

# 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

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

**NB: See government 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

### Section 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
		13 July 2018	10 August 2018	9 August 2018
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	<p>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 (ie which category or categories in ss14 to 30 does the application Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development</p>	<p><b>Yes.</b></p> <p><b>Box 4 of the Application Form (Doc 1.3) states:</b></p> <p><i>“In a direction dated 22 March 2016 under section 35 of the Planning Act 2008, the Secretary of State determined that the Lake Lothing Third Crossing is of national significance and is to be treated as development for which development consent is required.”</i></p> <p>A copy of the s35 Direction is attached at <b>Appendix B</b> of the <b>Case for the Scheme (Doc 7.1)</b>. It confirms the Secretary of State’s decision that the Proposed Development, and any associated matters, should be treated as development for which development consent is required under the PA2008.</p>		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework 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 to 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)

	consent is required?	
<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	Noting the s35 Direction, the Planning Inspectorate is satisfied that the Proposed Development and associated matters described in <b>Box 5</b> of the <b>Application Form (Doc 1.3)</b> and set out in Schedule 1 of the <b>Draft Development Consent Order (Doc 3.1)</b> includes development for which development consent is required.
<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	In accordance with the EIA Regulations <sup>4</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) 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?	(a) <b>Yes</b> , the Applicant requested a Screening Opinion in respect of the development. (b) <b>Yes</b> , on 28 February 2017, before the start of s42 consultation on 4 September 2017 as outlined in the <b>Consultation Report (Doc 5.1)</b> at <b>paragraph 7.2.2</b> .
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?	There are 10 host and neighbouring authorities, of which seven provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 or that they had no comments to make. The authorities which provided an AoCR were:  <b>Host authorities</b> <ul style="list-style-type: none"> <li>• Waveney District Council (‘B’ authority)</li> <li>• Suffolk County Council (‘C’ authority)</li> </ul> <b>Neighbouring authorities</b> <ul style="list-style-type: none"> <li>• Mid Suffolk District Council (‘A’ authority)</li> <li>• The Broads Authority (‘A’/ ‘D’ authority)</li> </ul>

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies)

<sup>5</sup> Section 55(4) of the PA2008 provides that the Secretary of State must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		<ul style="list-style-type: none"> <li>• Norfolk County Council ('D' authority)</li> <li>• Great Yarmouth Borough Council ('A' authority)</li> <li>• South Norfolk District Council ('A' authority)</li> </ul> <p>AoCRs were invited but were not received from the following authorities:</p> <p><b>Neighbouring authorities</b></p> <ul style="list-style-type: none"> <li>• Suffolk Coastal District Council ('A' authority)</li> <li>• Cambridgeshire County Council ('D' authority)</li> <li>• Essex County Council ('D' authority)</li> </ul> <p>The AoCRs received have been carefully considered and are available to view on the on the National Infrastructure Planning website here:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/lake-lothing-third-crossing/?ipcsection=docs">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/lake-lothing-third-crossing/?ipcsection=docs</a></p>
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**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><b>Yes.</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) at <b>Appendix 5 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>On the basis of the information provided, and in application of a precautionary interpretation of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, the Planning Inspectorate has identified the following persons prescribed by s42(1)(a) of the PA2008 which appear to have been omitted from the Applicant's statutory consultation:</p> <ul style="list-style-type: none"> <li>• Energy Assets Networks Limited</li> <li>• Energy Assets Power Networks Limited</li> </ul>

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

		<ul style="list-style-type: none"> <li>• Fulcrum Electricity Assets Limited</li> <li>• Leep Electricity Networks Limited (although it is noted that the Applicant consulted Peel Electricity Networks Limited)</li> <li>• Murphy Power Distribution Limited</li> <li>• Vattenfall Networks Limited</li> <li>• Cambridgeshire and Peterborough Combined Authority</li> </ul> <p>Justification as to why the persons listed above have not been consulted is not provided in the <b>Consultation Report (Doc 5.1)</b>, but the Applicant’s interpretation of the Regulations appears justifiable.</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 advises that the Applicant includes the above persons amongst those on whom it serves notice of the accepted application under s56(2)(a) of PA2008; unless there is a specific justification why this is not necessary.</p> <p>Section 51 advice has been issued to the Applicant regarding this matter:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010023-000443">https://infrastructure.planninginspectorate.gov.uk/document/TR010023-000443</a></p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<b>Yes.</b>
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<p><b>Yes.</b></p> <p>The Applicant has consulted each local authority within s43 as described in <b>Section 4</b> of the <b>Consultation Report (Doc 5.1)</b>. These are:</p> <p><b>Host authorities</b></p> <ul style="list-style-type: none"> <li>• Waveney District Council (‘B’ authority)</li> </ul>

<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

<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 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

		<ul style="list-style-type: none"> <li>• Suffolk County Council ('C' authority)</li> </ul> <p><b>Neighbouring authorities</b></p> <ul style="list-style-type: none"> <li>• Great Yarmouth Borough Council ('A' authority)</li> <li>• Mid Suffolk District Council ('A' authority)</li> <li>• South Norfolk District Council ('A' authority)</li> <li>• Suffolk Coastal District Council ('A' authority)</li> <li>• The Broads Authority ('A'/'D' authority)</li> <li>• Cambridgeshire County Council ('D' authority)</li> <li>• Essex County Council ('D' authority)</li> <li>• Norfolk County Council ('D' authority)</li> </ul>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes.</b></p> <p>The Applicant has consulted each person in one or more s44 categories as described in <b>Section 4</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Following errors in the original letters posted on 25 August 2017, the Applicant issued further letters explaining the errors on 20 September 2017 and 22 September 2017.</p> <p>Additional land interests were identified and additional letters were sent on 6 November 2017, 11 December 2017 and 27 April 2018.</p> <p>Changes to the Order Limits resulted in additional letters being sent to certain consultees on 4 October 2017, 12 January 2018, 27 April 2018 and 15 May 2018.</p> <p><b>Section 12</b> of the <b>Consultation Report (Doc 5.1)</b> outlines the additional consultation undertaken.</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>A list of the s42(1)(d) consultees identified is provided at <b>Appendix 6 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>It is noted that a further letter dated 14 June 2018 was sent to s42(1)(d) consultees not previously consulted. It is provided at <b>Appendix 10.11 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>s45: Timetable for s42 Consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes.</b></p> <p>All consultation letters imposed a deadline for responses, which was more than 28 days after the date of the s42 notification letter.</p>
<b>s46: Duty to notify Secretary of State of proposed application</b>		
12	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><b>Yes.</b></p> <p>The Applicant gave notice under s46 on 25 August 2017. A further letter dated 1 September 2017 acknowledged errors in the original letter. Both letters were dated before s42 consultation commenced on 4 September 2017.</p> <p>A copy of the letters dated 25 August 2017 and 1 September 2017 and details of the consultation documents sent to the Secretary of State are included at <b>Appendix 15 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>s47: Duty to consult local community</b>		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p><b>Yes.</b></p> <p>The Applicant prepared a SoCC which is supplied with the application at <b>Appendix 19 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
14	Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days	<p><b>Yes.</b></p> <p><b>Paragraph 5.3.7</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant sent the draft SoCC to Waveney District Council (‘B’ authority) and Suffolk County Council</p>

	beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?	(‘C’ authority) on 7 March 2017 and set a deadline of 5 April 2017 for responses. The deadline imposed was more than 28 days after the draft SoCC was issued.
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes.</b></p> <p>The Applicant explains in <b>Table 7</b> of the <b>Consultation Report (Doc 5.1)</b> how the responses that were received as a result of consultation on the SoCC were taken into consideration. For example, Suffolk County Council and Waveney District Council jointly advised that paragraph 20 of the SoCC should set out where specifically the consultation would be advertised. The Applicant included that information in paragraph 18 of the final SoCC.</p> <p>Comments received on the draft SoCC are outlined at <b>Appendix 17 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</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><b>Yes.</b></p> <p>The SoCC was made available at the following locations:</p> <ul style="list-style-type: none"> <li>• On Suffolk County Council’s project website</li> <li>• Waveney District Council, Council Offices</li> <li>• Lowestoft Library</li> <li>• Oulton Broad Library</li> <li>• Waveney District Council, Marina Customer Service Centre</li> <li>• Kessingland Library</li> <li>• Suffolk County Council, Endeavour House</li> </ul> <p>Notices stating when and where the SoCC could be inspected were published in:</p> <ul style="list-style-type: none"> <li>• The Waveney Advertiser – 18 August 2017</li> <li>• Eastern Daily Press – 18 August 2017</li> <li>• The Lowestoft Journal – 18 August 2017</li> </ul>

17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<b>Yes.</b> The SoCC at <b>Appendix 19 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b> set out at paragraph 19 that the development is EIA development. Paragraphs 16 to 25 outline how the Applicant proposed to consult on the Preliminary Environmental Information.	
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<b>Yes.</b> The Applicant has set out in <b>Table 8</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. This conclusion is supported by the Adequacy of Consultation Representations received (see Box 5, above).	
<b>s48: Duty to publicise the proposed application</b>			
19	Did the Applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)?	<b>Yes.</b> The Applicant has described the newspapers and dates of s48 publicity in <b>Chapter 5/ Section 5.6.1/ Table 8</b> and <b>Appendix 31 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b> , as set out below:	
		<b>Newspaper(s)</b>	<b>Date</b>
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;		The Lowestoft Journal	18 August 2017 25 August 2017
once in a national newspaper;		The Times	25 August 2017
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		The London Gazette	25 August 2017
where the proposed application relates to offshore		Not applicable.	Not applicable.

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

	development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?				
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes.</b> Copies of the published s48 notice are supplied at <b>Appendix 31 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b> and contain the required information as set out below:			
	<b>Information</b>	<b>Paragraph</b>		<b>Information</b>	<b>Paragraph</b>
a)	The name and address of the Applicant	Paragraph 1	b)	A statement that the Applicant intends to make an application for development consent to the Secretary of State	Paragraph 1
c)	a statement as to whether the application is EIA development	Paragraph 5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph 2
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	Paragraph 6	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 6
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 6	h)	details of how to respond to the publicity	Paragraph 7
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	Paragraph 7			

21	Are there any observations in respect of the s48 notice provided above?	
	No observations.	
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>11</sup> ?	<p><b>Yes.</b></p> <p>The notice was sent to the EIA consultation bodies on 25 August 2017 as confirmed in <b>paragraph 6.3.2</b> of the <b>Consultation Report (Doc 5.1)</b>. The list of consultation bodies are outlined at <b>Appendix 5 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes.</b></p> <p>The Applicant has set out at <b>Appendix 34 (Doc 5.2)</b> of the <b>Consultation Report (Doc 5.1)</b> the actions that have been taken in having regard to the consultation responses received. The Applicant has also described, in the same document, the consideration given to responses that did not lead to a change.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p> <p>The relevant responses are also outlined in <b>Chapters 8, 9, 10, 11 and 12</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>Guidance about Pre-application procedure</b>		
24	To what extent has the applicant had regard to government guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Paragraph 1.4.3</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant has taken into account the relevant guidance and advice notes. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant statutory guidance.</p>
<b>25</b>	<b>Summary - s55(3)(e)</b>	The application demonstrates that the Applicant has complied with all relevant duties

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

<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

under Chapter 2 of Part 5 (pre-application procedure) of the PA2008.

**s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)**

26	<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 application site, or the route if it is a linear scheme?</li></ul>	<p><b>Yes.</b></p> <p><b>Box 4</b> of the <b>Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Secretary of State.</p> <p><b>Box 5</b> of the <b>Application Form (Doc 1.3)</b> provides a brief non-technical description of the site, whilst <b>Box 6</b> provides the location of the proposal. A <b>Location Plan (Doc 2.1)</b> has been provided.</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2)</b>.</p>
28	<p>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></p>	<p><b>Yes.</b></p> <p>Key Plans are provided for:</p> <ul style="list-style-type: none"><li>• <b>General Arrangement Plans (Doc 2.2)</b></li><li>• <b>Land Plans (Doc 2.3)</b></li><li>• <b>Works Plans (Doc 2.4)</b></li><li>• <b>Rights of Way and Access Plans (Doc 2.5)</b></li><li>• <b>Traffic Regulation Measures Plan (Doc 2.6)</b></li><li>• <b>Landscaping Plans (Doc 2.8)</b></li><li>• <b>Engineering Sections and Drawings Plans (Doc 2.9)</b></li></ul>

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

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<b>Yes.</b> The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:			
Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<b>Environmental Statement Volume 1 – Chapters 1 to 20 (Doc 6.1)</b> <b>Environmental Statement Volume 2 – Figures (Doc 6.2)</b> <b>Environmental Statement Volume 3 – Appendices (Doc 6.3)</b> <b>Environmental Statement Non-Technical Summary (Doc 6.4)</b>	b)	The draft proposed order	<b>Draft Development Consent Order (Doc 3.1)</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30).
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft order	<b>Draft Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	<b>Book of Reference (Doc 4.3)</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
e)	A copy of any Flood Risk	A <b>Flood Risk Assessment</b> has been provided at <b>Environmental Statement</b>	f)	A statement whether the	<b>A Statement of Statutory Nuisance (Doc</b>

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

	Assessment	<b>Appendix 18A (Doc 6.3)</b> . It includes three annexes: Annex A: <b>EA</b> [Environment Agency] <b>Correspondence</b> Annex B: <b>Hydraulic Modelling Report</b> Annex C: <b>Figures</b>		proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>6.6)</b> has been provided. <b>Section 3</b> of the statement identifies the provisions of EPA section 79(1) that could potentially be engaged as a result of potential effects of the Proposed Development and sets out the measures proposed to mitigate any such effects.
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.2)</b>	i)	A Land Plan identifying:- (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	<b>Land Plans (Doc 2.3)</b>

			<p>use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>		
	Is this of a satisfactory standard?	<b>Yes.</b>	Is this of a satisfactory standard?	<b>Yes.</b>	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of</p>	<b>Works Plans (Doc 2.4)</b>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<b>Rights of Way and Access Plans (Doc 2.5)</b>

	deviation provided for in the draft order				
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	
				<b>Yes.</b>	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>(i) <b>Environmental Statement figures 4.2, 4.3, 8.6, 10.1, 11.1 and 11.2 (Doc 6.2).</b></p> <p>(ii) <b>Environmental Statement figures 4.2 and 11.1 to 11.6 (Doc 6.2).</b></p> <p>(iii) <b>Environmental Statement figures 17.1 and 17.3 (Doc 6.2).</b></p> <p>An assessment of effects is set out in <b>Environmental Statement chapters 8, 10, 11, 13, 17 and 18 (Doc 6.1)</b> and <b>Environmental Statement appendices 17A and 18A (Doc 6.3).</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>Environmental Statement figures 4.2, 9.1 to 9.4 and 10.1 (Doc 6.2).</b></p> <p>An assessment of effects is set out in <b>Environmental Statement Chapter 9 (Doc 6.1)</b> and <b>Environmental Statement Appendix 9A (Doc 6.3).</b></p>
	Is this of a satisfactory	<b>Yes (with minor discrepancies as noted</b>		Is this of a satisfactory	
				<b>Yes.</b>	

	standard?	in Box 30).		standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan (Doc 2.11)</b>	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	<b>Location Plan (Doc 2.1)</b> <b>General Arrangement Plans (Doc 2.2)</b> <b>Traffic Regulation Measures Plans (Doc 2.6)</b> <b>Classification of Roads Plan (Doc 2.7)</b> <b>Landscaping Plans (Doc 2.8)</b> <b>Tree Preservation Order Trees Location Plan (Doc 2.10)</b> <b>Limits of Dredging Plan (Doc 2.12)</b> <b>New Bridge Area Plans (Doc 2.13)</b> <b>Harbour Limits Plan (Doc 2.14)</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Are they of a satisfactory standard?	<b>Yes.</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:  <i>(2) If the application is for <b>highway related development</b> or for the construction or alteration</i>	<b>Engineering Section Drawings and Plans (Doc 2.9)</b>	q)	Any other documents considered necessary to support the application	<b>Covering Letter and Schedule of Compliance with Section 55 of the Planning Act 2008 (Doc 1.1)</b> <b>Introduction to the Applicant and the Application (Doc 1.2)</b> <b>Completed and signed Application Form (Doc 1.3)</b>

<p><i>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—</i></p> <p><i>(a) the levels of the proposed works, including in particular and where relevant—</i></p> <p><i>(i) ground levels;</i></p> <p><i>(ii) the height of every proposed bridge, viaduct, aqueduct, embankment and elevated guideway;</i></p> <p><i>(iii) the depth of every proposed cutting and tunnel;</i></p> <p><i>(iv) the levels of the bed of any tidal waters or inland waterway in which it is proposed that any works should be situated;</i></p> <p><i>(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</i></p>			<p><b>Electronic Filing Index (Doc 1.5)</b></p> <p><b>GIS Shapefile (Doc 1.6)</b></p> <p><b>Compulsory Acquisition Negotiations Tracker (Doc 4.4)</b></p> <p><b>Environmental Statement Non-Technical Summary (Doc 6.4)</b></p> <p><b>Preliminary Navigation Risk Assessment (Doc 6.7)</b></p> <p><b>Equalities Impact Assessment – Screening (Doc 6.8)</b></p> <p><b>Case for the Scheme (Doc 7.1)</b></p> <p><b>Transport Assessment (Doc 7.2)</b></p> <p><b>Economics Report (Doc 7.3)</b></p> <p><b>Outline Business Case (Doc 7.4)</b></p> <p><b>Design Report (Doc 7.5)</b></p> <p><b>Draft Design Guidance Manual (Doc 7.6)</b></p> <p><b>Consents and Agreements Position Statement (Doc 7.7)</b></p> <p><b>Mitigation Route Map (Doc 7.8)</b></p>
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	<p><i>waterway; and</i></p> <p><i>(vi) drainage outfall details for highways;</i></p> <p><i>(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.</i></p>			
	<p>Are they of a satisfactory standard?</p>	<p><b>Yes.</b></p>	<p>Are they of a satisfactory standard?</p>	<p><b>Yes.</b></p>
<p>30</p>	<p>Are there any observations in respect of the documents provided above?</p> <p>The statutory instrument validation report identified that the <b>Draft Development Consent Order (Doc 3.1)</b> contains 177 high impact errors and 96 low impact errors.</p> <p><b>Chapter 11</b> of the <b>Environmental Statement (Doc 6.1)</b> refers to <b>Figure 11.7</b>, and the <b>Habitats Regulations Assessment Report (Doc 6.5)</b> (HRA Report) refers to <b>Figure 1</b>, neither of which appear to have been included with the application documents. None of the plans provided show all of the designated nature conservation sites identified in the Environmental Statement and the HRA Report.</p> <p>Section 51 advice has been issued to the Applicant regarding these matters:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010023-000446">https://infrastructure.planninginspectorate.gov.uk/document/TR010023-000446</a></p>			
<p>31</p>	<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</p>	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Habitats Regulations Assessment Report (Doc</b></p>		

	1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? <sup>15</sup>	<b>6.5).</b> The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance. <b>Note:</b> The Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the 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.
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<b>Yes.</b>
33	Has the Applicant had regard to government guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<b>Yes.</b> On reviewing the application the Applicant appears to have had regard to statutory guidance, and the overall standard of the application is satisfactory.
<b>34</b>	<b>Summary - s55(3)(f) and s55(5A)</b>	It is considered that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5a) of the PA2008. The application is therefore considered to be of a satisfactory standard.
<b>The Infrastructure Planning (Fees) Regulations 2010</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	The fee was received on 18 June 2018, before the submission of the application on 13 July 2018.

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>17</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 must be paid at the same time that the application is made

Electronic Signature	Name	Date
<b>Case Leader</b>	<i>Richard Price</i>	9 August 2018
<b>Acceptance Inspector</b>	<i>David Morgan</i>	9 August 2018