

A30 Chiverton to Carland Cross TR010026

1.2 APPLICATION LETTER

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 1

August 2018

Infrastructure Planning

Planning Act 2008

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

**A30 Chiverton to Carland Cross
Development Consent Order 201[x]**

1.2 APPLICATION LETTER

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010026
Application Document Reference	1.2
Author:	A30 Chiverton to Carland Cross Project Team, Highways England

Version	Date	Status of Version
C01	August 2018	Application Issue

The Secretary of State c/o
The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House, Temple Quay
Bristol, BS1 6PN

Josh Hodder
Highways England
Temple Quay House
2 The Square, Temple Quay
Bristol, BS1 6HA

Your Ref: TR010026

30 August 2018
Our Ref: HA551502

Dear Sir/Madam,

**Planning Act 2008:
Application for a Development Consent Order for the proposed A30 Chiverton to
Carland scheme**

**Highways England
Application Reference TR010026**

I enclose, on behalf of Highways England, an application under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the construction of an 8.7-mile dual carriageway between Chiverton and Carland Cross in Cornwall, known as the A30 Chiverton to Carland Cross scheme (the scheme). The scheme falls wholly within the administrative boundary of Cornwall Council.

1 Subject of the Application

- 1.1 The scheme is a nationally significant infrastructure project (NSIP) within sections 14(1)(h) and 22(1)(a) of the Act. The scheme constitutes the construction of a highway within the meaning of section 22(1)(a) and meets the requirements of this definition under section (22)(2).
- 1.2 Further detail concerning the Scheme's qualification as a NSIP can be found in the prescribed form within the **Application Form** (Volume 1, Document Reference 1.3) and in the **Explanatory Memorandum** (Volume 3, Document Reference 3.2).

2 Application fee and documentation enclosed

- 2.1 Payment of the £6,939.00 application fee was made by BACS transfer to the account of the Planning Inspectorate on 26 July 2018.
- 2.2 Further to advice received by email on 13 August, enclosed is one paper copy of the application submission (noting that additional copies of specific documents may be requested at a later date) along with six electronic copies.

The application includes a **Guide to the Application** (Volume 1, Document Reference 1.1), which provides an accessible introduction to the scheme, the Applicant, the application documents and document referencing system.

- 2.3 We enclose with this letter a completed section 55 checklist completed by Highways England as part of its due diligence check of the application prior to its submission to the Planning Inspectorate. The **Application Form** is also contained in Volume 1 of the application (Volume 1, Document Reference 1.3).

3 Application formalities

- 3.1 The documents submitted can be published on your website at the earliest opportunity. Please note some of the application documents on the USB memory stick contain confidential and non-confidential versions. The confidential versions are clearly labelled on the USB memory stick for use by the Planning Inspectorate and should not be published. The hard copies issued to the Planning Inspectorate contain the confidential versions only.

4 Description of the scheme

- 4.1 A non-technical description of the scheme is provided in the **Guide to the Application** (Volume 1, Document Reference 1.1). A more detailed and technical description is provided in Chapter 2 (The Project) of the **Environmental Statement** (Volume 6, Document Reference 6.2).

5 Consent flexibility – Rochdale Envelope

- 5.1 The Applicant has considered the National Policy Statement and the Planning Inspectorate's 'Advice Note Nine: Rochdale Envelope' together with pre-application advice provided by the Planning Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) is fundamental to whether the scheme is deliverable.
- 5.2 The Environmental Impact Assessment (EIA) which was undertaken in support of the scheme has considered and reflected the flexibility sought in the draft DCO. The maximum design parameters referenced in Article 8 of the draft DCO have been assessed in the Environmental Statement.
- 5.3 Further detail on the Applicant's approach to the Rochdale Envelope and flexibility within the draft DCO is provided within section 4.3 of Chapter 4 (Approach to EIA) of the **Environmental Statement** (Volume 6, Document Reference 6.2).

6 Habitats Regulations Assessment

- 6.1 The Applicant has undertaken Screening for the purposes of the habitats regulations and concluded that it cannot rule out likely significant effects on any European sites and their features. Therefore, this application is accompanied by a **Statement to Inform an Appropriate Assessment** (Volume 6, Document Reference 6.5) to inform the Appropriate Assessment to be undertaken by the Secretary of State.

7 Compulsory Acquisition

- 7.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the scheme. Details on the powers sought and negotiations to date including those relating to special category land are provided in the **Book of Reference** (Volume 4, Document Reference 4.3) and the **Statement of Reasons** (Volume 4, Document Reference 4.1).
- 7.2 Adequacy of the funding for compensation is provided in the **Funding Statement** (Volume 4, Document Reference 4.2).

8 Other consents

- 8.1 Details of the other consents, licences and agreements that, in addition to the **draft Development Consent Order** (Volume 3, Document Reference 3.1), Highways England intends to obtain, to allow the construction, operation and maintenance of the scheme, is set out in **Details of other Consents and Licences** (Volume 7, Document Reference 7.2).

9 Pre-application consultation

- 9.1 As required by section 37(3)(c) a **Consultation Report** (Volume 5, Document Reference 5.2) accompanies this application which details compliance with sections 42, 47, 48 and 49 of the Act.

10 Pre-Application engagement with the Planning Inspectorate

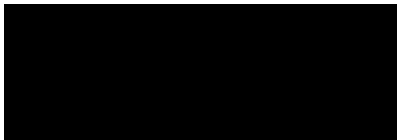
- 10.1 Meetings have been held with the Planning Inspectorate on the scheme since June 2017 as published on the National Infrastructure Planning website. The written feedback provided on the draft application documents provided for review on 30 April 2018 has been taken on board as documents have been finalised for submission.

11 Other matters

- 11.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the **General Arrangement and Section Plans** (Volume 2, Document Reference 2.6).
- 11.2 Further to Advice Note 6, Highways England is mindful that all application documentation will be published on the National Infrastructure Planning website. Highways England has complied with the Data Protection Act 1998 and the General Data Protection Regulation 2018 when handling personal information of individuals.
- 11.3 Personal details have been handled responsibly and redacted from the application documentation, unless there is a statutory requirement to provide it under section under section 37 of the Planning Act 2008 and/or the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

We note the Secretary of State's requirement under section 55 of the Act to decide whether to accept this application by the end of the period of 28 days beginning on the day after the day on which this application is received, and accordingly I look forward to hearing from you.

Yours faithfully,



Josh Hodder
Project Manager
A30 Chiverton to Carland Cross

Enc.
Appendix A – Section 55 Application Checklist

Appendix A: Section 55 Application Checklist

The Planning Act 2008

Section 55 Acceptance of Applications*

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

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) deleted
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) deleted
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

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

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

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

* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

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

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

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

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
		30/08/2018	27/09/2018	TBC
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a nationally significant infrastructure project ² (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 ³ (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 ss14-30 does the application scheme fall)?	<p>Yes. The Application Letter (Volume 1, Document Reference 1.2) states than ‘an application is being made under section 37 of the Planning Act for an order granting development consent’.</p> <p>Section 22(1) of the Act states that highway related development is an NSIP only if it is within one of three specified categories, namely construction, improvement or alteration of a highway. The proposed development constitutes the ‘construction’ of a highway within the meaning of section 22(1)(a) and meets the requirements of this definition under section 22(2) of the Act. Further detail of how the scheme qualifies as an NSIP is provided in the Explanatory Memorandum (Volume 3, Document Reference 3.2).</p>		

¹ 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

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

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

	If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	Summary – s55(3)(a) and s55(3)(c)	N/A
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ⁴ , 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>(a) No. Given the scale and complexity of the project, Highways England did not seek a screening opinion from the Secretary of State as the proposed development was considered likely to have significant environmental effects. An Environmental Statement (Volume 6, Document Reference 6.2) has been prepared and submitted with the application.</p> <p>(b) Yes. The Cover Letter within the Scoping Report notified the Secretary of State under Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 on 10 August 2017. A copy of this letter is included in Appendix C2 of the Consultation Report (Volume 5, Document Reference 5.2).</p>
5	Have any adequacy of consultation representations ⁵ 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?	Feedback that Highways England has received from the host authority (Cornwall Council) on the draft SoCC is set out within the Appendix D3 of the Consultation Report (Volume 5, Document Reference 5.2). Evidence that Highways England has complied with the duties under s.42, s.47 and s.48 of the Act is set out within the SoCC Compliance Table within Appendix D8 of the Consultation Report (Volume 5, Document Reference 5.2).
s42: Duty to Consult		

⁴ 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).

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

	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	Yes. A list of the persons consulted with, as prescribed by Schedule 1 to the 2009 APFP Regulations (as amended), is included in Appendix E1 of the Consultation Report (Volume 5, Document Reference 5.2).
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	N/A
8	s42(1)(b) each local authority within s43 ⁸ ?	Yes. A list of the consulted local authorities is included in Appendix E1 of the Consultation Report (Volume 5, Document Reference 5.2). Local authorities consulted under section 42(1)(b) of the act included: <ul style="list-style-type: none"> • Torridge District Council (Section 43(2)(a) local authority); • West Devon Borough Council (Section 43(2)(a) local authority); • Plymouth City Council (Section 43(2)(a) local authority); • South Hams District Council (Section 43(2)(a) local authority); • Cornwall Council (Section 43(1) local authority); and • Devon County Council (Section 42(2)(A) local authority).
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	The proposed development does not fall within the administrative boundary of the Greater London Authority (GLA). As a result, the GLA were not consulted.

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

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

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

1	s42(1)(d) each person in one or more of s44 categories ⁹ ?	Yes. Highways England consulted with persons falling within each category and are included within the Book of Reference (Volume 4, Document Reference 4.3). The list of persons in one or more of s44 categories consulted under s42 is set out within Appendix E3 of the Consultation Report (Volume 5, Document Reference 5.2).
s45: Timetable for s42 Consultation		
1	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>Yes. Highways England notified s42 consultees of the dates for consultation. The letters set to consultees informing them of the consultation deadline are provide within Appendix F1 to F3 (inclusive) of the Consultation Report Appendices (Volume 5, Document Reference 5.2).</p> <p>Yes. The duration of each stage of consultation was held for a minimum of 28 days. Letters, including consultation documents, were received by consultees by 29 January 2018. The deadline for the receipt of consultation responses set out within the letter was 12 March 2018, which was a period of 6 weeks.</p>
s46: Duty to notify Secretary of State of proposed application		
1	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?	Yes. On the commencement of s42 consultation, Highways England notified the Secretary of State c/o PINS of the proposed application and supplied to them a s46 notice relating to the proposed application made available to s42 consultees. This notification was provided by a letter dated 26 January 2018 and is contained within Appendix G1 of the Consultation Report. (Volume 5, Document Reference 5.2).
s47: Duty to consult local community		

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

1	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. Chapter 5 of the Consultation Report (Volume 5, Document Reference 5.1) provides details on the preparation of the statement of community consultation (SoCC). Copies of the draft and final SoCC are contained in Appendix D1 and D5 respectively within the Consultation Report (Volume 5, Document Reference 5.2).
1	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>Yes. The SoCC was produced in consultation with Cornwall Council as host authority (“B” authorities) as defined by section 43(1) of the Planning Act 2008. A copy of the draft letter which includes the deadline for the SoCC consultation response is provided in Appendix D2 of the Consultation Report (Volume 5, Document Reference 5.2). The letter was sent on 16 October 2017 and included a deadline for response of 13 November 2017, which is 28 days.</p> <p>On the basis that the proposed development falls wholly within the administrative boundary of Cornwall Council, and is not within the vicinity of neighbouring authorities, it was considered unnecessary to consult with those neighbouring authorities on the SoCC.</p>
1	Has the applicant had regard to any responses received when preparing the SoCC?	Yes. A detailed list of changes in response to Cornwall Council’s response to the consultation on the draft SoCC is provided within the letter contained in Appendix D4 of the Consultation Report (Volume 5, Document Reference 5.2).
1	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>Yes. Notice of publication of the SoCC in accordance with s47 of the Act is contained within Appendix D5 of the Consultation Report Appendices (Volume 5, Document Reference 5.2). The SoCC and other consultation documentation was made available at 6 locations and made available at all 7 consultation events, as outlined in the published Statement of Community Consultation. These are provided in Appendix D5 and D7 of the Consultation Report (Volume 5, Document Reference 5.2).</p> <p>Locations where the SoCC could be inspected were:</p> <ul style="list-style-type: none"> • Newquay Library; • Perranporth Library; • Redruth Library; • St Agnes Library; • Truro, County Hall; and

		<ul style="list-style-type: none"> • Truro Community Library. <p>SoCC notices pursuant to section 47 (6) of the Act are contained in Appendix D7 of the Consultation Report (Volume 5, Document Reference 5.2) and outlined below:</p> <table border="1"> <thead> <tr> <th>Newspaper</th> <th>Dates Publicised</th> </tr> </thead> <tbody> <tr> <td>West Briton</td> <td>Thursday 18 January 2018 Thursday 25 January 2018</td> </tr> <tr> <td>Western Morning News</td> <td>Thursday 18 January 2018 Thursday 25 January 2018</td> </tr> </tbody> </table>	Newspaper	Dates Publicised	West Briton	Thursday 18 January 2018 Thursday 25 January 2018	Western Morning News	Thursday 18 January 2018 Thursday 25 January 2018
Newspaper	Dates Publicised							
West Briton	Thursday 18 January 2018 Thursday 25 January 2018							
Western Morning News	Thursday 18 January 2018 Thursday 25 January 2018							
1	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	Yes. Paragraph 5.1.4 of the published SoCC confirms that the proposed development is EIA development. The SoCC contains information on how Highways England intended to publicise and consult on the Preliminary Environmental Information Report (PEIR) as part of the consultation material. A copy of the SoCC is contained in Appendix D5 of the Consultation Report (Volume 5, Document Reference 5.2).						
1	Has the applicant carried out the consultation in accordance with the SoCC?	Yes. Consultation was undertaken in accordance with the SoCC. This is outlined in Appendix D8 of the Consultation Report (Volume 5, Document Reference 5.2).						
s48: Duty to publicise the proposed application								
1	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?	Yes. The newspapers and dates of publication of the section 48 notice is contained within Chapter 6 of the Consultation Report (Volume 5, Document Reference 5.1). A copy of the section 48 notice is contained within Appendix R1 and R2 of the Consultation Report respectively (Volume 5, Document Reference 5.2).						

¹⁰ Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		Newspaper(s) <i>(Evidence of s48 publications contained in Appendix R2 of the Consultation Report (Volume 5, Document Reference 5.2))</i>		Date	
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"> Western Morning News The West Briton 		18 January 2018 & 25 January 2018	
once in a national newspaper;		<ul style="list-style-type: none"> The Times 		18 January 2018	
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		<ul style="list-style-type: none"> The London Gazette 		18 January 2018	
where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?		<ul style="list-style-type: none"> Not Applicable 		Not Applicable	
2	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Relevant paragraphs from the s48 notice are set out below.			
	Information	Paragraph		Information	Paragraph
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	8	h)	details of how to respond to the publicity	9
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	10			
2	Are there any observations in respect of the s48 notice provided above?				
	N/A.				
2	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 ¹¹ ?	Yes. A copy of the section 48 letter sent to prescribed consultees on 17 January 2018 is provided in Appendix C3 of the Consultation Report (Volume 5, Document Reference 5.2). The s48 letter was issued to prescribed consultees under section 42 of the Act inclusive of EIA consultation bodies.			
s49: Duty to take account of responses to consultation and publicity					
2	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	Yes. Highways England has had regard to all relevant responses made to the s.42, s.47 and s.48 consultation. Chapter 8 - Matters Raised and Highways England's Response in			

¹¹ Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		the Consultation Report (Volume 5, Document Reference 5.1) provides detail of the consultation responses and Highways England's regard to matters raised in accordance with s49 of the Act.
Guidance about pre-application procedure		
2	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	When undertaking pre-application consultation Highways England had regard to the DCLG document 'Guidance on the pre-application process' (March 2015). This is detailed in Chapter 9 - Conclusion of the Consultation Report (Volume 5, Document Reference 5.1).
2	Summary - s55(3)(e)	The application submitted by the Applicant has been made in accordance with the Act and all relevant pre-application consultation duties have been carried out.
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)		
2	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Secretary of State; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	Yes. The application form is provided in the prescribed form as set out in Schedule 2 of the APFP Regulations, Application Form (Volume 1, Document Reference 1.3). The Application Letter (Volume 1, Document Reference 1.2) states that 'an application is being made under section 37 of the Planning Act for an order granting development consent'. The proposed scheme falls within Part 3, s.14(1)(h) of the Planning Act 2008 and is therefore a nationally significant infrastructure project as defined within s.22 of the Act. Section 22(1) of the Act states that highway related development is an NSIP only if it is within one of three specified categories, namely construction, improvement or alteration of a highway. The proposed development constitutes the 'construction' of a highway within the meaning of section 22(1)(a) and meets the requirements of this definition under section 22(2) of the Act. Section 6 of the Application Form sets out the location of the application site (Volume

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

		<p>1, Document Reference 1.3). A Location Plan is included to show the route of the proposed development (Volume 2, Document Reference 2.1).</p> <p>Chapter 2 – The Project of the Environmental Statement (Volume 6, Document Reference 6.2) provides an overview of the site and application location as well as the detailed description of the linear scheme. The requirement for development consent and as to why the scheme falls within the remit of the Secretary of State and the site description is detailed in Chapter 2 – Background of the Planning Statement (Volume 7, Document Reference 7.1).</p>			
2	Is it accompanied by a consultation report?	Yes. The application is accompanied by a Consultation Report (Volume 5, Document Reference 5.1) and Appendices (Volume 5, Document Reference 5.2).			
2	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	Yes. A key plan is used on plans contained in Volume 2 of the application (Volume 2, Document Reference 2.1 to 2.13).			
2	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The application is accompanied by documents and information set out in APFP Regulation 5(2).			
		Information		Document	
		Information		Document	
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Environmental Information (Volume 6) of the DCO application: Environmental Statement Non-Technical Summary (Volume 6,	b)	The draft proposed order	Draft Development Consent Order (Volume 3, Document Reference 3.1)

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

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

		Document Reference 6.1). Environmental Statement (Volume 6, Document Reference 6.2). Environmental Statement Figures (Volume 6, Document Reference 6.3). Environmental Statement Appendices (Volume 6, Document Reference 6.4).			
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	N/A
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Explanatory Memorandum (Volume 3, Document Reference 3.2)	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Book of Reference (Volume 4, Document Reference 4.3)
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	N/A
e)	A copy of any flood risk assessment	Flood Risk Assessment (Volume 6, Document Reference 6.4, Appendix 13.2)	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	Statement of Statutory Nuisance (Volume 6, Document Reference 6.6)

	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	N/A
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Statement of Reasons (Volume 4, Document Reference 4.1) Funding Statement (Volume 4, Document Reference 4.2)	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 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	(i) Land Plans (Volume 2, Document Reference 2.2) (ii) Land Plans (Volume 2, Document Reference 2.2) (iii) Rights of Way and Access Plans (Volume 2, Document Reference 2.5) (iv) Special Category Land Plan (Volume 2, Document Reference 2.3)
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	N/A
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	(i) Work Plans (Volume 2, Document Reference 2.4) (ii) Works Plans (Volume 2, Document Reference 2.4)	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	Rights of Way Access Plans (Volume 2, Document Reference 2.5) Traffic Regulation Measures Plans (Volume 2,

	(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order			Document Reference 2.7)	
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. 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>This information is included within Volume 2 and should be read alongside the relevant chapters of the Environmental Statement (Volume 6, Document Reference 6.2).</p> <p>(i) Environmental Features–Statutory or Non-Statutory Sites or Features of Nature Conservation (Volume 2, Document Reference 2.9)</p> <p>(ii) Habitats of Protected Species, Important Habitats or Other Diversity Features and Water bodies in a River Basin Management Plan-Plans (Volume</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>	Heritage Designation Plans (Volume 2, Document Reference 2.12).

		<p>2, Document Reference 2.10)</p> <p>(iii) Habitats of Protected Species, Important Habitats or Other Diversity Features and Water bodies in a River Basin Management Plan-Plans (Volume 2, Document Reference 2.10))</p>		
	Is this of a satisfactory standard?	N/A		Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	o)	<p>Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping</p> <p>Yes. Plans submitted are listed below:</p> <p>General Arrangement and Section Plans (Volume 2, Document Reference 2.6)</p> <p>Traffic Regulation Measures Plans (Volume 2, Document Reference 2.7)</p> <p>De-trunking Plans (Volume 2, Document Reference 2.8)</p>

				<p>CONFIDENTIAL: Habitats of Protected Species: Location of Badger Setts Plans (Volume 2, Document Reference 2.11)</p> <p>Trees and Hedgerows to be Removed or Managed Plans (Volume 2, Document Reference 2.13)</p>	
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard? N/A	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	As the application is for a highways related development, level of the proposed works is set out within General Arrangement and Section Plans (Volume 2, Document Reference 2.6)	q)	Any other documents considered necessary to support the application.	<p>Yes. Documents submitted under Regulation (q) of the APFP are listed below:</p> <p>Guide to the Application (Volume 1, Document Reference 1.1)</p> <p>Application Letter (Volume 1, Document Reference 1.2)</p> <p>De-trunking Plans (Volume 2,</p>

				<p>Document Reference 2.8)</p> <p>Planning Statement (Volume 7, Document Reference 7.1)</p> <p>Details of other Consents and Licences (Volume 7, Document Reference 7.2)</p> <p>Mitigation Route Map (Volume 7, Document Reference 7.3)</p> <p>Statements of Common Ground (Volume 7, Document Reference 7.4)</p> <p>Transport Report (Volume 7, Document Reference 7.5)</p> <p>Scheme Assessment Report (Volume 7, Document Reference 7.6)</p> <p>Route Selection Report (Volume 7,</p>
--	--	--	--	--

				Document Reference 7.7)	
	Are they of a satisfactory standard?	N/A		Are they of a satisfactory standard?	N/A
3	Are there any observations in respect of the documents provided above?				
	N/A				
3	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)? ¹⁵	Yes. A Statement to Inform an Appropriate Assessment (Volume 6, Document Reference 6.5) identifies any European sites to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar sites, which may be affected by the proposed development has been submitted with the application.			
3	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	Through discussions with the Infrastructure Planning Case Officer, it was stated in writing (<i>confirmed in writing in email dated 13 August 2018</i>) that only one paper copy would be required, however, additional copies of specific documents would be provided in response to any requests at a later date.			
3	Has the applicant had regard to DCLG 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?	It is considered that the format and content of the application documents submitted is consistent with the DCLG Guidance 'Planning Act 2008: Application form guidance'.			

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

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

3 Summary - s55(3)(f) and s55(5A)		It is considered that the application has been prepared to the standard considered satisfactory by the Secretary of State.
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
3	Was the fee paid at the same time that the application was made ¹⁷ ?	Yes. Payment of the £6,939.00 application fee was made by BACS transfer to the account of the Planning Inspectorate on 26 July 2018 in advance of the application being made.

Electronic Signature	Name	Date
Case Leader	N/A	N/A
Acceptance Inspector	N/A	N/A

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

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

