



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

Version: January 2019

M42 Junction 6 Improvement Scheme - Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		2 January 2019	30 January 2019	30 January 2019
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14 of the PA2008. The development is for a highway related project s14(1)(h) PA2008) and satisfies s22(1)(a) and s22(2)(a)(b) and (c) of the PA2008. It includes the construction of a new motorway junction (M42 Jn 5A) in excess of 15 hectares s22(4)(a) and a new link road with a speed limit greater than</p>		

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

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

	category or categories in ss14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	50 miles per hour and an area greater than 12.5 hectares s22(4)(b). The scheme also includes improvements at the Clock Interchange, new free flow links at the M41 Junction 6 and other modifications along the M42 motorway, some of which fall under s22(1)(c) and (5)(a)(b) and (c). This is consistent with the summary provided in Section 4 of the Application Form (Doc 1.3) .
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.
Section 55(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 ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	Yes On 10 August 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 9 January 2018. A copy of the notification letter is provided at Appendix B of the Consultation Report (Doc 5.1) .
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B',	Yes

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

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

	<p>'C' and 'D' local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 19 host and neighbouring authorities, of which 6 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 18 January 2018.</p> <p>All 6 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/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> • Coventry City Council ('A/D' authority) • Solihull Metropolitan Borough Council ('B' authority) • North Warwickshire Borough Council ('B' authority) • Warwickshire County Council ('C' authority') • Northamptonshire County Council ('D' authority) • Gloucestershire County Council ('D' authority) <p>Paragraph 5.1.12 of the Consultation Report (Doc 5.1) notes that Warwickshire County Council (WCC) and North Warwickshire Borough Council (NWBC) were sent letters which incorrectly identified them as A/D authorities, rather than B/C. The Applicant consulted with the authorities as required under s42 and both Councils responded to the AoCR to confirm that consultation was adequate.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=2</p>
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Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	Yes
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

The Applicant has provided a list of persons consulted under s42(1)(a) on 4 January 2018, 5 January 2018 and 12 January 2018 at **Appendix G** of the **Consultation Report (5.1)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix I** of the **Consultation Report (5.1)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42. The Applicant's **Consultation Report (Doc 5.1)** does not explain why these bodies have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.

- Energetics Electricity Limited
- Fulcrum Electricity Assets Limited
- Fulcrum Pipelines Limited
- Indigo Pipelines Limited
- Murphy Gas Networks Limited
- Murphy Power Distribution Limited
- Scotland Gas Networks Plc
- Southern Gas Networks Plc
- Vattenfall Networks Limited
- Eclipse Power Network Ltd; a related company, G2 Energy IDNO Ltd, is listed as a consultee in Annex G.

The Planning Inspectorate has also identified the following bodies from the The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:

- Homes England, a non-departmental public body, sponsored by the Ministry of Housing, Communities & Local Government.

		<ul style="list-style-type: none"> Western Power Distribution East-Midlands <p>The Applicant has not provided a justification for these bodies not being consulted under s42, however paragraphs 3.3.2 to 3.3.6 of the Consultation Report (Doc 5.1) detail the process the Applicant undertook to identify s42 prescribed consultees and the Applicant's interpretation of the regulations appears justifiable.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.3).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=2</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	n/a
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 9 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 12 January 2018 (paragraph 3.3.16 of the Consultation Report (5.1)).</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> Solihull Metropolitan Borough Council (SMBC) North Warwickshire Borough Council (NWBC) <p>The host 'C' authority was consulted:</p>

⁶ 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

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

- Warwickshire County Council (WCC)

The boundary 'A' authorities were consulted:

- Bromsgrove District Council
- Stratford-on-Avon District Council
- Lichfield District Council
- Tamworth Borough Council
- Hinckley and Bosworth Borough Council
- Warwick District Council
- Nuneaton and Bedworth Borough Council
- North West Leicestershire District Council
- Northamptonshire County Council

The boundary 'D' authorities were consulted:

- West Midlands Combined Authority (including Transport for West Midlands)
- Birmingham City Council
- Coventry City Council
- Oxfordshire County Council
- Worcestershire County Council
- Staffordshire County Council
- Leicestershire County Council

A sample of the letter sent to s42(1)(b) relevant authorities is provided at **Appendix I** of the **Consultation Report (Doc 5.2)**.

In **Chapter 5** of the **Consultation Report (Doc 5.2)** the Applicant describes a further targeted statutory consultation that was undertaken due to changes to the redline boundary following the earlier statutory consultation.

Paragraph 5.1.2 describes the parties who were targeted for consultation, these were identified as: persons newly identified; or where the impact has changed; prescribed consultees and local authorities. The Application did not change such that it could be considered a new application and the Inspectorate considers the earlier statutory consultation to be relevant to the project, therefore a targeted approach to this further consultation is

		<p>considered appropriate.</p> <p>Paragraph 5.1.2 states that 24 local authorities were consulted during the further consultation. Paragraph 5.1.10 states that these are listed in Appendix G. Appendix G contains the 19 local authorities required and four Parish or Town Councils and one Transport Authority.</p> <ul style="list-style-type: none"> • Bickenhill and Marston Green Parish Council • Hampton in Arden Parish Council • Barston Parish Council • Coleshill Town Council • Transport for West Midlands
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 3.3.16 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 4 January 2018.</p> <p>Paragraph 3.3.15 of the Consultation Report (Doc 5.1) summarises how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc 3.1). The full methodology undertaken by the Applicant is provided in Section 3.9 and 3.10 of the Statement of Reasons (Doc 4.1).</p> <p>The Applicant's Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d). The persons consulted under s42(1)(d) are listed at Appendix H of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix I of the Consultation Report (Doc 5.1).</p>

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

		The Applicant carried out further targeted consultation and a list of the s42(d) consultees is provided in Annex N . Annex Q contains a list of people who fall under s42(d) who weren't consulted and the reasons.
Section 45: 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>A sample of the letter sent to s42 consultees is provided at Appendix I of the Consultation Report (Doc 5.1).</p> <p>The sample letters dated '5 January 2018' for s42(d) Category 3 consultees and 'January 2018' for s42(1)(a) and s42(1)(b) confirm that consultation commenced on 9 January 2018 and closed on 19 February 2018, providing more than the required minimum time for receipt of responses.</p> <p>In paragraph 3.3.18 to 3.3.20, the Applicant explains a need to reissue letters and extend the consultation period in letters dated 6 and 7 February 2018. An example of the letter is provided at Appendix I of the Consultation Report (5.1).</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes</p> <p>The Applicant gave notice under s46, in a letter dated 5 January 2018; this was received by the Inspectorate on 8 January 2018 which was before the beginning of s42 consultation (9 January 2018).</p> <p>A copy of the s46 notification letter and a copy of the s46 notification acknowledgement letter from the Planning Inspectorate are provided at Appendix J of the Consultation Report (Doc 5.1).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of	Yes

	Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	A copy of the final SoCC is provided at Appendix F of the Consultation Report (Doc 5.1) .
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>Yes</p> <p>The Applicant sent the draft SoCC to Solihull Metropolitan Borough Council (SMBC) and North Warwickshire Borough Council (NWBC) ('B Authority') and Warwickshire County Council (WCC) ('C' authority) on 12 October 2017 and set a deadline of 10 November 2017 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Table 6 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from SMBC and WCC in respect of the draft SoCC, and demonstrates how the Applicant had regard to their content. Paragraph 3.2.3 of the Consultation Report (Doc 5.1) confirms that NWBC had no comments to make on the draft SoCC.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • As per the suggestion of SMBC a list of stakeholders that would be consulted was included in the published version of the SoCC. • SMBC suggested consultation event locations close to where the development will take place: in the published SoCC the Applicant has included an additional three consultation event locations: Marston Green Parish Hall, Warwickshire Gaelic Athletics Association, and The Core. • WCC suggested engagement with Stratford-on-Avon Council and the Applicant arranged a meeting with them on 8 January 2018. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>

16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Birmingham City Council Offices • Balsall Common Library • Hampton-in-Arden Library • Hobs Moat Library • Marston Green Library • Meriden Library • Solihull Central Library • South Yardley Library • Warwick Library <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Birmingham Mail on Thursday 4 January 2018 • The Solihull News on Friday 5 January 2018 <p>The published s47 SoCC notice is provided in Part 1, Appendix K of the Consultation Report (Doc 5.1) and states where the final SoCC is available to inspect and confirms the locations and dates for manned consultation events.</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Paragraph 9 of the final SoCC at Appendix F of the Consultation Report (Doc 5.1) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian 	3 January 2018																								
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> London Gazette 	4 January 2018																								
d)	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?	Yes The published s48 notice, supplied at Appendix L of the Consultation Report (Doc 5.1) , contains the required information as set out below:																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Paragraph</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>the name and address of the Applicant.</td> <td>Paragraph 1</td> <td>b)</td> <td>a statement that the Applicant intends to make an application for development consent to the Secretary of State</td> <td>Paragraph 1</td> </tr> <tr> <td>c)</td> <td>a statement as to whether the application is EIA development</td> <td>Paragraph 5</td> <td>d)</td> <td>a summary of the main proposals, specifying the location or route of the Proposed Development</td> <td>Paragraph 2-4</td> </tr> <tr> <td>e)</td> <td>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</td> <td>Paragraph 7</td> <td>f)</td> <td>the latest date on which those documents, plans and maps will be available for inspection</td> <td>Paragraph 7</td> </tr> </tbody> </table>					Information	Paragraph		Information	Paragraph	a)	the name and address of the Applicant.	Paragraph 1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	Paragraph 1	c)	a statement as to whether the application is EIA development	Paragraph 5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph 2-4	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	Paragraph 7	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 7
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g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 8	h)	details of how to respond to the publicity	Paragraph 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	Paragraph 10			
21	Are there any observations in respect of the s48 notice provided above?				
	No.				
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 ¹⁰ ?	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 3.3.18 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix I of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed. The Applicant notes in Paragraphs 3.3.18-3.3.20 of the Consultation Report (Doc 5.1) that some statutory consultees did not receive the s48 notice; this was corrected in letters issued on 6 & 7 February 2018.</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>Chapter 4, Table 15 and Annex O of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the</p>			

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		<p>application.</p> <p>Table 16 and Annex P of the Consultation Report (Doc 5.1) set out how the Applicant had regard to responses that did not lead to change.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Paragraph 6.1 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that it appears that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these, available here: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=2</p>
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it	Yes

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

	include: <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 2.1) has been provided.</p>								
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc A-R).</p>								
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Yes</p> <p>It is noted that the Engineering Drawings contain a key plan embedded in the plan title, rather than a full size key plan.</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>								
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA Regulations¹³ and any scoping or screening</td> <td> Environmental Statement (ES) Chapters 1 – 18 (Doc 6.1) Environmental Statement Figures 1.1 – 16.2 (Doc 6.2) Environmental Statement </td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	Environmental Statement (ES) Chapters 1 – 18 (Doc 6.1) Environmental Statement Figures 1.1 – 16.2 (Doc 6.2) Environmental Statement	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>draft Development Consent Order (Doc 3.1)</td> </tr> </tbody> </table>	Information	Document	b) The draft Development Consent Order (DCO)	draft Development Consent Order (Doc 3.1)
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b) The draft Development Consent Order (DCO)	draft Development Consent Order (Doc 3.1)									

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

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	opinions or directions	Appendices 1.1 – 16.4 (Doc 6.3) Environmental Statement Non-Technical Summary (Doc 6.4) Planning Inspectorate Scoping Opinion (Doc 6.5)		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition) Book of Reference (Doc 4.3)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? Yes
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (Doc 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 Statement of Statutory Nuisance (Doc 6.9)

	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 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	Land Plans (Doc 2.2)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)

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	Works Plans (Doc 2.3)	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	Streets, Rights of Way and Access Plans (Doc 2.5)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
l)	Where applicable, a plan with accompanying information identifying: - (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/	Assessment of Nature Conservation Effects (Doc 6.7) signposts plans with reference to this requirement. The signposted plans and others identified are: (i) ES Figure 8.4: Tree Location Plan (Doc 6.2) Figures contained within ES	m)	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,	Assessment of Historic Environmental Effects (Doc 6.6) signposts plans with reference to this requirement. These signposted plans are: ES Figure 7.1: Location of Designated Heritage Assets (Doc 6.2) and ES Figure 7.2:

<p>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 Development</p>	<p>Appendix 9.1 (Doc 6.3)</p> <p>ES Figure 10.2: Identified Receptors (Doc 6.2)</p> <p>Figure 10.3: Identified Receptors – Aquifer Designations, Source Protection Zones and Drinking Water Safeguard Zones (Doc 6.2)</p> <p>An assessment of effects is set out in ES Chapter 8 Sections 8.7 and 8.9 (Doc 6.1); ES Appendix 8.1 (Doc 6.3); ES Chapter 10 Sections 10.7 and 10.7 (Doc 6.2); ES Appendix 10.1 (Doc 6.3); and ES Chapter 14 (Doc 6.1).</p> <p>ii) Figures contained within ES Appendices 9.1 – 9.11 and 9.14 (Doc 6.3)</p> <p>Figure contained in Habitats Regulations Assessment No Significant Effects Report Appendix B (Doc 6.8).</p> <p>An assessment of effects is set out in ES Chapter 9 Sections 9.7 and 9.9 (Doc 6.1); and ES Appendix 9.4 (Doc 6.3).</p> <p>iii) ES Figure 14.1: Water Resource Features and Their</p>	<p>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>Location of Non-designated Heritage Assets (Doc 6.2).</p> <p>An assessment of effects is set out in ES Chapter 7 Sections 7.7 and 7.9 (Doc 6.1).</p>
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		Attributes (Doc 6.2) An assessment of effects is set out in ES Chapter 14 Sections 14.7 and 14.9 (Doc 6.1) ; and Appendix 14.1: Preliminary Water Framework Directive Assessment (Doc 6.3) .		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 2.9)	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 General Arrangement Plans (Doc 2.4) Traffic Regulation Measures Plans – Clearways and Weight Limits (Doc 2.6) Traffic Regulation Measures Plans – Speed Limits (Doc 2.6) Classification Of Road Plans (Doc 2.7)
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard? Yes (with minor discrepancies as noted in Box 30)
p)	Any of the documents prescribed by	n/a	q)	Any other documents considered necessary Introduction to the Application (Doc 1.1)

	Regulation 6 of the APFP Regulations:		to support the application	Consents and Agreement Position Statement (Doc 3.3) Planning Statement and National Policy Statement Accordance table (Doc 7.1) Transport Assessment Report (Doc 7.2) Outline Environmental Management Plan (Doc 6.11)
	Are they of a satisfactory standard?	n/a	Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided above?			
	<p>Yes</p> <p>draft Development Consent Order (Doc 3.1)</p> <p>Schedule 5: permanent stopping up of streets, public rights of way and private means of access <i>Part 5: private means of access to be stopped up and for which a substitute is to be provided</i></p> <ul style="list-style-type: none"> • Rows 8, 10 & 11 - the descriptions of the private access to be stopped up and then replaced along the realigned B4438 are often identified using the same identifier i.e.".. 3/2 will be stopped up.." "..Access to existing field gate is to be provided at point 3/2.." <p>Schedule 7: land in which only new rights etc. may be acquired</p> <ul style="list-style-type: none"> • The descriptions differ between being directly related to works, related to works associated with works; and some with works associated with the authorised developments. For instance under Land Plans: <ul style="list-style-type: none"> o sheet 3, 3/4b refers specifically to work no. 33 and work no. 62 o sheet 3, 3/25 refers only to "works associated with authorised development" o sheet 4: 4/1d, 4/25a references "works associated with work no. 20) • In schedule 7, Land Plans – sheet 4, 4/25o. 4/25j, 4/25p, 4/25n references "work no. 39 and the installation of a new 			

gantry" it is unclear what Work the installation of a new gantry is a part of.

Schedule 9: land of which temporary possession may be taken

- 2/1f is described as land to be acquired permanently on the land plans and in the book of reference; however it appears in Schedule 9.

Schedule 11: certification of plans and documents, etc.

- There are no revision numbers in schedule 11.
- Schedule 11 Classification of Roads Plans are not identified with the relevant Regulation

General

- There is no distinction between principal works to the NSIP element and associated development in either the draft DCO or the Explanatory Memorandum.

General comments on plans

- Identifying factors aren't often labelled on the plans e.g. Land Plans Plot 2/3ah – Hampton Lane Farm and e.g. Works Plan – work 62 – A45 not labelled.
- The electronic plans are not searchable.
- Key Plans should be labelled with the relevant Regulation (5)(4).

Works Plans (Doc 2.3)

- On Sheet 3, in Inset D Work 10a is labelled as Work 10; there is no Work 10 in the DCO.
- The yellow polygon of 'no work within the Order Limit' appears to be labelled as 10a. W10a appears to be labelled correctly on Sheet 3 on main map and Sheet 4 on main map and Inset E.
- On Sheet 2, in Inset A, Work 54a points to two highway centrelines; on the main map one of these is labelled Work 68.
- The centreline for Work 63 goes through a yellow polygon described as 'land not included within the order limits'.
- On Sheet 3 Work 68 points at an area of land with no discernible work boundary/limit/centreline.
- On Sheet 3 Work 76, being the installation of a pumped system including a station is depicted with a green highway centreline and the termination point is difficult to see.

Land Plans (Doc 2.2)

- Each plot uses a single locator in the Book of Reference which can make it difficult to find places, especially if that location is just "*west of the Catherine-de-Barnes*" as a large number of plots are, or as "*west of the M42*" as 3/82a is, as

"west of the M42" covers most of the plots on the sheet.

- Some descriptions contain locations which aren't named on the plan e.g. 3/4a is described as located using: "(Hampton Lane Farm, Solihull, Hampton-in-Arden, Solihull, B92 0ES)".
- Some descriptions could more usefully employ other locations e.g. 3/3d is described in the book of reference as approximately 527 square meters of public highway verge (St. Peters Lane) yet it appears to lie on Catherine-de-Barnes lane or 3/50 which is described as "approximately 1003 square metres of trees and shrubbery (Church Garth, St. Peters Lane, Bickenhill, Solihull, B92 0DR)" yet appears to be on Catherine-de-Barnes lane.

Section 51 advice has been issued to the Applicant in respect of the above matter:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=2>

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)? ¹⁴	<p>Yes</p> <p>The Applicant submitted the document titled Habitats Regulations Assessment No Significant Effects Report (Doc 6.8).</p> <p>This document identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	If requested by the Planning Inspectorate, three paper copies of the application form and other supporting documents and plans ¹⁵	<p>Yes</p>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form	<p>Yes</p> <p>The Applicant has not provided text to demonstrate that they have had</p>

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

	guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	regard to this guidance. However, following a review of the submitted Application Form (Doc 1.3) and the guidance the Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	<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 has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=2</p>

The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 17 December 2018; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Dee Allen</i>	30 January 2019

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

Acceptance Inspector	<i>Pauleen Lane</i>	30 January 2019
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