

A1 Birtley to Coal House Improvement Scheme

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here:

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		14 August 2019	11 September 2019	10 September 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 category or categories in ss14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the draft Development Consent Order (dDCO) (Doc 3.1) includes development falling within the categories in section (s)14 of the Planning Act 2008 (PA2008). The development is for the alteration of a highway and satisfies section 22(1)(b) of the PA2008; including subsection 22(3) and subsection 22(4)(b).</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.2) which states that the application is for an NSIP.</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)

	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?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the draft Development Consent Order (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?	<p>Yes.</p> <p>On 16 October 2017 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 8 February 2018.</p> <p>A copy of the notification letter is provided at Annex B of the Consultation Report (Doc 5.1).</p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p>Yes.</p> <p>There are 6 host and neighbouring authorities, of which 5 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 28 August 2019.</p> <p>All 5 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"> • Gateshead ('B' authority)

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

	<ul style="list-style-type: none"> • Durham County Council ('A' authority) • Newcastle City Council ('A' authority) • Northumberland County Council ('A' authority) • Sunderland City Council ('A' authority) <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-birtley-to-coal-house-improvement-scheme/?ipcsection=docs</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 ?	<p>Yes.</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) at Appendix G of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter dated 6 February 2018 sent to s42(1)(a) consultees is provided at Appendix I of the Consultation Report.</p> <p>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:</p> <ul style="list-style-type: none"> • Energy Assets Power Networks Limited; <p>The Applicant's Consultation Report does not explain why this particular body has not been consulted.</p> <p>The Applicant's Consultation Report does not explain why the bodies identified below 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</p>
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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)

clear from information in the public domain.

- Energy Assets Pipelines Limited;
- Harlaxton Gas Networks Limited;
- Murphy Gas Networks Limited;
- Eclipse Power Network Limited;
- Fulcrum Electricity Assets Limited;
- Murphy Power Distribution Limited;
- Vattenfall Networks Limited;

It is noted that the bodies listed below, have been identified within the Applicant's **Consultation Report at Annex G (Doc 5.1)**, where the Applicant has explained that these particular bodies had not been consulted under s42. The Applicant states that it:

"...is confident having worked closely with stat providers in the area from an early stage of Scheme development that their apparatus will not be affected."

- The Crown Estate;
- Cadent Gas Limited;
- Energetics Gas Limited;
- ES Pipelines Ltd;
- ESP Connections Ltd;
- ESP Networks Ltd;
- Fulcrum Pipelines Limited;
- GTC Pipelines Limited;
- Independent Pipelines Limited;
- Indigo Pipelines Limited;
- Quadrant Pipelines Limited;
- National Grid Gas Plc;

		<ul style="list-style-type: none"> • Scotland Gas Networks Plc; • Southern Gas Networks Plc; • Wales and West Utilities Ltd; • Energetics Electricity Limited; • ESP Electricity Limited; • Harlaxton Energy Networks Limited; • Independent Power Networks Limited; • Leep Electricity Networks Limited; • The Electricity Network Company Limited; • UK Power Distribution Limited; • Utility Assets Limited; • National Grid Electricity Transmission Plc; <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). Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010031-000604</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>Section 3.3, Table 7 and paragraph 3.3.6 of the Consultation Report (Doc 5.1) confirms the that relevant Local Authorities had been consulted under s42 which was undertaken between 8 February 2018 to 29 March 2018.</p> <p>The host 'B' 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

		<ul style="list-style-type: none"> • Gateshead Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Sunderland City Council; • Newcastle City Council; • Durham County Council; • Northumberland County Council; and • South Tyneside Council <p>A sample of the letter sent to s42(1)(b) relevant authorities dated 6 February 2018 is provided at Appendix I2 of the Consultation Report (Doc 3.1).</p>
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 3.3.6 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 6 February 2018.</p> <p>Section 4.4 to 4.7 of the Statement of Reasons (Doc 4.1) summarise 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 Chapter 4 of the Statement of Reasons.</p> <p>The Applicant's Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d).</p> <p>A sample of the letter is provided at Appendix I2 of the Consultation Report.</p>
Section 45: Timetable for s42 consultation		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if	Yes.

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

	<p>so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>A sample of the letter sent to s42 consultees is provided at Appendix I2 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 6 February 2018 confirmed that consultation commenced on 8 February 2018 and closed on 22 March 2018, however due to severe weather conditions, the consultation event scheduled for 1 March 2018 at Kibblesworth was postponed as reflected in Table 8 of the Consultation Report and therefore rescheduled to take place on 22 March 2018 at the same venue.</p> <p>This resulted in the consultation period being extended to close on 29 March 2018 to facilitate the cancelled event, this therefore allowed a consultation period of 49 days that is more than the required minimum time for receipt of responses.</p>
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Section 46: Duty to notify the Planning Inspectorate of proposed application

12	<p>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>	<p>Yes</p> <p>The Applicant gave notice under s46 on 6 February 2018, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix J of the Consultation Report (Doc 5.1).</p>
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Section 47: 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>A copy of the final SoCC is provided at Appendix F of the Consultation Report (Doc 5.1).</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>The Applicant sent the draft SoCC to Gateshead Council ('B Authority'), whilst paragraph 3.2.2 of the Consultation Report (Doc 5.1) provides the Applicants decision to consult Sunderland City Council ('A' Authority) on the draft SoCC. Paragraph 3.2.6 and Table 4 of the Consultation Report also confirms that the Applicant issued their final draft SoCC to Durham County Council for comments.</p> <p>The draft SoCC was sent to the relevant Local Authorities for comment on 2 May 2017 and set a deadline of 30 May 2017 for responses; providing the minimum 28 days</p>

		<p>required for responses to be received.</p> <p>A further final draft SoCC was issued to Gateshead Council, Sunderland City Council and Durham Council on 20 November with a deadline for responses to be received by 18 December 2017; which provided the minimum 28 days required for responses to be received.</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes.</p> <p>No responses were received from Sunderland City Council on either of the draft SoCCs issued by the Applicant, nor any responses received from Durham County Council on the final draft SoCC.</p> <p>Table 4 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from Gateshead Council (GC) in respect of the draft SoCC and demonstrates how the Applicant had regard to their content, including a response from the host authority requesting that Durham County Council be given the opportunity to comment on the draft SoCC.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes.</p> <p>The 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"> • Gateshead Civic Centre, NE8 1HH • Birtley Library, DH3 1LE • The Hub Resource Centre, DH3 2QH • Kibblesworth Millennium Centre, NE11 0XN • Highways England, LS11 9AT <p>Table 5 of the Consultation Report (Doc Ref 5.1) provides the full list of locations where the SoCC was made available.</p> <p>A notice stating when and where the SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Newcastle Evening Chronicle on 1 February and 8 February 2018; and

		<ul style="list-style-type: none"> Newcastle Journal on 1 February and 8 February 2018 <p>Clippings of the published advertisements are provided at Appendix L2 to L7 of the Consultation Report (Doc 5.1).</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 14 of the 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>												
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Table 9 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the SoCC.</p>												
Section 48: Duty to publicise the proposed application														
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes.</p> <p>Table 10 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice and clippings of the published notices as set out below are provided at Annex L2, L3 and L8 to L12 of the Consultation Report:</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 35%;">Newspaper(s)</th> <th style="width: 60%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> The Newcastle Evening Chronicle The Newcastle Journal <p>1 and 8 February 2018</p> </td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> The Guardian <p>1 February 2018</p> </td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> The London Gazette <p>1 February 2018</p> </td> </tr> </tbody> </table>				Newspaper(s)	Date	a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> The Newcastle Evening Chronicle The Newcastle Journal <p>1 and 8 February 2018</p>	b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian <p>1 February 2018</p>	c)	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 <p>1 February 2018</p>
	Newspaper(s)	Date												
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> The Newcastle Evening Chronicle The Newcastle Journal <p>1 and 8 February 2018</p>												
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Guardian <p>1 February 2018</p>												
c)	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 <p>1 February 2018</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

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 L12 of the Consultation Report (Doc 5.1) , contains the required information as set out below:			
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 4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Paragraph 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	Paragraph 5	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 7	h)	details of how to respond to the publicity	Paragraph 8
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	Paragraph 9			

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>Paragraph 3.3.7 of the Consultation Report (Doc 5.1), confirms that a copy of the s48 notice (Annex L12) was sent to the relevant consultees as part of the s42 consultation.</p> <p>A sample of the s42 consultation letter is provided at Appendix I2 of the Consultation Report.</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 20 and Annex N of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received.</p> <p>Table 21 of the Consultation Report summarises responses that did not result in changes to the scheme and it is sufficiently clear that regard was had to it.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted.</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>Chapter 5 and Table 22 (Compliance with DCLG Guidance on the Pre-application process) of the Consultation Report (Doc 5.1) depicts how the Applicant has considered all relevant statutory and other guidance, when undertaking their pre-application duties.</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>

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

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

25	Summary: Section 55(3)(e)	<p>The application as made by the Applicant has complied with Chapter 2 of Part 5 (pre application procedure). All relevant duties have been complied with.</p> <p>Whilst there are some consultation discrepancies, s51 advice has been provided to the Applicant to remedy these.</p> <p>http://infrastructure.planninginspectorate.gov.uk/document/TR010031-000604</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	<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 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>Yes.</p> <p>Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form provides a brief non-technical description of the site, whilst 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), inclusive of appendices.</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	Yes.	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:	
Information		Information	
Document		Document	

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

a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (Docs 6.1 to 6.4) Scoping Opinion - ES Appendix 4.1 (Doc 6.3)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
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		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment – ES Appendix 13.1 (Doc 6.3) based on the UKCP18 figures available at the time of submission.	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 Relating to Statutory Nuisance (Doc 5.2)
	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	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	Land Plans (Doc 2.2)

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

Acquisition)		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	
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)
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	Works Plan (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 Plan (Doc 2.4)

	deviation provided for in the draft DCO				
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? Yes	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>(i) ES Figure 8.1 – Statutory and Non-Statutory Designated Sites (Doc 6.2); ES Figure 5.3 – Modelled Receptors Overview (Doc 6.2); ES Appendix 8.1, Figure 4 (Doc 6.3); ES Appendix 8.2, Figure 1 (Doc 6.3); ES Figure 13.3 – Scheme Extents and Environmental Constraints (Doc 6.2); and ES Figure 7.1 – Landscape Character Study Area and Landscape Character Areas (Doc 6.2). An assessment of effects is provided in ES Chapters 5, 7 and 8 (Doc 6.1) and ES Appendix 8.2 (Doc 6.3).</p> <p>(ii) ES Figure 8.2 – Protected Species Habitats (Doc 6.2); ES Figure 13.3 – Scheme Extents and Environmental Constraints (Doc 6.2); and ES Appendix 8.1, Figure 3 – Phase 1 Habitat Survey (Doc 6.3). An assessment of effects is provided in ES Chapter 8 (Doc 6.1)</p> <p>(iii) ES Figure 13.8 – Water Framework Directive</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>	ES Figures 6.1 and 6.2 - Heritage Constraints Plans - Designated Sites and Non-Designated Sites (Doc 6.2). An assessment of effects is provided in ES Chapter 6 (Doc 6.1).

		Waterbodies (Doc 6.2). An assessment of effects is provided in ES Chapter 13 (Doc 6.1) and ES Appendix 13.2 (Doc 6.3).		
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	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 Plan (Doc 2.6) Structures Engineering Drawings and Sections (Doc 2.7)
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard? Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineer Drawings (Doc 2.5) Structures Engineering Drawings and Sections (Doc 2.7)	q)	Any other documents considered necessary to support the application Covering Letter and Section 55 Checklist (Doc 1.1) Introduction to the Application (Doc 1.3) Guide to the Documents to be Certified (Doc 1.4) Consents and Agreements Position Statements (Doc 3.3) Planning Statement (Doc 7.1)

				National Networks National Policy Statement (NNNPS) Accordance Table (Doc 7.2) Transport Assessment Report (Doc 7.3) Outline Construction Environmental Management Plan (CEMP) (Doc 7.4)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?
30	Are there any observations in respect of the documents provided above?			
	<p>Land Plans (Doc 2.2) and Book of Reference (Doc 4.3)</p> <p>There are minor inconsistencies between multiple plot descriptions provided within the Book of Reference (BoR) against the associated Land Plans, these relate mainly to reference points described within the BoR which are not depicted on the Land Plans.</p> <p>Works Plan (Doc 2.3)</p> <p>There are minor discrepancies between the Works Plans and Schedule 1 of the draft Development Consent Order (dDCO). The dDCO for Works No. 9 makes reference to “...<i>land adjacent to Lamseley Road</i>...”, however upon review of Works Plans (Sheet 3) this specific landmark can’t be identified. There also seems to be multiple “commencement of work” points associated to a single Works (e.g. Works 8b and 19) depicted on the Works Plans, which isn’t clarified within the dDCO.</p> <p>Statement of Reasons (Doc 4.1)</p> <p>Annex A to this document provides details pertaining to the specific purpose of each plot of land subject to Compulsory Acquisition and Temporary Possession, these are set out in Tables 1-6 therein. Upon an initial review of the plots identified within these Tables against the associated Land Plans and Works Plans, there appears to be some minor inconsistencies between the identified Works (column 2) and Plot number (Column 1).</p> <p>Key Plans</p> <p>The Key Plans associated to the Land Plans (Doc 2.2) and Special Category Land Plans (Doc 2.8) don’t depict the Redline Boundary associated to the proposed development.</p> <p>ES Figure 8.1 – Statutory and Non-Statutory Designated Sites (Doc 6.2)</p> <p>This plan illustrates the locations of nature conservation sites but is not labelled to denote the individual designation types (e.g. Local Wildlife Site). However, it has been possible to ascertain this information through cross-reference to Figure 4 in ES Appendix 8.1 – Preliminary Ecological Appraisal (Doc 6.3), ES Figure 13.3 – Scheme Extents and Environmental Constraints (Doc 6.2) and ES Chapter 8 – Biodiversity (Doc 6.1).</p>			

	Section 51 advice has been issued to the Applicant in respect of the above matters: http://infrastructure.planninginspectorate.gov.uk/document/TR010031-000604	
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	Yes. A Habitat Regulations Assessment (HRA) Report is provided at Appendix 8.2 of the Environmental Statement (Doc 6.3) . The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance. 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.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	N/A.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Chapter 5, Table 22 and 23 of the Consultation Report (Doc 5.1) shows how the Applicant has considered all relevant statutory and other guidance, when undertaking their pre-application duties. While there is no specific reference to DCLG ' <i>Planning Act 2008: Application form guidance</i> ' within the Consultation Report, on reviewing the application the Applicant has identified and has had regard to relevant guidance, and the overall standard of the application is satisfactory.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate considers that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5)(a) and concludes that the application is of a satisfactory standard
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		

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

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

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 05 August 2019; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Emré Williams</i>	10 September 2019
Acceptance Inspector	<i>Pauleen Lane</i>	10 September 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

