

## **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.

**DISCLAIMER:** This 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.

**NB:** See government’s [Planning Act 2008: 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

### A303 Amesbury to Berwick Down: 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
		19 October 2018	16 November 2018	16 November 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 (PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in s14 to s30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in s14 to s30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development</p>	<p><b>Yes.</b></p> <p>The Proposed Development set out in Schedule 1 of the <b>Draft DCO (Doc 3.1)</b> comprises development falling within the categories in s14 of the PA2008; namely Section 14(1)(h). The development is for the construction of a highway and satisfies sections 22(2)(a), 22(2)(b), 22(2)(c) and Section 22(4) of the PA2008.</p> <p>This is confirmed by the summary provided in the <b>Application Form (Doc 1.3)</b> at section 4 which concludes that the application is for an NSIP.</p>		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate's 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 s15 to s30

<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)

	to be treated as development for which development consent is required?	
<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate considers that the <b>Draft DCO (Doc 3.1)</b> includes development which comprises an NSIP as defined by s14 of the PA2008, and that development consent is required for that development.
<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?	<p><b>Yes.</b></p> <p>On 20 October 2017 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 8 February 2018.</p> <p>A copy of the letter is provided at <b>Appendix E10</b> of the <b>Consultation Report Appendices (Doc 5.1)</b>.</p>
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?	<p><b>Yes.</b></p> <p>There are 19 host and neighbouring local authorities, of which 10 responded to the Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 2 November 2018.</p> <p>All 10 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objection to make. These local authorities were:</p> <ul style="list-style-type: none"> <li>• West Berkshire District Council (‘A’ authority)</li> <li>• Cotswold District Council (‘A’ authority)</li> <li>• Dorset County Council (‘A’ 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>• Hampshire County Council ('A' authority)</li> <li>• South Gloucestershire Council ('A' authority)</li> <li>• Somerset County Council ('A' authority)</li> <li>• South Oxfordshire and Vale of White Horse District Councils (joint submission) ('A' authorities)</li> <li>• Gloucestershire County Council ('A' authority)</li> <li>• Wiltshire Council ('B' authority)*</li> </ul> <p>*Wiltshire Council's AoCR set out a detailed assessment of the Applicant's Pre-application duties. It concludes that on balance the Applicant consulted adequately in line with s42, s47 and s48 of PA2008.</p>
<b>s42: Duty to Consult</b>		
	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>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix E5.4</b> and <b>Appendix E5.6</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 6 February 2018 at <b>Appendix E1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the APFP Regulations that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• Eclipse Power Network</li> <li>• Harlaxton Gas Networks Limited</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by</p>

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

		<p>these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>It is noted that Cholderton and District Water (CaDW) was not consulted. Due to the scheme's proximity to its operating area, the Planning Inspectorate has identified CaDW on a precautionary basis.</p> <p>None of the bodies listed above have been identified by the Applicant as being interested in the Order lands and are not listed in the <b>Book of Reference (Doc 4.3)</b>.</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 suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	n/a
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<p><b>Yes.</b></p> <p><b>Paragraphs 3.4.8 and 3.4.9 of the Consultation Report (Doc 5.1)</b> list the relevant local authorities that were identified and consulted under s43 and s42(1)(b) of the PA2008.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Wiltshire Council.</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Cotswold District Council.</li> <li>• East Dorset District Council.</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

- Mendip District Council.
- New Forest District Council.
- New Forest National Park Authority.
- North Dorset District Council.
- South Somerset District Council.
- Test Valley District Council.
- Vale of the White Horse District Council.
- Bath and North East Somerset Council.
- Dorset County Council.
- Gloucestershire County Council.
- Hampshire County Council.
- Oxfordshire County Council.
- Somerset County Council.
- South Gloucestershire Council.
- Swindon Borough Council.
- West Berkshire Council.

**Figure 3.2** and **Figure 3.3** of the **Consultation Report (Doc 5.1)** illustrate how the neighbouring 'A' authorities were identified.

A sample of the letter sent to s42(1)(b) relevant authorities is provided at **Appendix E5.4** of the **Consultation Report (Doc 5.1)**.

**Table 3-1** of the **Consultation Report (Doc 5.1)** acknowledges that Oxfordshire County Council (OCC) was later identified as a s42(1)(b) relevant authority, following a cross-checking exercise, and was consulted on 9 May 2018. A deadline of 8 June 2018 provided 30 days for response.

A sample of the letter sent to OCC is provided at **Appendix E5.10** of the **Consultation**

		<b>Report (Doc 5.1).</b>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes.</b></p> <p><b>Paragraph 3.4.27 to 3.4.30</b> of the <b>Consultation Report (Doc 5.1)</b> summarises the Applicant's diligent inquiry process to identify and consult persons with an interest in the Order lands (PILs). The full methodology undertaken by the Applicant is provided in <b>Appendix E3</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The Applicant's <b>Book of Reference (Doc 4.3)</b> lists the PILs consulted under s42(1)(d).</p> <p><b>Paragraph 3.4.31</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) at the time were consulted on 6 February 2018. A sample of the letter is provided at <b>Appendix E5.4</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Table 3-1</b> of the <b>Consultation Report (Doc 5.1)</b> sets out when the additional s44 consultees were consulted and the deadline given, providing a minimum of 28 days for response.</p> <p>Sample letters of the additional s44 consultees are provided within <b>Appendices E5.5 to E5.17</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>A sample of the letter sent to s42 consultees is provided at <b>Appendix E5.4</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 6 February 2018 confirmed that consultation commenced on 8 February 2018 and closed on 6 April 2018, providing 58 days for receipt of responses.</p> <p>The deadline provided more than the statutory 28 days for receipt of responses.</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><b>Paragraph 3.9.1 to 3.9.3</b> of the <b>Consultation Report (Doc 5.1)</b> explains that severe weather during the consultation period lead to the postponement and rescheduling of two consultation events. The deadline was therefore extended to 23 April 2018.</p> <p>A sample of the letter sent on 20 March 2018 advising of this extension is provided at <b>Appendix I6</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Paragraph 3.4.40 and 3.4.41</b> of the <b>Consultation Report (Doc 5.1)</b> explains that as part of the Applicant's ongoing land referencing process and cross checking of consultees, additional s42 consultees were later identified once the consultation had begun. If there were 28 days remaining before the consultation period elapsed, those consultees were issued with the standard s42 letter that provided a deadline of 23 April 2018 for response. However, if there wasn't 28 days remaining, a bespoke deadline for response was issued.</p> <p><b>Table 3-1</b> of the <b>Consultation Report (Doc 5.1)</b> sets out when the additional s42 consultees were consulted and the deadline given, providing a minimum of 28 days for response.</p> <p>Sample letters of the additional s42 consultees are provided at <b>Appendices E5.5 to E5.17</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<p><b>s46: Duty to notify Secretary of State of proposed application</b></p>		
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 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><b>Yes.</b></p> <p>The Applicant gave notice under s46 on 7 February 2018, the day before consultation commenced.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix E7.1</b> of the <b>Consultation Report (Doc 5.1)</b> and a copy of s46 notification acknowledgement letter from the Inspectorate is provided at <b>Appendix E7.2</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The Applicant decided to give notice under s46 again on 20 March 2018 following the extension to the consultation period.</p> <p>A copy of the second s46 notification letter is provided at <b>Appendix I11</b> of the <b>Consultation Report (Doc 5.1)</b> and a copy of s46 notification acknowledgement letter from the Inspectorate is provided at <b>Appendix I12</b> of the <b>Consultation Report (Doc</b></p>

5.1).

**s47: Duty to consult local community**

13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p><b>Yes.</b></p> <p><b>Section 3.3</b> of the <b>Consultation Report (Doc 5.1)</b> outlines the Applicant’s approach to developing the draft SoCC, in consultation with Wiltshire Council as the host authority, and the identification of the consultation zone in accordance with s47 of the PA2008.</p> <p>A copy of the finalised SoCC is provided at <b>Appendix C8</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The finalised SoCC was later updated in light of the postponement and rescheduling of two consultation events and extended deadline due to severe weather. The amended SoCC is provided at <b>Appendix I5</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 beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?	<p><b>Yes.</b></p> <p><b>Paragraph 3.3.3</b> of the <b>Consultation Report (Doc 5.1)</b> acknowledges an initial meeting held on 18 October 2017, where an early draft of the SoCC was shared with Wiltshire Council (host ‘B’ authority) and feedback sought.</p> <p>The Applicant confirms in <b>paragraph 3.3.2</b> of the <b>Consultation Report (Doc 5.1)</b> that Wiltshire Council was formally consulted on the content of the draft SoCC on 23 November 2017. The consultation period commenced on 24 November 2017 and a deadline of 22 December 2017 provided 28 days for a response to be received.</p> <p><b>Paragraph 3.3.10</b> of the <b>Consultation Report (Doc 5.1)</b> notes that Wiltshire Council responded with comments on the draft SoCC on 18 December 2017.</p> <p>A copy of the consultation letter sent to Wiltshire Council is provided in <b>Appendix C5</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes.</b></p> <p><b>Appendix C7</b> of the <b>Consultation Report (Doc 5.1)</b> provides a summary of the consultation response from Wiltshire Council in respect of the draft SoCC, and demonstrates how regard was had to their content.</p>

		<p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Additional public information events at Warminster Civic Centre, Laverton Hall and Mere Lecture Hall.</li> <li>• Amended text in the 'Making your comments' section to clarify how consultation responses could be submitted.</li> <li>• The Statutory Consultation period was extended from eight to ten weeks.</li> <li>• Amended text on page 6 to note when the scheme leaflet would be delivered to homes and businesses in the locality of the scheme.</li> </ul> <p>The Planning Inspectorate is therefore satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>Has the SoCC been made available for inspection 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>	<p><b>Yes.</b></p> <p>The Applicant confirms in <b>paragraph 3.6.7</b> of the <b>Consultation Report (Doc 5.1)</b> that it published the SoCC notice in three newspapers in the vicinity of the scheme stating where the SoCC could be inspected.</p> <p><b>Table 3-2</b> of the <b>Consultation Report (Doc 5.1)</b> lists of the following publication within which the SoCC notice was published:</p> <ul style="list-style-type: none"> <li>• The Times – 2 and 7 February 2018</li> <li>• The Guardian - 31 January and 7 February 2018</li> <li>• London Gazette – 31 January and 7 February 2018</li> <li>• Wiltshire Gazette and Herald – 1 and 8 February 2018</li> <li>• Salisbury Journal – 1 February 8 February 2018</li> <li>• Wiltshire Times – 9 February 2018</li> </ul> <p>Clippings of the published advertisements are provided at <b>Appendix F1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>In addition to above media advertising, <b>paragraph 3.6.10</b> of the <b>Consultation Report</b></p>

		<p>(<b>Doc 5.1</b>) states that the SoCC was made available online [<a href="http://www.highways.gov.uk/A303Stonehenge/consultation">www.highways.gov.uk/A303Stonehenge/consultation</a>] from 31 January 2018, at all public information events and at the following deposit locations, as identified in <b>Table 3-4</b> of the <b>Consultation Report (Doc 5.1)</b>:</p> <p>Amesbury Library; Tidworth Leisure Centre; Salisbury Library; Wiltshire Council Offices; Wilton Library; Devizes Community Hub and Library; Marlborough Library; Warminster Library; Westbury Library; and The Wiltshire and Swindon History Centre.</p> <p>The published notice, under s47(6)(a), provided at <b>Appendix F1.1</b> of the <b>Consultation Report (Doc 5.1)</b> states where the full SoCC was available to inspect.</p>
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?	<p><b>Yes.</b></p> <p>Page 4 of the published SoCC at <b>Appendix C8</b> of the <b>Consultation Report (Doc 5.1)</b> sets out that the development is EIA development and sets out how the Applicant intends to publicise and consult on the Preliminary Environmental Information Report (PEIR).</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes.</b></p> <p><b>Paragraphs 3.6.11 to 3.6.31</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the finalised SoCC.</p> <p>The Applicant has provided a table of compliance with the commitments set out in the SoCC at <b>Table 8-3</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Appendix F2 to F11, G1 to G7 and H1 to H4</b> of the <b>Consultation Report</b> provides evidence that the commitments within the finalised SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the finalised SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>The finalised SoCC states: <i>“The consultation will be advertised in local newspapers (Stonehenge Trader...”</i> The consultation was not advertised in the Stonehenge Trader; however, the explanation for this error is provided in</li> </ul>

<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)

		<p><b>paragraphs 3.8.3 to 3.8.8 of the Consultation Report (Doc 5.1).</b></p> <ul style="list-style-type: none"> <li>• The finalised SoCC states “<i>In addition, adverts will be placed in local newspapers ahead of the launch of the consultation.</i>” However, the adverts provided at <b>Appendix F11 of the Consultation Report (Doc 5.1)</b> placed in local newspapers are all dated after the launch of the consultation.</li> <li>• The finalised SoCC states “<i>Local council officers and members and community/area forums within close proximity to the Scheme will be offered briefings to discuss the proposal.</i>” No evidence to prove this commitment was met has been provided.*</li> <li>• The finalised SoCC states: “<i>We will offer to attend Stonehenge School with a view to providing information about the consultation.</i>” The table of compliance at <b>Table 8-3 of the Consultation Report (Doc 5.1)</b> notes that this was offered but a date was not agreed between the parties before the summer holidays commenced; however, no correspondence trail has been provided.*</li> </ul> <p>*Wiltshire Council’s Adequacy of Consultation Representation confirms that the latter two commitments above have been carried out accordingly.</p>
<p><b>s48: Duty to publicise the proposed application</b></p>		
<p>19</p>	<p>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?</p>	<p><b>Yes.</b></p> <p><b>Paragraph 3.7.1 of the Consultation Report (Doc 5.1)</b> states:</p> <p><i>“In accordance with section 48(1) of the PA 2008 a notice publicising the proposed development was published in the prescribed manner, namely in accordance with regulation 4(2) and with reference to regulation 4(3) of the APFP Regulations.”</i></p> <p><b>Table 3-7 of Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix F1.1 of Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix F1 of the Consultation Report (Doc 5.1)</b>.</p>

		<i>Newspaper(s)</i>	<i>Date</i>		
	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>• Salisbury Gazette</li> <li>• Wiltshire Gazette and Herald</li> <li>• Wiltshire Times</li> </ul>	1 and 8 February 2018 1 and 8 February 2018 9 February 2018		
	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> <li>• The Guardian</li> </ul>	2 and 7 February 2018 31 January 2018 and 7 February 2018		
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The London Gazette	31 January and 7 February 2018		
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a	n/a		
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>Appendix F1.1</b> of the <b>Consultation Report (Doc 5.1)</b> contains 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 one	b)	A statement that the Applicant intends to make an application for development consent to the Secretary of State	Paragraph one

c)	a statement as to whether the application is EIA development	Paragraph three	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph two
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 four	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph four
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph seven	h)	details of how to respond to the publicity	Paragraph eight
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 nine			
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>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation as confirmed in <b>paragraph 3.7.5</b> of the <b>Consultation Report (Doc 5.1)</b>:  <i>“In accordance with regulation 13 of the EIA Regulations a section 48 notice was sent to the consultation bodies”</i></p> <p>The stock copy of the s42 consultation letter provided at <b>Appendix E5.4</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.</p>			

<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)

**s49: Duty to take account of responses to consultation and publicity**

23 Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?

**Yes.**

**Chapter 4** of the **Consultation Report (Doc 5.1)** provides the Applicant’s methodology used to analyse the responses, the analysis of the responses and how the suggested changes have been considered.

**Chapter 5** of the **Consultation Report (Doc 5.1)** sets out how the Applicant had regard to matters raised following consultation under s42 and s47.

**Tables 5-1 to Table 5-17** of the **Consultation Report (Doc 5.1)** provide a range of summaries setting out how the Applicant had regard to responses relating to the following matters:

River Till viaduct; Longbarrow junction; Green Bridge No.4; the tunnel and its approaches; Countess Junction; Environment; Public Rights of Way; Land; Construction; Traffic and Transport; Operations and Maintenance; Consultation and progress; needs and Benefits; Alternatives; Western section – general; Central section – general; Eastern section – general.

The tables note whether the response was in respect of s42(1)(a), s42(1)(b), s42(1)(d) or s47, how the Applicant had regard to that response and whether it led to a change of the scheme.

It is noted that the Applicant does not set out how regard was taken to responses to consultation under s48. However, **paragraph 4.5.4** of the **Consultation Report (Doc 5.1)** acknowledges that only one respondent specifically stated their response was in relation to s48 consultation. The Planning Inspectorate therefore assumes that responses under s48 would’ve have been considered under s47.

**Section 5.19** of the **Consultation Report (Doc 5.1)** provides a summary of the changes to scheme as a result of the consultation.

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.

**Guidance about pre-application procedure**

24	To what extent has the Applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Paragraph 1.4.2</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>The compliance checklist provided at <b>Appendix A</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how the Applicant has had regard to MHCLG guidance (previously DCLG) on the Pre-application process and the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report.</p> <p>Having reviewed the application, it appears that the Applicant has had regard to the relevant MHCLG guidance.</p>
25	<b>Summary - s55(3)(e)</b>	<p>The application has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. All relevant duties have been complied with. Whilst there are some consultation discrepancies, s51 advice will be provided to the Applicant in week beginning 19 November 2018 about how to remedy these. That advice will be published on the National Infrastructure Planning website, here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476">https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476</a></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>		
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	Is it accompanied by a Consultation Report?	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b>. The</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

		<b>Consultation Report</b> includes eleven appendices lettered 'A' through 'J'.					
28	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>	<b>Yes.</b>					
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:					
<b>Information</b>		<b>Document</b>		<b>Information</b>		<b>Document</b>	
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 Chapters 1 to 16 (Doc 6.1)</b> <b>Environmental Statement Figures (numbered corresponding to chapters of the ES)(Doc 6.2)</b> <b>Environmental Statement Appendices (numbered corresponding to chapters of the ES) (Doc 6.3)</b> <b>Environmental Statement Non-Technical Summary (Doc 6.4)</b> A Scoping Opinion was adopted by the Secretary of State in November 2017. It is provided in <b>Appendix 4.1 of Environmental Statement Appendices 1 to 15 (Doc 6.3)</b>	b)	A draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>		
	Is this of a satisfactory	<b>Yes.</b>		Is this of a satisfactory	<b>Yes (with discrepancies as noted in Box</b>		

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

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

	standard?			standard?	30).
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum to draft Development Consent Order (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 Assessment	A Flood Risk Assessment is provided at <b>Appendix 11.5 of Environmental Statement Appendices 1 to 15 (Document 6.3)</b>	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 of Statutory Nuisance (Doc 6.5)</b> The document provides references to the Environmental Statement and other application documents where the applicant sets out how matters in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) would be mitigated.
	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	<b>Land Plans (Doc 2.2)</b> <b>Special Category Land Plans (Doc 2.3)</b>

				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> (with discrepancies as noted in Box 30).		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 (Doc 2.5)</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>Rights of Way and Access Plans (Doc 2.6)</b>
	Is this of a satisfactory	<b>Yes.</b>		Is this of a satisfactory	<b>Yes.</b>

	standard?			standard?	
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>Figure 7.4 to Figure 7.8</b> (Landscape designations) (<b>Doc 6.2</b>).</p> <p>(i) and (ii) <b>Figure 8.1 to Figure 8.17</b> (Statutory/ non-statutory nature conservation sites and habitats of protected species) (<b>Doc 6.2</b>).</p> <p>(iii) <b>Figure 11.1 (Doc 6.2) and Figure 4.1 and Figure 5.1 of Appendix 11.2</b> of the Environmental Statement (<b>Doc 6.3</b>) (water bodies in a river basin management plan).</p> <p>Assessments of any effects on such sites and features are presented in chapters 7, 8, 10 and 11 of the Environmental Statement (<b>Doc 6.1</b>) and their supporting appendices (<b>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>Figure 6.1 to Figure 6.12 (Doc 6.2) and Figure 1 to Figure 19 of Appendix 6.1</b> of the Environmental Statement (<b>Doc 6.3</b>) identify statutory/ non-statutory sites and features of the historic environment.</p> <p>An assessment of any effects on such sites and features is provided in Chapter 6 of the Environmental Statement (<b>Doc 6.1</b>) and Appendix 6.1 (<b>Doc 6.3</b>).</p>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown Land	<b>Crown Land Plans (Doc 2.4)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external	<p><b>General Arrangement Drawings (Doc 2.9)</b></p> <p><b>Traffic Regulation Measures Plans (Speed Limits) (Doc 2.10)</b></p> <p><b>Traffic Regulations Measures Plan</b></p>

			appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>(Clearways and Prohibitions) (Doc 2.11)</b> <b>De-Trunking Plans (Doc 2.12)</b> <b>Classification of Roads Plans (Doc 2.13)</b> <b>Structures Drawings (Doc 2.14)</b> <b>Tunnel Area Plan (Doc 2.15)</b> <b>Tunnel Limits of Deviation Plan (Doc 2.16)</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:	<b>Engineering Section Drawings (Plan and Profiles) (Doc 2.7)</b> <b>Engineering Section Drawings (Cross Sections) (Doc 2.8)</b>	q) Any other documents considered necessary to support the application	<b>Introduction to the Application (Doc 1.1)</b> <b>Covering Letter and Schedule of Compliance with Section 55 (Doc 1.2)</b> <b>Electronic File Index (Doc 1.4)</b> <b>Consents and Agreements Position Statement (Doc 3.3)</b> <b>Outline Environmental Management Plan, Environmental Statement Appendix 2.2 (Doc 6.3)</b> <b>Case for the Scheme and NPS Accordance (Doc 7.1)</b> <b>Design and Access Statement (Doc 7.2)</b> <b>Equality Impact Assessment (Doc 7.3)</b> <b>Transport Assessment (Doc 7.4)</b>

				<b>Combined Modelling and Appraisal Report (Doc 7.5)</b>
	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>The Planning Inspectorate will issue detailed s51 advice to Highways England in respect of the observations made below in week beginning 19 November 2018. That advice will be published on the National Infrastructure Planning website, here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476">https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476</a></p> <p><b>Draft Development Consent Order (DCO) (Doc 3.1)</b></p> <p>The interrelationships between Schedule 1 of the <b>Draft DCO (Doc 3.1)</b> and various plans referred to within it lack clarity which makes it difficult to navigate through the application. On 8 November 2018 the Planning Inspectorate contacted the Applicant to request a document signposting within the application documents where various works listed in Schedule 1 of the Draft DCO could be identified, and clarifying the degree of certainty intended to be attached to them. On 12 November 2018 the Applicant provided the signposting document published here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000477">https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000477</a></p> <p>Article 56 of the <b>Draft DCO (Doc 3.1)</b> certifies, in conjunction with Schedule 12 and as engaged by Requirement 5 in Schedule 2, a ‘detailed archaeological mitigation strategy’. Schedule 12 of the Draft DCO describes the ‘detailed archaeological mitigation strategy’ as being “<i>contained within document 6.3</i>”. <b>Appendix 6.11</b> of the Environmental Statement (<b>Doc 6.3</b>) is an ‘outline archaeological mitigation strategy’. On the face of it, a ‘detailed archaeological mitigation strategy’ is not provided with the application. The relationship between the ‘archaeological mitigation works’ (under the definition of ‘preliminary works’ in Requirement 1 of Schedule 2 in the Draft DCO) and the ‘detailed archaeological mitigation strategy’ is unclear. Requirement 5 also makes no reference to Outline or Site Specific Written Schemes of Investigation (OWSI, SSWSI).</p> <p>The OEMP also provides for Construction Environmental Management Plans (CEMPs) to be prepared for the ‘relevant phases’ of the scheme. However, the Draft DCO does not include a definition of the CEMP and/ or the details which are necessary for inclusion within any such document.</p> <p>The relationship between the OEMP, CEMP and other ‘Management Plans for certain environmental topic areas in respect of the main works and preliminary works can be understood but is complex and lacks clarity. For example, the extent to which ‘archaeological method statements’ in the OEMP relate to the ‘detailed archaeological mitigation strategy’, and why the ‘Outline Archaeological Mitigation Strategy’ is duplicated as Annex A.2 to the OEMP.</p> <p><b>Statement of Reasons (Doc 4.1)</b></p> <p><b>Appendix B</b> of the <b>Statement of Reasons (Doc 4.1)</b> is a ‘Schedule of all interests in the Land and progress of negotiations with persons subject</p>			

to compulsory acquisition and temporary possession powers'. The intention is for this type of document to function as a 'living document' in the course of an examination. To seek to achieve this as an appendix to the Statement of Reasons will unnecessarily complicate the management of Examination documents.

**Funding Statement (Doc 4.2)**

The Funding Statement is disproportionately concerned with whole-scheme funding rather than the availability of funds for Compulsory Acquisition/ compensation specifically for the application in question.

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>15</sup>	<p><b>Yes.</b></p> <p>Habitat Regulations Assessment (HRA) reports are provided in <b>Appendix 8.24</b> (Likely Significant Effects Report) and <b>Appendix 8.25</b> (Statement to Inform Appropriate Assessment) of the <b>Environmental Statement Appendices (Doc 6.3)</b>.</p> <p>The HRA report(s) identify relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance. It is noted that whilst the location of all six of the European sites identified in the HRA reports can be determined from the information provided, no figures or plans are provided as part of the HRA reports to identify their spatial location. Figure 8.1 of the <b>Environmental Statement Figures (Doc 6.2)</b> does show the spatial location of statutory designated sites of international importance but only in respect of three of the European sites identified in the HRA reports.</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(s) 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 Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<p><b>Yes.</b></p>
33	Has the Applicant had regard to DCLG guidance	The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the

<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

	'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?	guidance principles.
<b>34</b>	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice will be provided to the Applicant in week beginning 19 November 2018. That advice will be published on the National Infrastructure Planning website, here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476">https://infrastructure.planninginspectorate.gov.uk/document/TR010025-000476</a></p>
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</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 11 October 2018; before the application was made.

Electronic Signature	Name	Date
<b>Case Leader</b>	<i>Richard Price</i>	16 November 2018
<b>Acceptance Inspector</b>	<i>Paul Hudson</i>	16 November 2018

<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