paragraph 4 of the s48 notice states that the preliminary environmental information (PEI) report and non-technical summary (NTS) of the PEI report were made available for inspection free of charge at 15 locations in or close to the vicinity of the proposed development. The notice also states that copies of documents and further details about the project could be found on the applicant's website.</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes. The s48 notice states that the latest date the PEI and NTS could be inspected was 21 December 2014.</p>

<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes. The s48 notice states that CD and paper copies of the scheme, summary leaflet, s48 notice, PA2008 fact sheet and SoCC would be supplied free of charge and copies of scheme plans and PEI report could be provided on a DVD on request.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes. The s48 notice includes details on how to respond to publicity.</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?</p>	<p>Yes. The s48 notice gives the date for receipt of responses as 21 December 2014. The applicant therefore provided 30 days (from the day after the s48 notice was last published) for responses to be received.</p>
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹¹?</p>	<p>Yes. Section 14c of the Application Form (Doc 1.3) confirms that all consultation bodies were sent a copy of the s48 notice.</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>	
<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Section 9.6 of the Consultation Report (Doc 5.1) sets out how the applicant took account of responses following s42, s47 and s48 consultation. Section 10 of the Consultation Report (Doc 5.1) provides information on s42 consultation responses received, and Appendix 29 and 30 of the Consultation Report (Doc 5.1) details the applicant's responses thereto and whether they led to a change to</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>the scheme. Table 61 of the Consultation Report (Doc 5.1) provides a summary of the applicant's design changes as a result of the s42 consultation responses.</p> <p>Section 11 of the Consultation Report (Doc 5.1) provides information on the s47 and s48 consultation responses received, whilst Appendix 31 of the Consultation Report (Doc 5.1), details the applicant's responses thereto and whether they led to a change to the scheme. Table 68 of the Consultation Report (Doc 5.1) provides a summary of the applicant's design changes, as a result of the s47 and s48 consultation responses.</p> <p>On the basis of the information provided within the Consultation Report (Doc 5.1), the Inspectorate is satisfied that the applicant has complied with its duties under s49 PA2008.</p>
<p>Guidance about pre-application procedure</p>	
<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Paragraph 2.3.1 of the Consultation Report (Doc 5.1) states: 'There is a raft of guidance and advice, both statutory and non-statutory in relation to the consultation process and the preparation of the Consultation Report. The following documents, of particular relevance to the Scheme, have informed the Agency's approach to its consultation activity:</p> <p>Department of Communities and Local Government ("DCLG"): 'Planning Act 2008: Guidance on the pre-application process.' August 2014...'</p> <p>Paragraphs 2.3.2 - 2.3.8 of the Consultation Report (Doc 5.1) set out the advice contained in the guidance and Table 46 of the Consultation Report (Doc 5.1) sets out how the applicant complied with the guidance during the pre-application stage.</p> <p>As recorded in section 2.3 of this checklist, the applicant has not</p>

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

	<p>demonstrated regard to DCLG’s updated guidance on the pre-application process which was published on 26 March 2015.</p> <p>Save for the observations made elsewhere in this checklist, and in consideration of the timing of the publication of DCLG’s updated guidance and the submission of the application, the Inspectorate is satisfied that the applicant has demonstrated satisfactory regard to DCLG’s guidance.</p>
<p>Summary - s55(3)(e)</p>	<p>As recorded in section 2.3 of this checklist, the Planning Inspectorate observed a number of discrepancies between the list of persons consulted under s44 of the PA2008, provided in the Consultation Report (Doc 5.1), and the Book of Reference (Doc 4.3). To seek clarification with regards to these discrepancies, on 16 April 2015 the Inspectorate requested all consultation responses from the applicant under Regulation 5(5) of the APFP Regulations.</p> <p>On the basis of the information provided by the applicant’s response to the request, the Planning Inspectorate is sufficiently satisfied that diligent inquiry was made by the applicant.</p> <p>On this basis therefore, and notwithstanding its observations made elsewhere in Section 2 of this checklist, the Inspectorate considers that the applicant’s pre-application consultation duties have been undertaken to a satisfactory standard.</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>	
<p>3.1 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"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of 	<p>Yes.</p> <p>The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations. See Application Form (Doc 1.3).</p> <ul style="list-style-type: none"> • Section 4 of the Application Form (Doc 1.3) explains why

<p>the application site, or the route if it is a linear scheme?</p>	<p>the application falls within the remit of the Secretary of the State (subject to the observations made in section 1.1 of this checklist).</p> <ul style="list-style-type: none"> Section 6 of the Application Form (Doc 1.3) identifies the location and route of the proposed development.
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Doc 5.1). The report is accompanied by 34 appendices (Doc 3.2).</p>
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>The Environmental Statement (ES) is provided in Volume 6, Folders 1-5, and comprises the following documents:</p> <ul style="list-style-type: none"> Folder 1 of 5: Environmental Statement Main Report (Doc 6.1) Folder 2 of 5: Environmental Statement Figures (1 of 2) (Doc 6.2) Folder 3 of 5: Environmental Statement Figures (2 of 2) (Doc 6.2) (Continuation from Volume 6, Folder 2 of 5) Folder 4 of 5: Environmental Statement appendices (1 of 2) (Doc 6.3) Folder 5 of 5: Environmental Statement appendices (2 of 2) (Doc 6.3) (continuation from Volume 6, folder 4 of 5) <p>A non-technical summary is provided at:</p> <ul style="list-style-type: none"> Environmental Statement non-technical summary (Doc 6.4) <p>The ES does not contain information regarding the dimensions of</p>

	<p>the proposed gantries and it is therefore unclear as to how the worst case scenario has been assessed.</p> <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. It will not preclude the Examining Authority from seeking further explanation during the course of the examination.</p> <p>A scoping report was submitted to the Planning Inspectorate in August 2014. The Inspectorate reviewed and consulted on the scoping report and issued a scoping opinion on 19 September 2014.</p> <p>The Scoping Opinion is published on the NI project page. A table setting out the comments raised in the scoping opinion along with a response as to how the applicant has addressed them is set out in Appendix 5.1 of the ES (Doc 6.3).</p>
(b) the draft proposed order;	<p>Yes.</p> <p>The application is accompanied by the Draft Development Consent Order (Doc 3.1).</p> <p>The Draft Development Consent Order (Doc 3.1) has been compiled in the correct statutory instrument template. However upon carrying out a consistency check through the Statutory Instrument Validation Portal, the Inspectorate has identified a number of departures from the template. These will need to be addressed and rectified by the applicant as part of the applicant's final draft DCO submission.</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>Yes.</p> <p>The Draft Development Consent Order (Doc 3.1) is accompanied by an Explanatory Memorandum (Doc 3.2). The document explains, in brief terms, the purpose and effect of</p>

	provisions in the Draft Development Consent Order (Doc 3.1) .
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p>Yes.</p> <p>The Draft Development Consent Order (Doc 3.1) includes proposed provisions for compulsory acquisition and the application is accompanied by a Book of Reference (Doc 4.3).</p> <p>It appears that the Book of Reference (Doc 4.3) meets the requirements of DCLG Guidance on Compulsory Acquisition in its form and content, and with the format set out in APFP Regulation 7. Persons recorded in Part 3 also appear in Part 1, which accords with guidance.</p> <p>As recorded in section 2.3 of this checklist, alongside the decision to accept the application for examination, the Inspectorate has issued s51 advice concerning discrepancies between the Consultation Report (Doc 5.1) and the Book of Reference (Doc 4.3) and the applicant's duties under s56 PA2008.</p>
(e) a copy of any flood risk assessment;	<p>Yes.</p> <p>A Flood Risk Assessment (FRA) is provided as a standalone document (Doc 5.3). It is cross referenced from Chapter 15 of the Environmental Statement: Road Drainage and the Water Environment (Doc 6.1).</p>
(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	<p>Yes.</p> <p>A Statement of Statutory Nuisances has been provided in Volume 5.0 (Doc 5.4). The statement considers the potential for the scheme to cause a statutory nuisance under section 79(1) of the EPA 1990.</p> <p>The statement is part of the application and it is stated that 'it should be read alongside, and is informed by, other application documents – in particular the Environmental Statement (ES).' (Doc</p>

	<p>5.4 – Para 2.1.6).</p> <p>The statement concludes that 'impacts from construction and operation noise, vibration, lighting, dust and the impact on water courses could if unmitigated, potentially cause a nuisance. With the implementation of the proposed mitigation, secured by a requirement contained in the DCO, it is considered unlikely that the scheme will engage any of the matters set out in section 79(1) of the EPA 1990' (Doc 5.4 – Para 9.1.2).</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>The applicant has not provided a Habitat Regulations Assessment Report or a No Likely Significant Effects Report as part of their application.</p> <p>However the applicant has provided an Assessment of Implications on European Sites (AIES) Matrix as an Appendix to the Environmental Statement (Appendix 9.3 of Doc 6.3).</p> <p>The AIES Matrix 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>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes.</p> <p>The Draft Development Consent Order (Doc 3.1) includes proposed provisions for compulsory acquisition and the application is accompanied by a Statement of Reasons (Doc 4.1) and a Funding Statement (Doc 4.2).</p>

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

<p>(i) a land plan identifying:-</p> <ul style="list-style-type: none"> (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; 	<p>Yes.</p> <p>A Land Plan (Doc 2.2) is provided and comprises:</p> <ul style="list-style-type: none"> • Land Plans Key Plan (Doc 2.2) • Land Plans Sheets 1 - 31 (Doc 2.2) <p>Note: A unique identifier is provided for each sheet comprising the land plan (see 'Alliance Document Reference').</p> <p>The land plan identifies special category land, including common land, open space, and fuel or field garden allotments. Replacement land is not identified in the land plan, but a Replacement Land Plan is provided at Appendix 1 to the Statement of Reasons (Doc 4.1).</p> <p>Crown land is also identified on the land plan.</p> <p>The plots annotated on the land plan appear to be consistent with the information within the Book of Reference (Doc 4.3) and the Draft Development Consent Order (Doc 3.1).</p>
<p>(j) a works plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order; 	<p>Yes.</p> <p>A Works Plan (Doc 2.3) is provided and comprises:</p> <ul style="list-style-type: none"> • Works Plans Key Plan (Doc 2.3) • Work Plans Sheets 1 - 31 (Doc 2.3) <p>Note: A unique identifier is provided for each sheet comprising the land plan (see 'Alliance Document Reference').</p> <p>The works described in the works plan appear to be consistent with the works described in Schedule 1 of the Draft DCO (Doc 3.1).</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way</p>	<p>Yes.</p> <p>A Rights of Way and Access Plan (Doc 2.4) is provided and</p>

<p>or public rights of navigation;</p>	<p>comprises:</p> <ul style="list-style-type: none"> • Rights of Way and Access Key Plan (Doc 2.4) • Rights of Way and Access Plans Sheets 1 - 10 (Doc 2.4) <p>Note: A unique identifier is provided for each sheet comprising the rights of way and access plan (see 'Alliance Document Reference').</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p>Plans identifying statutory/non-statutory sites/features of nature conservation are provided in:</p> <ul style="list-style-type: none"> • Drawing 8.1: Environmental Statement figures: Local Landscape Character Areas. Sheets 1 – 16, Scale 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2). • Drawing 9.1: Environmental Statement figures: Study Areas and Statutory Designated Sites. Drawing 9.1: Sheets 1 – 5. Scale 1:35,000 on A3 page dated 20/03/2015 (Doc 6.2). <p>These plans show:</p> <ul style="list-style-type: none"> ○ Local Nature Reserves (LNR); ○ Site of Special Scientific Interest (SSSI); ○ Special Protected Area (SPA) (South West London Waterbodies); ○ Ramsar Site (South West London Waterbodies); and ○ Local Wildlife Sites (LWS). <ul style="list-style-type: none"> • One Special Area of Conservation (SAC) (Mole Gap to Reigate Escarpment) has been identified 25km away from the development but has not been shown on a map. • Drawing 9.2: Environmental Statement figures: Habitats J3-12. Sheet 1, Scale 1:3,000 on A3 page dated

	<p>20/03/2015. Sheets 2-65, Scale 1:2,500 on A3 pages dated 20/03/2015 (Doc 6.2) show various habitat types identified in the study area which include woodlands, marshland and areas of cultivated land.</p> <ul style="list-style-type: none"> • Drawing 9.3: Environmental Statement figures: Protected Species. Sheets 1-16, Scale 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2). • Drawing 10.1: Environmental Statement figures: Geology and Soils Receptors. Sheets 1-16, Scale 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2). • Drawing 15.1: Environmental Statement Figures: Watercourses and source protection. Sheets 1-16, Scale 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2). <p>Table 15.6 of Chapter 15: Road Drainage and the Water Environment (Doc 6.1) shows a list of watercourses which are monitored under the Thames River Basin Management Plan (RBMP), have defined Water Framework Directive classifications on the Environment Agency website or are shown on Ordnance Survey Maps.</p> <p>Table 15.7 of Chapter 15: Road Drainage and the Water Environment (Doc 6.1) shows a list of additional water features within 100 metres of the project and includes ponds and lakes.</p>
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p>Yes.</p> <p>ES Chapter 7: Cultural Heritage (Doc 6.1) considers the potential effects of the scheme on cultural heritage.</p> <p>ES Appendices: Appendix 7.1 – Cultural Heritage Gazetteer presents a table which identifies historic features which are located within the Zone of Visual Influence (ZVI) (Doc 6.2).</p> <p>The potential for the scheme to cause visual impacts to settings of</p>

	<p>heritage assets was refined through a review of the ZVI produced for Chapter 8: Landscape. The ZVI and the location of heritage assets is shown in ES Figures: on Drawing 7.1: Environmental Statement Figures: Heritage Assets Sheets 1 to 16, Scale 1:10,000, on A3 pages dated 20/03/2015 (Doc 6.2).</p> <p>The potential for the scheme to cause impacts to designated heritage assets via changes to their setting through increases in noise levels is shown on the following two drawings:</p> <ul style="list-style-type: none"> • Drawing 12.3 Environmental Statement Figures: Change in Road Traffic Noise Levels (Do minimum 2037 Minus Do-Minimum 2022) Sheets 1-16, Scale: 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2). • Drawing 12.5 Environmental Statement Figures: Change in Road Traffic Noise Levels (Do something 2037 Minus Do-Minimum 2022) Sheets 1-16, Scale: 1:10,000 on A3. <p>Noise monitoring and sensitive receptor locations are identified on:</p> <ul style="list-style-type: none"> • Drawing 12.1: Environmental Statement Figures: Noise Monitoring Locations and Sensitive Receptors. Sheets 1-16, Scale 1:10,000 on A3 pages dated 20/03/2015 (Doc 6.2).
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Crown land is identified in the sheets comprising the Land Plan (Doc 2.2). Please refer to section 3.3(i) of this checklist.</p>
<p>(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>Yes.</p> <p>Other plans, drawings and sections considered necessary to support the application are listed in Section 23 of the Application Form (Doc 1.3), as follows:</p> <ul style="list-style-type: none"> • Side Road Plan and Profile (Doc 2.6). • Earthworks Standard Details (Doc 2.7).

<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹⁴;</p> <p>Relevant project-specific provisions of Regulation 6 of the APFP Regulations:</p> <p>“(2) If the application is for highway related development or for the construction or alteration of a railway, it must be accompanied by section drawings to suitable horizontal and vertical scales, which show, by reference to Ordnance Survey or Chart datum—</p> <p>(a) the levels of the proposed works, including in particular and where relevant—</p> <p>(i) ground levels;</p> <p>(ii) the height of every proposed bridge, viaduct, aqueduct, embankment and elevated guideway;</p> <p>(iii) the depth of every proposed cutting and tunnel;</p> <p>(iv) the levels of the bed of any tidal waters or inland waterway in which it is proposed that any works should be situated;</p> <p>(v) the height of every structure or device (including a cable, but not catenary and related equipment) intended to be erected above, on or below the surface of, or on or beneath the bed of tidal waters or an inland waterway; and</p> <p>(vi) drainage outfall details for highways;</p>	<ul style="list-style-type: none"> • Gantry General Arrangements (Doc 2.8). <p>Yes.</p> <p>The application triggers Regulation 6(2) of the APFP Regulations and Section 22 of the Application Form (Doc 1.3) lists additional information required to be submitted in accordance with that regulation, as follows:</p> <ul style="list-style-type: none"> • Engineering Sections Sheet 1 – 7 (Doc 2.5). • Side Road Plan and Profile – Key Plan (Doc 2.6). • Side Road Plan and Profile Sheet 1 – 13 (Doc 2.6). <p>Note: A unique identifier is provided for each sheet comprising the Side Road Plan and Profile (Doc 2.6) (see ‘Alliance Document Reference’).</p> <ul style="list-style-type: none"> • Drawing 2 at Annex F of the Engineering and Design Report (Doc 7.4) (comprising a key plan and nine sheets) shows the general arrangement of nine underbridges. • Drainage Strategy Report (Doc 7.5).
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¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

<p>(b) a cross section of every intended tunnel and any altered gradient of a carriageway or a way forming part of a guided transport system on either side of every level crossing, bridge, tunnel or underpass which would carry the carriageway or way or through which it would pass.”</p>	
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Yes.</p> <p>Other documents that the applicant considers necessary to support the application are listed in Section 23 of the Application Form (Doc 1.3), as follows:</p> <ul style="list-style-type: none"> • Introduction to the Application (Doc 1.1). • Covering Letter and Schedule of Compliance with Section 55 (Doc 1.2). • Copies of Newspaper Notices (Doc 1.4). • Electronic Index (Doc 1.5). • Details of Consents and Licences (Doc 5.5). • Planning Statement (Doc 7.1). • Socio-Economic Report (Doc 7.2). • Engineering Design Report (Doc 7.3). <p>Note: The Schedule of Compliance with Section 55 (forming part of Doc 1.2) and the Electronic Index (Doc 1.5) are facilitative to the receipt and handling of the application and have not been treated as application documents.</p>
<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p>Yes.</p> <p>On 30 March 2015 two full and identical paper copies of the application form, supporting documents and plans were provided, as requested by the Secretary of State.</p>

<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of plans, show the direction of north¹⁵?</p>	<p>Yes. All relevant plans have been submitted on A0 or smaller, are drawn to identical scale and show the direction of North.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>Yes. In all instances where three or more separate sheets comprise a plan, a key plan is provided showing the relationships between the different sheets.</p>
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>Yes. The applicant appears to have had regard to the DCLG Guidance: 'Planning Act 2008: Application form guidance'. The format of the documents and manner in which the application was submitted is consistent with the guidance. The application form is complete and there are no obvious issues of non-conformity. The application is accompanied by documents of a prescribed nature as set out in s37(3) of the PA2008 and Regulation 5 of the APFP Regulations.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>In consideration of its observations made in Section 3 of this checklist, the Inspectorate considers that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) of the PA2008. None of the discrepancies identified in the checklist are likely to prevent an appointed Examining Authority from examining the application. The overall conclusion therefore is that the application can be accepted.</p>

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

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

However, the applicant is strongly recommended to consider and respond to the content of s51 advice issued alongside this checklist (available, [here](#)).

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

Was the fee paid at the same time that the application was made¹⁷?

Yes.

The application was pre-dated by the appropriate fee of £4,500, which the Planning Inspectorate confirmed as bankable on 25 March 2015.

Case Leader

Richard Price

Richard Price

Signed

Date: 27 April 2015

**Acceptance
Inspector**

Wendy Burden

Wendy Burden

Signed

Date: 27 April 2015

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

M4 Junctions 3 to 12 Smart Motorway

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates