

# A19 / A184 Testos Junction Improvement TR010020

## 1.2 Covering Letter and Schedule of Compliance with Section 55

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009 (as amended)





## **Infrastructure Planning**

### **Planning Act 2008**

### **The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

# **A19 / A184 TESTOS JUNCTION IMPROVEMENT**

## **The A19 / A184 (Testos Junction Improvement) Development Consent Order 201[ ]**

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### **COVERING LETTER AND SCHEDULE OF COMPLIANCE WITH SECTION 55**

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<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010020
<b>Application Document Reference</b>	TR010020/APP/1.2
<b>Author:</b>	A19 Project Team & Highways England

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Our ref: A19 Testos Junction Improvement  
Your ref: TR010020

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14 July 2017

## OFFICIAL

Dear Sirs

### **A19/A184 TESTOS JUNCTION IMPROVEMENT**

On behalf of Highways England I am pleased to enclose an application under Section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the proposed A19/A184 Testos junction improvement (the Scheme).

The Scheme is a nationally significant infrastructure project consisting of the alteration of a highway under sections 14(1)(h) and 22 of the Planning Act 2008.

In accordance with Advice Note six, I enclose two paper copies of the full application submission, along with six electronic copies as requested in Emre Williams' letter of 21<sup>st</sup> June 2017. I have enclosed with this letter a completed Schedule of Compliance with Section 55 prepared by Highways England showing how the application meets the tests for acceptance by the Planning Inspectorate.

The application includes an Introduction to the Application document, which provides a guide to the application documentation and referencing system.

I note that the Secretary of State is required under section 55 of the Act to decide whether or not to accept this application within 28 days, beginning with the day after the day on which this application is received, and accordingly I look forward to hearing from you by the end of this period.

Yours faithfully



Paul Ahdal  
Project Manager  
Email: paul.ahdal@highwaysengland.co.uk



## 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 listed 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)

## Section 55 Acceptance of Applications

### A19 / A184 Testos Junction Improvement Scheme 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications				
1	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
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
<b>s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>				
2	Is the development a nationally significant infrastructure project <sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order <sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the	Yes, the proposed development set out in <b>Schedule 1</b> of the <b>Development Consent Order (Doc 3.1)</b> is an alteration of a highway lying wholly within England for which Highways England Company Ltd, being a strategic highways authority, is the highway authority, which is a development falling within the categories in s14 of the PA 2008, with a size of 67.8 hectares, which is greater than the threshold of 12.5 hectares in		

<sup>1</sup> References in this document to the Secretary of State includes 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

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

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

	<p>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>(22(4)(b)) of the PA2008.</p> <p>This is consistent with the summary provided in the <b>Application Form (Doc 1.3)</b> at <b>Section 4</b> which concludes that the application is for an NSIP.</p>
<b>3</b>	<b>Summary – s55(3)(a) s55(3)(c)</b>	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	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 development <sup>4</sup> ?	Yes, the Applicant submitted a scoping report to the Planning Inspectorate on 25 July 2014, before the start of s42 consultation on 13 October 2014.
5	Have any adequacy of consultation representations <sup>5</sup> 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?	No such representations have yet been received. It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation. This is as set out in the Planning Inspectorate’s Advice Note 14 (April 2012).

<sup>4</sup> Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<sup>5</sup> 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

**s42: Duty to Consult**

	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed <sup>6</sup> ?	<p>Yes. The Applicant carried out two rounds of statutory consultation, one in 2014 and one in 2017; detail on each respective round of consultation is set out below and throughout this checklist.</p> <p><u>2014 Consultation</u></p> <p>Yes, the Applicant has provided a list of persons consulted under s42(1)(a) on 13 October 2014 at <b>Appendix C6</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has provided a list of persons consulted under s42(1)(a) on 30 January 2017 at <b>Appendix C6</b> of the <b>Consultation Report Appendices (Doc 5.2)</b> (the same list as was used for the 2014 consultation was used in 2017 for consistency purposes).</p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	Not applicable – the Marine Management Organisation is not a relevant consultee in respect of the Scheme.
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<u>2014 Consultation</u>

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

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

		<p>Yes, the Applicant has consulted each local authority within s43 on 13 October 2014 (letters were sent on 10 October with consultation starting on 13 October). These are:</p> <ul style="list-style-type: none"> <li>• B authorities: South Tyneside Council</li> <li>• C authorities: n/a</li> <li>• A authorities: Gateshead Council; Newcastle City Council; North Tyneside Council; and Sunderland City Council</li> <li>• D authorities: n/a</li> </ul> <p>Despite it not being a local authority within s43, the Applicant decided to include Durham County Council as a consultee due to its regional significance and proximity to the junction.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has consulted each local authority within s43 on 23 January 2017 (the cover letters were dated 20 January 2017 but were sent out on 23 January with consultation starting on 30 January). These are:</p> <ul style="list-style-type: none"> <li>• B authorities: South Tyneside Council</li> <li>• C authorities: n/a</li> <li>• A authorities: Gateshead Council; Newcastle City Council; North Tyneside Council; and Sunderland City Council</li> </ul>
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<sup>8</sup> 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 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

		<ul style="list-style-type: none"> <li>D authorities: n/a</li> </ul> <p>Despite it not being a local authority within s43, the Applicant decided to include Durham County Council as a consultee due to its regional significance and proximity to the junction.</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable – the Scheme does not fall within Greater London and as a result the Greater London Authority is not a relevant consultee in respect of the Scheme.
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><u>2014 Consultation</u></p> <p>Yes, the Applicant has consulted each person in one or more s44 categories on 13 October 2014.</p> <p>A <b>Book of Reference (Doc 4.3)</b> of all landowners is provided as part of the DCO application; all consultees under s42(1)(d) are identified in the <b>Book of Reference (Doc 4.3)</b>.</p> <p><b>Chapter 4 (Section 4.10)</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has undertaken diligent inquiry to identify those consultees defined by s44 of the Planning Act 2008 and the approach to statutory consultation.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has consulted each person in one or more s44 categories on 30 January 2017.</p> <p>A <b>Book of Reference (Doc 4.3)</b> of all landowners is provided as part of the DCO</p>

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: 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>application; all consultees under s42(1)(d) are identified in the <b>Book of Reference (Doc 4.3)</b>.</p> <p><b>Chapter 5 (Section 5.6)</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has undertaken diligent inquiry to identify those consultees defined by s44 of the Planning Act 2008 and the approach to statutory consultation.</p>
<b>s45: Timetable for s42 Consultation</b>		
11	<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><u>2014 Consultation</u></p> <p>Yes, the letter sent to s42 consultees on 10 October 2014 (the letters were sent on 10 October with consultation commencing on 13 October) set a deadline of 28 November 2014, which is more than 28 days after date of the letter and the start of the consultation. Sample letters are provided in <b>Appendix C5</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the letter sent to s42 consultees on 23 January 2017 (the cover letters were dated 20 January 2017 but were sent out on 23 January with consultation starting on 30 January) set a deadline of 6 March 2017, which is more than 28 days after the date of the letter and the start of the consultation. Sample letters are provided in <b>Appendix D1</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>
<b>s46: Duty to notify Secretary of State of proposed application</b>		
12	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to</p>	<p><u>2014 Consultation</u></p>

	<p>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, the Applicant gave notice under s46 on 10 October 2014, which was on or before the beginning of s42 consultation on 13 October 2014. A copy of this notice is provided at <b>Appendix C3</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant gave notice under s46 on 30 January 2017, which was on or before the beginning of s42 consultation on 30 January 2017. A copy of this notice is provided at <b>Appendix D</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>
<p><b>s47: Duty to consult local community</b></p>		
<p>13</p>	<p>Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?</p>	<p><u>2014 Consultation</u></p> <p>Yes, the Applicant produced a SoCC in September 2014, which is supplied with the application at <b>Appendix C8</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant produced a SoCC in December 2017, which is supplied with the application at <b>Appendix D4</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>
<p>14</p>	<p>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><u>2014 Consultation</u></p> <p>Yes, the applicant sent the draft SoCC to B authority (South Tyneside Council) on 2 July 2014.</p> <p><b>Appendix C8</b> of the <b>Consultation Report Appendices (Doc 5.2)</b> includes copies of the email sent to the local authority.</p>

		<p><u>2017 Consultation</u></p> <p>Yes, the applicant sent the draft SoCC to B authority (South Tyneside Council) on 13 December 2016 and set a deadline of 10 January 2017 for responses.</p> <p><b>Appendix D4</b> of the <b>Consultation Report Appendices (Doc 5.2)</b> includes copies of the email sent to the local authority.</p>
15	Has the applicant had regard to any responses received when preparing the SOCC?	<p><u>2014 Consultation</u></p> <p>Yes, the Applicant has explained at <b>Section 4.14.5</b> of the <b>Consultation Report (Doc 5.1)</b> how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example, a suggestion to include South Shields Central Library as a location to view the consultation materials (over South Shields Town Hall) was incorporated into the final SoCC.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has explained at <b>Section 5.11.5</b> of the <b>Consultation Report (Doc 5.1)</b> how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example, a suggestion to include Hedworthfield Community Centre as an additional venue was incorporated into the final SoCC.</p>
16	Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?	<p><u>2014 Consultation</u></p> <p>Yes, the SoCC was made available at places, which are reasonably convenient having regard to the location of the scheme. Full details of events and libraries at which the SoCC was available to view is found in the SoCC which is at <b>Appendix C8</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>

		<p>Notices stating when and where it could be inspected were published in the following local newspapers on 13 October 2014:</p> <ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul> <p>Copies of the newspaper notices are included in <b>Appendix C11</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the SoCC was made available at places, which are reasonably convenient having regard to the location of the scheme. Full details of events and libraries at which the SoCC was available to view is found in the SoCC which is at <b>Appendix D4</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p>Notices stating when and where it could be inspected were published in the following local newspapers on 20 January 2017:</p> <ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul> <p>Copies of the newspaper notices are included in <b>Appendix D3</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>
17	Does the SOCC set out whether the development is EIA	<u>2014 Consultation</u>

	<p>development<sup>10</sup>; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes, the SoCC sets out at <b>paragraphs 12 – 14</b> that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p> <p><u>2017 Consultation</u></p> <p>Yes, the SoCC sets out at <b>paragraphs 16 – 18</b> that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p>
18	<p>Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p><u>2014 Consultation</u></p> <p>Yes, the Applicant has set out in <b>Chapter 4 (Sections 4.14 – 4.20)</b> of the <b>Consultation Report (Doc 5.1)</b> the activities that have been carried out and how the commitments in the SoCC have been met. For example, a public exhibition was held at the Quality Hotel, Boldon between Thursday 6 November and Saturday 8 November 2014, as noted at paragraph 14 of the SoCC and set out in <b>Chapter 4, Section 4.15</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has set out in <b>Chapter 5 (Sections 5.11 – 5.15)</b> of the <b>Consultation Report (Doc 5.1)</b> the activities that have been carried out and how the commitments in the SoCC have been met. For example, a consultation flyer was produced and posted to residents and businesses over a 7 day period from 23 – 30 January 2017, as noted at paragraph 18 of the SoCC and set out in <b>Chapter 5, Section 5.12</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>

<sup>10</sup> Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

s48: Duty to publicise the proposed application								
19	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):	<p><u>2014 Consultation</u></p> <p>Yes, the Applicant has described the newspapers and dates of s48 publicity in <b>Chapter 4 (Table 5)</b> of the <b>Consultation Report (Doc 5.1)</b> and as set out below.</p> <p>Copies of all newspaper notices are included in <b>Appendix C11</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p> <p><u>2017 Consultation</u></p> <p>Yes, the Applicant has described the newspapers and dates of s48 publicity in <b>Chapter 5 (Table 8)</b> of the <b>Consultation Report (Doc 5.1)</b> and as set out below.</p> <p>Copies of all newspaper notices are included in <b>Appendix D3</b> of the <b>Consultation Report Appendices (Doc 5.2)</b>.</p>						
20	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Newspaper(s)</th> <th style="text-align: left;">Date</th> </tr> </thead> <tbody> <tr> <td><u>2014 Consultation</u></td> <td>13 October 2014</td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul> </td> <td>20 October 2014</td> </tr> </tbody> </table>	Newspaper(s)	Date	<u>2014 Consultation</u>	13 October 2014	<ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul>	20 October 2014
Newspaper(s)	Date							
<u>2014 Consultation</u>	13 October 2014							
<ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul>	20 October 2014							

	<u>2017 Consultation</u> <ul style="list-style-type: none"> <li>• Sunderland Echo;</li> <li>• Newcastle Evening Chronicle; and</li> <li>• Shields Gazette.</li> </ul>	20 January 2017 27 January 2017
once in a national newspaper;	<u>2014 Consultation</u> The Times	13 October 2014
	<u>2017 Consultation</u> The Guardian	27 January 2017
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<u>2014 Consultation</u> The London Gazette No land in Scotland is affected by the proposed scheme.	13 October 2014
	<u>2017 Consultation</u> The London Gazette No land in Scotland is affected by the proposed scheme.	23 January 2017

	where the proposed application relates to offshore development –  (i) once in Lloyds List; and  (ii) once in an appropriate fishing trade journal?	N/A – the proposed scheme does not include offshore development and was therefore not published in Lloyds List or a fishing trade journal.	N/A	
21	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<u>2014 Consultation</u>  Yes, the s48 notice is supplied at <b>Appendix C11</b> of the <b>Consultation Report Appendices (Doc 5.2)</b> and contains the required information as set out below.  <u>2017 Consultation</u>  Yes, the s48 notice is supplied at <b>Appendix D3</b> of the <b>Consultation Report Appendices (Doc 5.2)</b> and contains the required information as set out below.		
<b>22</b>	<b>Information</b>	<b>Paragraph</b>	<b>Information</b>	<b>Paragraph</b>
	the name and address of the applicant;	<u>2014 Consultation</u>  Paragraph 1	the latest date on which those documents, plans and maps will be available for inspection	<u>2014 Consultation</u>  Paragraph 3
		<u>2017 Consultation</u>  Paragraph 1		<u>2017 Consultation</u>  Paragraph 4
	a statement that the applicant intends to make an application	<u>2014 Consultation</u>	whether a charge will be made for copies of any of the documents, plans or maps	<u>2014 Consultation</u>

for development consent to the Secretary of State;	Paragraph 1	and the amount of any charge;	Paragraph 3
	<u>2017 Consultation</u> Paragraph 1		<u>2017 Consultation</u> Paragraph 4
a statement as to whether the application is EIA development	<u>2014 Consultation</u> Paragraph 2	details of how to respond to the publicity	<u>2014 Consultation</u> Paragraph 8
	<u>2017 Consultation</u> Paragraph 3		<u>2017 Consultation</u> Paragraph 6
a summary of the main proposals, specifying the location or route of the proposed development;	<u>2014 Consultation</u> Paragraph 1	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>2014 Consultation</u> Paragraph 9
	<u>2017 Consultation</u> Paragraph 2		<u>2017 Consultation</u> Paragraph 7
a statement that the documents, plans and maps showing the nature and location of the proposed development are available for	<u>2014 Consultation</u> Paragraph 3		

	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;	<u>2017 Consultation</u> Paragraph 4		
23	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) <sup>11</sup> ?		<u>2014 Consultation</u> Yes, the notice was sent to the EIA consultation bodies on 10 October 2014 (see <b>Chapter 4, Sections 4.7.4 and 4.7.5</b> and <b>Appendices C5 and C11</b> to the <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2)</b> ).  <u>2017 Consultation</u> Yes, the notice was sent to the EIA consultation bodies on 30 January 2017 (see <b>Chapter 5, Sections 5.3.4 and 5.3.5</b> and <b>Appendices D1 and D3</b> to the <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2)</b> ).	
<b>s49: Duty to take account of responses to consultation and publicity</b>				
24	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?		<u>2014 Consultation</u> The Applicant has set out at <b>Chapters 4 and 7</b> and <b>Table 3</b> of the <b>Consultation Report (Doc 5.1)</b> and <b>Appendices C7 and C13</b> to the <b>Consultation Report Appendices (Doc 5.2)</b> the actions that have been taken having regard to the consultation responses received. They have also described in <b>Chapters 4 and 7</b> the consideration given to responses that did not lead to a change.	

<sup>11</sup> Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

		<p><u>2017 Consultation</u></p> <p>The Applicant has set out at <b>Chapters 5 and 7</b> and <b>Tables 9, 10, 11 and 12</b> of the <b>Consultation Report (Doc 5.1)</b> and <b>Appendices D2 and D7</b> to the <b>Consultation Report Appendices (Doc 5.2)</b> the actions that have been taken having regard to the consultation responses received. They have also described in <b>Chapters 5 and 7</b> the consideration given to responses that did not lead to a change.</p>
<p><b>Guidance about pre-application procedure</b></p>		
25	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	Yes, <b>Chapter 2 (Section 2.1.2)</b> and <b>Chapters 4, 5 and 6</b> of the <b>Consultation Report</b> explain how the Applicant has had regard to DCLG guidance on the pre-application process and the Applicant's approach to consultation.
26	<b>Summary – s55(3)(e)</b>	
<p><b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b></p>		
27	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>a brief statement that clearly identifies the location of the</li> </ul>	<p>The application is made in the prescribed form, and explains why it falls within the remit of the Secretary of State in <b>Section 4</b> of the <b>Application Form (Doc 1.3)</b>.</p> <p><b>Section 6</b> of the <b>Application Form (Doc 1.3)</b> provides a brief statement that describes the location of the proposed route and a more detailed description is provided in <b>Chapter 2</b> of the <b>Environmental Statement (Doc 6.1)</b>. The location of</p>

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

	application site, or the route if it is a linear scheme?	the proposed scheme is shown on the <b>Location Plan (document reference 2.1)</b> .			
28	Is it accompanied by a consultation report?	Yes, a <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2)</b> accompany the application.			
29	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets <sup>13</sup> ?	Yes.			
30	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes, the documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:			
<b>31</b>	<b>Information</b>	<b>Document</b>	<b>Information</b>	<b>Document</b>	
a)	where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	Yes. The application is accompanied by an <b>Environmental Statement, Environmental Statement Figures, Environmental Statement Appendices</b> and an <b>Environmental Statement Non-Technical Summary (Docs 6.1 – 6.4)</b> .  A copy of the <b>Scoping Opinion</b>	b)	a works plan showing, in relation to existing features:- the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order	Yes. <b>Works Plans (Doc 2.4)</b> are provided in <b>Volume 2 Plans, Drawings and Sections</b> of the <b>DCO application</b> .  The Works Plans consist of Sheets 1 – 3, drawing references: TR010020/APP/2.4(B), TR010200/APP/2.4(C) and TR010020/APP/2.4(D) and a covering Key Plan (drawing reference:

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		(Doc 6.9) is also submitted with the application. A link to a copy of the Scoping Report is provided in <b>Appendix 1.1</b> of the <b>Environmental Statement Appendices (Doc 6.3)</b> .			TR010020/APP/2.4(A)).  The Works Plans accord with Regulation 5(2)(j) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended, and show the proposed route and alignment of the development and the limits within which the works are proposed to be carried out.
c)	the draft proposed order	Yes. The application is accompanied by the <b>Draft Development Consent Order (Doc 3.1)</b> in the validated statutory instrument template.	d)	where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Yes. <b>Streets, Rights of Way and Access Plans (Doc 2.5)</b> are provided in <b>Volume 2 Plans, Drawings and Sections</b> of the <b>DCO application</b> . The Streets, Rights of Way and Access Plans consist of Sheets 1 – 3, drawing references:  TR010020/APP/2.5(B), TR010200/APP/2.5(C) and TR010020/APP/2.5(D) and a covering Key Plan (drawing reference: TR010200/APP/2.5(A)), and accord with Regulation 5(2)(k) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended.
e)	an explanatory memorandum	Yes. The application is	f)	Where applicable, a plan with	Yes. The application is accompanied by

	explaining the purpose and effect of provisions in the draft order	accompanied by the <b>Explanatory Memorandum</b> to the <b>Draft Development Consent Order (document reference 3.2)</b> .		accompanying information identifying:- any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; habitats of protected species, important habitats or other diversity features; and 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	an <b>Assessment of Nature Conservation Effects (including Plan with accompanying Nature Conservation Information) (Doc 6.7)</b> .
g)	where applicable, a book of reference (where the application involves any compulsory acquisition);	Yes. The application is accompanied by the <b>Book of Reference (Doc 4.3)</b> which meets the requirements of DCLG's Planning Act 2008: guidance related to procedures for the compulsory acquisition of land.	h)	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	Yes. The application is accompanied by an <b>Assessment of Historical Environmental Effects (including Plan with accompanying Historic Environmental Information) (Doc 6.8)</b>
i)	a copy of any flood risk assessment	Yes. The application is accompanied by a <b>Flood Risk Assessment (Doc 6.6)</b> .	j)	where applicable, a plan with any accompanying information identifying any Crown land	There is no Crown Land and this is therefore not applicable.

k)	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	Yes. The application is accompanied by a <b>Statement relating to Statutory Nuisance (Doc 6.5)</b> .	l)	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	Yes. The application is accompanied by <b>Engineering Drawings and Sections (Doc 2.6)</b> issued under both Regulation 5(2)(o) and 6(2) as appropriate. Further detail is provided under (m) below.
m)	any of the documents prescribed by Regulation 6 of the APFP Regulations <sup>14</sup> ;	As the proposed scheme is highway related development, the application is required to supply section drawings in accordance with Regulation 6(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended. This information is provided in the <b>Engineering Drawings and Sections (Doc 2.6)</b> consisting of: <ul style="list-style-type: none"> <li>• Highways Engineering Drawings (Sheets 1 – 3 and key plan), drawing</li> </ul>	n)	a statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Yes. The application is accompanied by a <b>Statement of Reasons (Doc 4.1)</b> and a <b>Funding Statement (Doc 4.2)</b> .

<sup>14</sup> 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>references:  TR010020/APP/23.1(A);  TR010020/APP/23.1(B);  TR010020/APP/23.1(C);  and  TR010020/APP/23.1(D).</p> <ul style="list-style-type: none"> <li>• Engineering Sections (Long Sections) (Sheets 1 – 4), drawing references:  TR010020/APP/23.2(A);  TR010020/APP/23.2(B);  TR010020/APP/23.2(C);  and  TR010020/APP/23.2(D).</li> <li>• Structures Engineering Drawings &amp; Sections, drawing references:  TR010020/APP/23.3(A)  (Testos North/South Underbridges Option);  TR010020/APP/23.3(B)  (Testos Flyover Bridge Option);  TR010020/APP/23.3(C)  (Gantries G1 and G2);  and  TR010020/APP/23.3(D)  (Gantry G3).</li> </ul>		
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		<ul style="list-style-type: none"> <li>Drainage Engineering Drawings (General Arrangement) (Sheets 1 – 3 and key plan), drawing references: TR010020/APP/23.4(A); TR010020/APP/23.4(B); TR010020/APP/23.4(C); and TR010020/APP/23.4(D).</li> </ul>		
o)	any other documents considered necessary to support the application	<p>The application comprises other documents considered necessary to support the application, as listed in <b>Section 23</b> of the <b>Application Form (Doc 1.3)</b>. These documents are:</p> <p>Scheme Layout Plan (<b>Doc 2.2</b>);</p> <p>Introduction to the Application (<b>Doc 1.1</b>);</p> <p>Covering Letter and Schedule of Compliance with Section 55 (<b>Doc 1.2</b>);</p> <p>Construction Environmental Management Plan (<b>Doc 7.2</b>);</p> <p>Interralationship with Downhill</p>	p)	<p>a land plan identifying:- the land required for, or affected by, the proposed development; where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and any special category land and replacement land;</p> <p>Yes. <b>Land Plans (Doc 2.3)</b> are provided. The Land Plans consist of Sheets 1 – 3, drawing references: TR010020/APP/2.3(B), TR010020/APP/2.3(C) and TR010020/APP/2.3(D) and a covering Key Plan (drawing reference: TR010020/APP/2.3(A) ).</p> <p>The Land Plans accord with Regulation 5(2)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended. The Land Plans identify:</p> <ul style="list-style-type: none"> <li>- all land that is required for or affected by the proposed scheme;</li> <li>- any land over which is it proposed to exercise powers of compulsory</li> </ul>

		<p>Land Junction and International Advanced Manufacturing Park <b>(Doc 7.3)</b>;</p> <p>Transport Assessment Report <b>(Doc 7.1)</b>; and</p> <p>Planning Statement <b>(Doc 7.1)</b>.</p>			<p>acquisition or rights to use land; and</p> <p>- any land in relation to which it is proposed to extinguish easements, servitudes or other private rights.</p> <p>Coordinates within the land plans are consistent with any coordinates provided with the <b>Draft Development Consent Order (Doc 3.1)</b>.</p> <p>Plots and descriptions listed within the <b>Book of Reference (Doc 4.3)</b> are consistent with the plots shown on the Land Plans.</p>
32	Are there any observations in respect of the documents provided above?				
33	<p>Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)?</p>	<p>Yes <b>(Doc 6.10)</b>.</p>			

34	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	Yes
35	<b>Summary – s55(3)(f) and s55(5A)</b>	
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany an application</b>		
36	Was the fee paid at the same time that the application was made <sup>15</sup> ?	

Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

<sup>15</sup> 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

