

# A19 Downhill Lane Junction Improvement Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		25 January 2019	22 February 2019	22 February 2019
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project<sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order<sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14 to 30 does the 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 consent is required?</p>	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft Development Consent Order (DCO) (Document 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the alteration of a highway and satisfies section 22(1)(b) of the PA2008; including subsection 22(3), and subsection 22(4).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Document 1.3)</b> which states that the application is for an NSIP.</p>		

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Document 3.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p><b>Yes</b></p> <p>On 15 May 2017 the Applicant notified the Planning Inspectorate in accordance with Regulation 6(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 11 September 2017.</p>
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p><b>Yes</b></p> <p>There are 6 host and neighbouring authorities, of which 4 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of Friday 8 February 2019.</p> <p>The 3 authorities of Sunderland City Council, South Tyneside Council and Durham County Council, all responded and confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make.</p> <p>The local authorities are:</p> <ul style="list-style-type: none"> <li>• South Tyneside Council ('B' authority)</li> <li>• Sunderland City Council ('B' authority)</li> <li>• Gateshead Council ('A' authority')</li> <li>• North Tyneside Council ('A' authority)</li> <li>• Newcastle City Council ('A' authority)</li> <li>• Durham County Council ('A' authority)</li> </ul> <p>All AoCRs received have been carefully considered and are available to view on the</p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

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

National Infrastructure Planning website:  
<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a19-downhill-lane-junction-improvement/>

**Section 42: Duty to consult**

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6 Section 42(1)(a) persons prescribed<sup>5</sup>?

**Yes**

**Paragraph 4.7** Prescribed Consultees of the **Consultation Report (Document 5.1)** details the section 42(1)(a) consultation requirements.

Section 42(1)(a) parties were issued a letter on 25 August 2017 and a list of persons consulted under s42(1)(a) is detailed in **Appendix I (List of Section 42 Prescribed Consultees)** of the **Consultation Report Appendices (Document 5.2)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:

- The Forestry Commission
- Network Rail
- Murphy Gas Networks Limited
- Eclipse Power Network Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited

The Applicant's **Consultation Report (Document 5.1)** does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.

None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the **Book of Reference (Document 4.3)**.

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>Section 51 advice has been issued to the Applicant in respect of the above matter.</p> <p>It is noted that subsequent rounds of targeted supplementary consultation took place as follows:</p> <ul style="list-style-type: none"> <li>• <b>Consultation Report (Document 5.1) Section 7.2</b> – the first supplementary statutory consultation between 9 March to 10 April 2018, documents are provided at <b>Appendix N</b> of the <b>Consultation Report (Document 5.2 – Consultation Report Appendices)</b>.</li> <li>• <b>Consultation Report (Document 5.1) Section 7.3</b> – the second supplementary non-statutory consultation between 27 July to 27 August 2018, documents are provided at <b>Appendix O</b> of the <b>Consultation Report (Document 5.2 – Consultation Report Appendices)</b>.</li> <li>• <b>Consultation Report (Document 5.1) Section 7.4</b> – the third supplementary non-statutory consultation which took place between 20 November to 19 December 2018, documents are provided at <b>Appendix Q</b> of the <b>Consultation Report (Document 5.2 – Consultation Report Appendices)</b>.</li> </ul>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Not Applicable</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Table 4.1 of paragraph 4.8.5 of the Consultation Report (Document 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 25 August 2017.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• South Tyneside Council</li> <li>• Sunderland City Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p>

<sup>6</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>7</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> <li>• Gateshead Council</li> <li>• Newcastle City Council</li> <li>• North Tyneside Council</li> <li>• Durham County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix C1</b> of the <b>Consultation Report (Document 5.2 – Consultation Report Appendices)</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Not Applicable</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 4.9</b> of the <b>Consultation Report (Document 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 25 August 2017.</p> <p><b>Paragraphs 4.9.2 to 4.9.7</b> of the <b>Consultation Report (Document 5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Document 3.1)</b>. The full methodology undertaken by the Applicant is provided in the <b>Statement of Reasons (Document 4.1)</b> as described in the <b>Consultation Report (Document 5.1)</b>.</p> <p>The Applicant's <b>Book of Reference (Document 4.3)</b> lists the persons consulted under s42(1)(d).</p>
<b>Section 45: 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>A sample of the letter sent to s42 consultees is provided at <b>Appendix C1</b> of the <b>Consultation Report (Document 5.1)</b>.</p> <p>The sample letter dated 25 August 2017 confirmed that consultation commenced on Monday 11 September 2017 and closed on Sunday 22 October 2017, providing more</p>

<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

than the required minimum time for receipt of responses.

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

12 Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?

**Yes**

The Applicant gave notice under s46 on 8 September 2017 which was before the beginning of s42 consultation.

A copy of the s46 notification letter is provided at **Appendix B** of the **Consultation Report Appendices (Document 5.2)**.

#### Section 47: Duty to consult local community

13 Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?

**Yes**

A copy of the final SoCC is provided at **Appendix D1** of the **Consultation Report Appendices (Document 5.2)**.

14 Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?

**Yes**

The Applicant sent the draft SoCC to South Tyneside Council ('B Authority') and Sunderland City Council ('B Authority') on 20 July 2017 and set a deadline of 17 August 2017 for responses; providing more than the required minimum time for responses to be received.

15 Has the Applicant had regard to any responses received when preparing the SoCC?

**Yes**

**Paragraph 1.5.2** of the **Consultation Report (Document 5.1)** explains that the local authorities were consulted in regard to the draft SoCC and no comments were received.

Further details of consultation carried out during development of the SoCC can be found in **Section 5.2** of the **Consultation Report (Document 5.1)**.

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?

**Yes**

The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:

- Boldon Village Hall, Asda Complex/North Road, Boldon Colliery NE35 9AR
- Bunny Hill Customer Service Centre, Hylton Lane, Sunderland SR5 4BW

		<ul style="list-style-type: none"> <li>• East Boldon Library, Boker Lane, East Boldon NE36 0RY</li> <li>• Gateshead Civic Centre, Regent Street, Gateshead NE8 1HH</li> <li>• Library at Hebburn Central, Glen Street, Hebburn NE31 1AB</li> <li>• Hedworthfield Community Centre, Cornhill, Jarrow NE32 4QD</li> <li>• Jarrow Library, Cambrian Street, Jarrow NE32 3QN</li> <li>• North Tyneside Council Planning Reception, Quadrant, The Silverlink, North Cobalt Business Park, North Tyneside NE27 0BY</li> <li>• The Quadras Centre, Woodstock Way, Boldon Business Park, Boldon Colliery, Tyne &amp; Wear NE35 9PF</li> <li>• The Word Library, The Word, 45 Market Place, South Shields NE33 1DX Sunderland City Centre, Customer Service Centre, 31-32 Fawcett Street, Sunderland SR1 1RE</li> <li>• Washington Library, Independence Square, Washington NE38 7RZ</li> <li>• Highways England, Lateral, 8 City Walk, Leeds LS11 9AT</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Sunderland Echo - 4 September 2017</li> <li>• Shields Gazette - 4 September 2017</li> <li>• Newcastle Evening Chronicle - 4 September 2017</li> </ul> <p>The published SoCC notice, provided at Appendix D1 of the Consultation Report Appendices (<b>Document 5.2</b>) states where and when the final SoCC was available to inspect. Clippings of the published advertisements are provided at Appendices E3, E4 and E5 of the <b>Consultation Report Appendices (Document 5.2)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the	<p><b>Yes</b></p> <p>The final SoCC at <b>Appendix D1</b> of the <b>Consultation Report (Document 5.1)</b> sets out that the development is EIA development and sets out how the Applicant intended to</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	Preliminary Environmental Information?	publicise and consult on the Preliminary Environmental Information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Paragraphs 5.2.8 to 5.7.2</b> of the <b>Consultation Report (Document 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table 5-1</b> of the <b>Consultation Report (Document 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices F1 and F2</b> of the <b>Consultation Report Appendices (Document 5.2)</b> provide evidence that the commitments within the final SoCC have been carried out.</p>

#### Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p><b>Yes</b></p> <p><b>Chapter 6 Paragraph 6.1.1</b> of the <b>Consultation Report (Document 5.1)</b> states:  <i>“A notice advertising the Applicant’s intention to apply for a DCO in respect of the Scheme was published in accordance with section 48 of the PA 2008 and Regulation 4 of the APFP Regulations”</i></p> <p><b>Table 6-1</b> of the <b>Consultation Report (Document 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix E</b> of the <b>Consultation Report Appendices (Document 5.2)</b>.</p>
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		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• Shields Gazette</li> <li>• Sunderland Echo</li> <li>• Newcastle Evening Chronicle</li> </ul>	4 and 11 September 2017  4 and 11 September 2017  4 and 11 September 2017
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Guardian</li> </ul>	4 September 2017
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• London Gazette</li> </ul>	4 September 2017



d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<b>Not Applicable</b>	<b>Not Applicable</b>		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes</b> The published s48 notice, supplied at <b>Appendices E1, E2, E3, E4, and E5</b> of the <b>Consultation Report Appendices (Document 5.2)</b> contains the required information as set out below:			
<b>Information</b>		<b>Paragraph</b>			
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	3
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	5	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	h)	details of how to respond to the publicity	8
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	8			
21	Are there any observations in respect of the s48 notice provided above?				

	<b>No</b>	
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>10</sup> ?	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 1.5.5</b> of the <b>Consultation Report (Document 5.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix C1</b> of the <b>Consultation Report (Document 5.1)</b> confirms a copy of the s48 notice was enclosed.</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><b>Chapters 4, 5 and 7</b> and <b>Table 4-2</b> and <b>Table 7-1</b> of the <b>Consultation Report (Doc 5.1)</b> and <b>Appendix F</b> and <b>P (Doc 5.2)</b> set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Table 9-1</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these.
<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>		

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

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

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.3)</b> provides a brief non-technical description of the proposed development and <b>section 6</b> provides the location of the site.</p> <p>A <b>Location Plan (Doc 2.2)</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>12</sup></p>	<p><b>Yes</b></p>			
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p><b>Yes</b></p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p> <p><b>(with minor discrepancies as noted in Box 30)</b></p>			
<p><b>Information</b></p>		<p><b>Document</b></p>			
a)	<p>Where applicable, the Environmental Statement required under the EIA Regulations<sup>13</sup> and any scoping or screening opinions or directions</p>	<p><b>Environmental Statement – Volume 1: Main Text (Doc 6.1)</b></p> <p><b>Environmental Statement – Volume 2: Figures (Docs 6.2)</b></p> <p><b>Environmental Statement – Volume 3: Appendices (Docs 6.3)</b></p> <p><b>Environmental Statement – Volume 4: NTS (Doc 6.4)</b></p>	b)	<p>The draft Development Consent Order (DCO)</p>	<p><b>Draft Development Consent Order (Doc 3.1)</b></p>

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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

		<b>EIA Scoping Opinion (Doc 6.9)</b> No Screening Directions were issued			
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>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> , with minor discrepancies as discussed in box 30 below.
e)	A copy of any Flood Risk Assessment	<b>Flood Risk Assessment (Doc 6.3)</b> A copy of the Flood Risk Assessment is provided in Volume 3, Appendix 14.2 of the ES.	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>Statement on statutory nuisances (Doc 6.5)</b>
	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>	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	<b>Land plans (Document 2.3)</b>

			Compulsory Acquisition or any rights to use land;	
			(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	
			(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b>
j)	A Works Plan showing, in relation to existing features:-  (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 DCO	<b>Works Plans (Document 2.4)</b>	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 or public rights of navigation	<b>Streets, Rights of Way and Access Plans (Document 2.5)</b>
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying information identifying:-	(i) <b>Figure 9.1: Designated Nature Conservation Sites Within 2km (Doc 6.2)</b> and Chapter 9 of	m) Where applicable, a plan with accompanying information identifying any	<b>Figure 7.1: Archaeological Remains and Historic Buildings (Doc 6.2)</b> and Chapter 7 of the ES

n)	<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>the ES</p> <p>(ii) <b>Figure 9.2: Phase 1 Habitat Survey (Doc 6.2)</b> and Chapter 9 of the ES</p> <p>(iii) <b>Appendix 14.3: Water Framework Directive Assessment (Doc 6.3)</b></p>	o)	<p>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>	
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
	Where applicable, a plan with any accompanying information identifying any Crown land	<b>N/A</b>		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><b>Location plan (Doc 2.1)</b></p> <p><b>Scheme layout Plan (Doc 2.2)</b></p> <p><b>Engineering Drawings and Sections (Doc 2.6)</b></p>
	Is this of a satisfactory standard?	<b>N/A</b>		Are they of a satisfactory standard?	<b>Yes</b>

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Yes</b> <b>Engineering Drawings and Sections (Doc 2.6)</b>	q)	Any other documents considered necessary to support the application	<b>Yes</b> Box 23 of the <b>Application Form (Doc 1.2)</b> lists other documents considered necessary to support the application
	Are they of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b>
30	Are there any observations in respect of the documents provided above?				
	<p><b>Book of Reference (Doc 4.3)</b></p> <p>There are inconsistencies between the powers sought over certain plots and the draft Development Consent Order. Section 51 advice has been issued to the Applicant in respect of this matter.</p>				
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>14</sup>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report is provided at <b>Appendix 1.4</b> of the <b>Environmental Statement (Doc 6.3)</b> and has been provided separately (<b>Doc 6.10</b>).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>			
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>Yes</b>			
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	While there is no specific reference to DCLG 'Planning Act 2008: Application form guidance' within the Consultation Report, on reviewing the application the Applicant has identified and has had regard to relevant guidance, and the overall standard of the application is satisfactory.			

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

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

34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 25 January 2019; the day the application was made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Kate Mignano</i>	22 February 2019
Acceptance Inspector	<i>Kevin Gleeson</i>	22 February 2019

<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made