

M42 Junction 6 Improvement

TR010027

Volume 1

1.2 Covering Letter and Schedule of Compliance with Section 55

Regulation 5(2)(q)

Planning Act 2008

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

January 2019

Infrastructure Planning

Planning Act 2008

M42 Junction 6 Improvement
Development Consent Order 202[x]

Covering Letter and Schedule of Compliance with Section 55

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010027
Application Document Reference	1.2
Author	M42 Junction 6 Project Team and Highways England

Version	Date	Status of Version
1	January 2019	DCO Application

Covering Letter and Schedule of Compliance with Section 55

Signed 
Chris Harris
Project Manager
On behalf of Highways England
Date: January 2019

Highways England
2 Colmore Square
Birmingham
B4 6BN
United Kingdom

2 January 2019

Reference Number: TR010027
The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
2 The Square
Avon
Bristol
BS1 6PN
United Kingdom

FAO: Dee Allen, Infrastructure Planning Lead

Dear Sirs,

M42 Junction 6 Improvement – TR010027

I am writing on behalf of Highways England in relation to above scheme. Please find enclosed an application under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the M42 Junction 6 Improvement (the Scheme).

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

In accordance with the Planning Inspectorate's Advice Note Six and in relation to previous correspondence with Dee Allen, I hereby enclose one paper copy of the full application submission along with six USB sticks each with a complete electronic copy. I have also enclosed with this letter a completed Schedule of Compliance with Section 55 prepared by Highways England showing how the application meets the tests for acceptance by the Planning Inspectorate.

The application includes an Introduction to the Application document [**TR010027/APP/1.1**], which provides a guide to the application documentation and referencing system.

I note that the Secretary of State is required under section 55 of the Act to decide whether to accept this application within 28 days, beginning on the day immediately after the day on which the application is received; accordingly I look forward to hearing from you by the end of this period.

Yours faithfully,

[Redacted signature]

Chris Harris
Project Manager
M42 Junction 6 Improvement



The Planning Inspectorate

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.

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
		DD MM YYYY	DD MM YYYY	DD MM YYYY
	Section 55(3) – the Secretary of State may only accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		

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	<p>Is the development a nationally significant infrastructure project² (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 order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>The Scheme is a nationally significant infrastructure project ("NSIP") within sections 14(1)(h) and 22(1) of the Planning Act 2008. Under section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. This Scheme is the "construction" of a highway within the meaning of section 22(1)(a). While the Scheme includes some alteration and improvement of the existing M42 carriageway and Junction 6, a new junction will be constructed on the M42 (Junction 5A) and a new mainline link road will form new highway with a speed limit in excess of 50 miles per hour on an area in excess of 12.5ha. The land proposed for the new permanent works is 152.72ha (of which 58.43 is owned by Highways England). The Scheme is wholly located in England and Highways England, a strategic highways company, will be the highway authority for the highway to be constructed under the Scheme. The Scheme therefore complies with the requirements of sections 22(2) and 22(4).</p> <p>This is consistent with the summary provided in the Application Form [TR010027/APP/1.3] at Section 4 which concludes that the application is for an NSIP.</p>
3	<p>Summary – s55(3)(a) and s55(3)(c)</p>	

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)

4	<p>In accordance with the EIA Regulations⁴, 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>	<p>Yes.</p> <p>The Applicant notified the Secretary of State on 10 August 2017 that it proposed to provide an Environmental Statement in respect of the proposed development. A copy of the request and notification is provided in Consultation Report Annex B [TR010027/APP/5.2].</p>
5	<p>Have any adequacy of consultation representations⁵ 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>	<p>No such representations have been received.</p> <p>It is anticipated that upon submission of the application for development consent, the Planning Inspectorate will request that relevant local authorities provide an adequacy of consultation statement. This is as set out in the Planning Inspectorate’s Advice Note 14 (April 2012).</p>
s42: Duty to Consult		
	<p>Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>	<p>Yes.</p> <p>There were two consultation periods for the Scheme (9 January</p>

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 (and the extent to which the applicant has had regard to any guidance issued under section 50 of the PA2008)

		<p>2018 to 9 March 2018 and 4 September 2018 to 2 October 2018) where the Applicant consulted applicable persons.</p> <p>The list of those persons consulted is set out in Annexes G, H and N of the Consultation Report Annexes [TR010027/APP/5.2].</p>
6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes.</p> <p>The Applicant has provided a list of prescribed persons consulted during the statutory/further consultation periods in Annex G of the Consultation Report Annexes [TR010027/APP/5.2].</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Not applicable – the Marine Management Organisation is not a relevant consultee in respect of this Scheme.</p>
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p>Refer to Annex G of the Consultation Report Annexes [TR010027/APP/5.2] and Table 9 in Section 3.3,3 of the Consultation Report [TR010027/APP/5.1].</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Not applicable – the Scheme is not within the Greater London area</p>

⁶ Statutory consultees set out in Schedule 1 of the APFP 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

10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes.</p> <p>Refer to Annex H and Annex N of the Consultation Report Annexes [TR010027/APP/5.2].</p>
s45: Timetable for s42 Consultation		
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>Yes.</p> <p>The letters sent out dated 5 January 2018 for the statutory consultation undertaken between 9 January 2018 and 9 March 2018 are included at Annex I [TR010027/APP/5.2]. These letters confirmed the deadline for responses as 19 February 2018. Correction letters including Section 48 notices to the relevant consultees were sent out on 6 February are included at Annex I, these confirmed the consultation period was extended until 9 March 2018.</p> <p>The letters dated 31 August 2018 for the further consultation undertaken between 4 September 2018 and 2 October 2018 are included at Annex I of the Consultation Report Annexes [TR010027/APP/5.2]. These letters confirmed the deadline for responses as 2 October 2018, providing 28 days for responses to be received.</p> <p>All s42 consultees had at least 28 days in which to respond.</p>

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

s46: Duty to notify Secretary of State of proposed application		
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>Yes.</p> <p>The Applicant gave notice under s46 on 5 January 2018 which was before the beginning of s42 consultation. Refer to Annex J of the Consultation Report Annexes [TR010027/APP/5.2] for confirmation of receipt of information from the Inspectorate with regards to the statutory consultation undertaken between 9 January 2018 and 9 March 2018 (as extended).</p> <p>The Applicant also contacted the Inspectorate by email on 3 September 2018 (Annex J of the Consultation Report Annexes [TR010027/APP/5.2]) in advance of the further consultation undertaken between 4 September 2018 and 2 October 2018. The Inspectorate confirmed verbally that it was not necessary to formally notify them pursuant to s46.</p>
s47: Duty to consult local community		
13	<p>Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes.</p> <p>The published SoCC is provided in Annex F of the Consultation Report [TR010027/APP/5.2].</p>
14	<p>Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>Yes.</p> <p>As explained in Section 3.2 of the Consultation Report [TR010027/APP/5.1] consultation was undertaken with the host authorities: Solihull Metropolitan Borough Council (SMBC), North Warwickshire Borough Council (NWBC) (the ‘B Authorities’) and Warwickshire County Council (WCC) (the ‘C Authority’). In addition Birmingham City Council and Coventry City Council (non-host authorities) were also consulted.</p>

		<p>Originally, SMBC was identified as the sole host authority, but subsequently it was determined that a small part of the Scheme encroaches on both WCC and NWBC; as such they are also host authorities for the purposes of the PA 2008 (see Sections 3.2 and 3.3 of the Consultation Report [TR010027/APP/5.1]). The extent of the Scheme that encroaches into WCC and NWBC is in relation to the existing M42 and only covers an area of 170m3. The works proposed here are not substantive and only relate to road markings on the existing motorway. The direct impact of the works on WCC and NWBC is therefore minimal.</p> <p>Annex D of the Consultation Report [TR010027/APP/5.2] includes copies of the letters sent to local authorities on the SoCC and confirms the periods within which comments were sought. Letters were sent to Solihull MBC, Warwickshire County Council and North Warwickshire Borough Council on 12 October 2017 and Birmingham City Council on the 13 October 2017 and the letters stated that the consultation would end on 10 November 2017.</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 6 in Section 3.2 of the Consultation Report [TR010027/APP/5.1] sets out a summary of responses received on the SoCC and how the Applicant has had regard to these responses.</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>Yes.</p> <p>The SoCC was made available for inspection at the 9 deposit points along the route and on the Applicant's website. Refer to Section 3.2 of the Consultation Report [TR010027/APP/5.1].</p> <p>Copies of the Newspaper adverts (Section 47 notices) are included at Annex K of the Consultation Report Annexes [TR010027/APP/5.2].</p> <table border="1" data-bbox="1093 603 2024 842"> <thead> <tr> <th data-bbox="1093 603 1377 657">Date published</th> <th data-bbox="1377 603 2024 657">Newspapers</th> </tr> </thead> <tbody> <tr> <td data-bbox="1093 657 1377 751">Thursday 4 January 2018</td> <td data-bbox="1377 657 2024 751">The <i>Birmingham Mail</i> published the section 47 'Publication of SoCC' notice on page 56.</td> </tr> <tr> <td data-bbox="1093 751 1377 842">Monday 5 January 2018</td> <td data-bbox="1377 751 2024 842">The Solihull News published the section 47 'Publication of SoCC notice on page 37.</td> </tr> </tbody> </table>	Date published	Newspapers	Thursday 4 January 2018	The <i>Birmingham Mail</i> published the section 47 'Publication of SoCC' notice on page 56.	Monday 5 January 2018	The Solihull News published the section 47 'Publication of SoCC notice on page 37.
Date published	Newspapers							
Thursday 4 January 2018	The <i>Birmingham Mail</i> published the section 47 'Publication of SoCC' notice on page 56.							
Monday 5 January 2018	The Solihull News published the section 47 'Publication of SoCC notice on page 37.							
17	<p>Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>Refer to Paragraph 9 of the SoCC. The published SoCC is included at Annex F of the Consultation Report [TR010027/APP/5.2].</p>						
18	<p>Has the applicant carried out the consultation in accordance with the SoCC?</p>	<p>Yes.</p> <p>Table 13 in Section 3.6 of the Consultation Report [TR010027/APP/5.1] demonstrates how the consultation was carried out in accordance with the SoCC.</p>						

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).

s48: Duty to publicise the proposed application		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	Yes. Annex L of the Consultation Report [TR010027/APP/5.2] includes copies of the Section 48 Notices published in the relevant newspapers. Section 3.7 and Table 14 of the Consultation Report [TR010027/APP/5.1] sets out where the Section 48 notice was published for the statutory consultation.
		<i>Newspaper(s) and date(s)</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;	Refer to Table 14 in Section 3.7 of the Consultation Report [TR010027/APP/5.1]: Birmingham Mail: 4 and 11 January 2018 Solihull News: 5 and 12 January 2018
	once in a national newspaper;	Refer to Table 14 in Section 3.7 of the Consultation Report [TR010027/APP/5.1]: The Guardian: 3 January 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Refer to Section 3.7 of the Consultation Report [TR010027/APP/5.1]: The London Gazette: 4 January 2018
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes.</p> <p>The Section 48 Notice is contained within Annex L of the Consultation Report Appendices [TR010027/APP/5.2] and contains the required information as set out below:</p>			
	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	5	d)	a summary of the main proposals, specifying the location or route of the proposed development	4
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	7	f)	the latest date on which those documents, plans and maps will be available for inspection	7
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	18	h)	details of how to respond to the publicity	19, 20

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	21		
21	Are there any observations in respect of the s48 notice provided above?			
	Not applicable			
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 ¹¹ ?	<p>Yes.</p> <p>Paragraphs 3.3.16 and 3.3.17. of the Consultation Report [TR010027/APP/5.1] confirms that Section 48 notices were sent to the bodies in accordance with Regulation 13 of the EIA Regulations. Refer to Annex I of the Consultation Report Annexes [TR010027/APP/5.2] for copies of these letters and enclosures.</p>		
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?	<p>Yes.</p> <p>The Applicant has set out at Section 3.2, Chapter 4 and Section 5.6 of the Consultation Report [TR010027/APP/5.1] and Annex P of the Consultation Report Annexes [TR010027/APP/5.2] the actions that have been taken in having regard to the consultation responses received.</p>		

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).

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' ¹² ?	The extent to which the Applicant has had regard to the DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' is contained in Section 6.1 and Table 23 of the Consultation Report [TR010027/APP/5.1.] .
25	Summary - s55(3)(e)	
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"> • 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? 	<p>The application is made in the prescribed form and explains why it falls within the remit of the Secretary of State in Section 4 of the Application Form [TR010027/APP/1.3.]</p> <p>Section 6 of the Application Form [TR010027/APP/1.3] provides a brief statement that describes the location of the proposed route and a more detailed description is provided in Chapter 2 of the Environmental Statement [TR010027/APP/6.1].</p> <p>The location of the proposed Scheme is shown on the Location Plan [TR010027/APP/2.1].</p>

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

27	Is it accompanied by a consultation report?	<p>Yes.</p> <p>The Consultation Report is included as [TR010027/APP/5.1] and the Consultation Report Appendices are included as [TR010027/APP/5.2].</p>			
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	<p>Yes.</p>			
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes.</p> <p>The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:</p>			
	Information	Documents		Information	Document
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	<p>Yes. The application is accompanied by an Environmental Statement [TR010027/APP/6.1]. The Environmental Statement comprises ten volumes. Volume 6.1 contains the main Environmental</p>	b)	The draft proposed order	<p>Yes. The application is accompanied by the Draft Development Consent Order [TR010027/APP/3.1] in the validated statutory instrument template.</p>

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)

	<p>Statement, Volume 6.2 contains the Environmental Statement Figures [TR010027/APP/6.2], Volume 6.3 contains the Environmental Statement Appendices [TR010027/APP/6.3], Volume 6.4 contains the Environmental Statement Non-Technical Summary [TR010027/APP/6.4], Volume 6.5 contains the Scoping Opinion [TR010027/APP/6.5], Volume 6.6 contains the Assessment of Historic Environment Effects [TR010027/APP/6.6], Volume 6.7 contains the Assessment of Nature Conservation Effects [TR010027/APP/6.7], Volume 6.8 contains the HRA Screening (European site appropriate assessment report if required)</p>			
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		<p>[TR010027/APP/6.8], Volume 6.9 contains the Environmental Protection Information [TR010027/APP/6.9] and Volume 6.10 contains the Flood Risk Assessment [TR010027/APP/6.10]. An Outline Construction Environmental Management Plan (CEMP) [TR010027/APP/6.11] also supports the Environmental Statement.</p>			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	<p>Yes. The application is accompanied by the Explanatory Memorandum [TR010027/APP/3.2] to the Draft Development Consent Order [TR010027/APP/3.1].</p>	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	<p>Yes. The application is accompanied by the Book of Reference [TR010027/APP/4.3].</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

e)	A copy of any flood risk assessment	Yes. The application is accompanied by a Flood Risk Assessment [TR010027/APP/6.10].	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	Yes. A Statement of Statutory Nuisance is included within the Environmental Protection Information [TR010027/APP/6.9].
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Yes. The application is accompanied by a Statement of Reasons [TR010027/APP/4.1] and a Funding Statement [TR010027/APP/4.2].	i)	A land plan identifying: - (1) the land required for, or affected by, the proposed development; (2) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (3) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (4) any special category land and	Yes. The application is accompanied by Land Plans [TR010027/APP/2.2]. The Land Plans consist of ten Sheets inclusive of a key plan, drawing references: - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2200 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2201 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2202 - HE551485-ACM-GEN-

				replacement land	<p>ZZ_SW_DCO_ZZ-DR-DC-2203</p> <ul style="list-style-type: none"> - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2204 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2205 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2206 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2207
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and</p>	<p>Yes. The application is accompanied by Works Plans [TR010027/APP/2.3].</p> <p>The Works Plans consist of eight sheets inclusive of a key plan, drawing references:</p> <ul style="list-style-type: none"> - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2300 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC- 	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Yes. The application is accompanied by Streets, Rights of Way and Access Plans [TR010027/APP/2.5].</p> <p>The Streets, Rights of Way and Access Plans consist of eight sheets inclusive of a key plan, drawing references:</p> <ul style="list-style-type: none"> - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2500 - HE551485-ACM-GEN-

	works may be carried out and any limits of deviation provided for in the draft order	<p>2301</p> <ul style="list-style-type: none"> - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2302 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2303 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2304 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2305 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2306 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2307 			<p>ZZ_SW_DCO_ZZ-DR-DC-2501</p> <ul style="list-style-type: none"> - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2502 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2503 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2504 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2505 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2506 - HE551485-ACM-GEN-ZZ_SW_DCO_ZZ-DR-DC-2507
	Is this of a satisfactory standard?			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, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed</p>	<p>Yes. The information is included in the Environmental Statement Figures [TR010027/APP/6.2].</p> <p>(i) Statutory and non-statutory nature conservation sites are illustrated on Figure 9.1a and 9.1b respectively in Appendix 9.1 [TR010027/APP/6.3].</p> <p>(ii) Habitats of protected species, important habitats and other diversity features are presented within the figures contained within Appendix 9.1 to 9.14 [TR010027/APP/</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development.</p>	<p>Figure 7.1 - Location of Designated Heritage Assets and Figure 7.2 - Location of Non-designated Heritage Assets found in the Environmental Statement Figures [TR010027/APP/6.2] are contained in Chapter 7 Cultural Heritage in the Environmental Statement [TR010027/APP/6.1].</p>
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	development.	<p>6.3].</p> <p>(iii) Water bodies are illustrated on Figure 14.1 [TR010027/APP/6.2]. Chapter 9 Biodiversity [TR010027/APP/6.1] and Chapter 14 Road drainage and the water environment [TR010027/APP/6.1] present the findings of the assessment of the effects on ecological and hydrological sites, features, habitats and waterbodies.</p>			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

n)	Where applicable, a plan with any accompanying information identifying any Crown land	<p>Yes</p> <p>The application is accompanied by Crown Land Plans [TR010027/APP/2.9].</p>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<p>Yes. The following plans and drawings are provided under Regulation 5(2)(o) of the APFP Regulations 2009 (as amended):</p> <p>Location Plan [TR010027/APP/2.1]</p> <p>General Arrangement Plans [TR010027/APP/2.4]</p> <p>Traffic Regulation Measures Plans [TR010027/APP/2.6]</p> <p>Classification of Roads Plans [TR010027/APP/2.7]</p> <p>Engineering Drawings and Sections [TR010027/APP/6.8]</p>
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<p>Yes. The proposed development is Highway-related development. The application is therefore required to be accompanied by section drawings</p>	q)	Any other documents considered necessary to support the application	<p>Yes. Volume 7 of the DCO Application comprises other documents considered necessary to support the application, as listed in section 23 of the Application Form [TR010027/APP/1.3]. These documents are:</p>

	showing the information set out under Regulation 6(2) of the APFP Regulations. This information is provided in the Engineering Drawings and Sections [TR010027/APP/2.8].		The Planning Statement and NPSNN Accordance Table [TR010027/APP/7.1] Transport Assessment Report [TR010027/APP/7.2]
30	Are there any observations in respect of the documents provided above?		
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)? ¹⁵		Yes. Refer to The Habitats Regulations Assessment: No Significant Effects Report [TR010027/APP/6.8].
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans. ¹⁶		One paper copy and six electronic copies were received, as requested by the Secretary of State.

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

33	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?	<p>Yes.</p> <p>Table 23 in section 6.1.1 of the Consultation Report [TR010027/APP/5.1] sets out how the Applicant has had regard to DCLG guidance 'Planning Act 2008: Application form guidance' in preparing the application. Highways England believes that the application has been prepared to the standards that the Secretary of State considers satisfactory.</p>
34	Summary - s55(3)(f) and s55(5A)	
<p>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</p>		
<p>Fees to accompany an application</p>		
35	Was the fee paid at the same time that the application was made? ¹⁷	The fee was paid on 14 December 2018.

Electronic Signature	Name	Date
Case Leader		
Acceptance Inspector		

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