



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:** August 2022

## Lower Thames Crossing - 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 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 Department for Levelling Up, Housing and Communities.

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
		<b>31 October 2022</b>	<b>28 November 2022</b>	<b>28 November 2022</b>
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 <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The principal development is for the construction of a highway, which satisfies section 22 of the PA2008, including subsections (1), (2) and (4).</p> <p>This is consistent with the summary provided in <b>Section 4</b> of the <b>Application Form (Doc 1.2)</b>.</p>		

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

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

	which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , 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?	<b>Yes</b>  On 31 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 10 October 2018.  A copy of the notification letter is provided at <b>Appendix C</b> of the <b>Consultation Report (Doc 5.1)</b> .
5	Have any Adequacy of Consultation Representations <sup>4</sup> 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?	<b>Yes</b>  There are 30 host and neighbouring authorities, of which 19 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 01 November 2022.  Eighteen responding authorities confirmed in their AoCR that either they considered that

<sup>3</sup> 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)

<sup>4</sup> 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

the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments or objections to make. These local authorities were:

- Ashford District Council ('A' authority) <sup>1</sup>
- Basildon Council ('A' authority)
- Chelmsford District Council ('A' authority)
- Dartford Borough Council ('A' authority)
- Medway Council ('A' authority) <sup>1</sup>
- Sevenoaks District Council ('A' authority)
- London Borough of Redbridge ('A' authority)
- Brentwood Borough Council ('B' authority)
- Gravesham Borough Council ('B' authority) <sup>1</sup>
- London Borough of Havering ('B' authority) <sup>1</sup>
- Maidstone Borough Council ('B' authority)
- Tonbridge and Malling Borough Council ('B' authority) <sup>1</sup>
- Essex County Council ('C' authority) <sup>1</sup>
- Kent County Council ('C' authority) <sup>1</sup>
- Hertfordshire County Council ('D' authority)
- Southend on Sea City Council ('D' authority)
- Suffolk County Council ('D' authority)
- Surrey County Council ('D' authority)

<sup>1</sup> These authorities made additional comments within their AoCR.

One responding authority confirmed in their AoCR that they did not consider that the

Applicant had fully complied with its statutory pre-application duties under part 5, chapter 2 of the PA2008. This local Authority was:

- Thurrock Council ('B authority')

The Inspectorate has carefully considered the issues raised in Thurrock's AoCR, as part of its full review of the Consultation Report, and makes the following comments:

- The Inspectorate considers that there is evidence in the Consultation Report that regard was had by the Applicant to comments received at each stage of consultation. Additionally, that there is evidence that changes were made to the scheme in response to consultation responses, as well as explanations as to when changes were not made.
- The Inspectorate considers that the Applicant's approach to consultation was proportionate, appropriate, and compliant.
- Whilst changes have been made to the scheme following consultation responses, the Inspectorate does not consider that the scheme is substantively different to that which was subject to statutory consultation in 2018.
- The Inspectorate considers that the breadth and depth of information made available was sufficient that there was a reasonable prospect that the scheme was able to be understood by the wide variety of consultees, as would be appropriate.
- Whilst the Inspectorate understands the inclusion of comments relating to the 2020 submission, for the purpose of clarity, the Acceptance process is only concerned with the application currently before the Inspectorate.

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/lower-thames-crossing/?ipcsection=docs&stage=2&filter1=Adequacy+of+Consultation+Representation>

Additionally, the Planning Inspectorate received submissions on the Applicant's consultations from members of the public. These have been published here:

		<p><a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010032-001816">https://infrastructure.planninginspectorate.gov.uk/document/TR010032-001816</a></p> <p>The Inspectorate has considered all submitted representations. In relation to concerns bearing directly on adequacy of consultation, the Inspectorate is satisfied that the Applicant has complied with its statutory obligations. To the extent that other matters have been raised in responses, the Inspectorate is satisfied that these are either matters that do not bear on an Acceptance decision or are capable of being Examination matters and therefore do not affect the conclusion that the Applicant has complied with its statutory obligations.</p>
<p><b>Section 42: Duty to consult</b></p>		
<p>Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
<p>6</p>	<p>Section 42(1)(a) persons prescribed<sup>5</sup>?</p>	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 04 October 2018 at <b>Table H.1</b> of <b>Appendix H</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Plate K.1</b> of <b>Appendix K</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Table 8.4</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> identifies a number of parties that were identified by the Planning Inspectorate, based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), in 2020 and recommended to the Applicant to consult. The Applicant has since consulted these parties.</p> <p><b>Paragraph 8.8.8</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> lists a number of additional parties that the Applicant subsequently identified and consulted.</p>

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Yes</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Table H.3</b> in <b>Appendix H</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 04 October 2018 and 11 May 2022.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Brentwood Borough Council</li> <li>• Gravesham Borough Council</li> <li>• London Borough of Havering</li> <li>• Maidstone Borough Council <sup>1</sup></li> <li>• Thurrock Council</li> <li>• Tonbridge and Malling Borough Council <sup>1</sup></li> </ul> <p>The host 'C' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> <li>• Kent County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Ashford Borough Council <sup>2</sup></li> </ul>

<sup>6</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>7</sup> 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

- Basildon Council
- Castle Point Borough Council
- Chelmsford City Council
- Dartford Borough Council <sup>3</sup>
- Epping Forest District Council
- London Borough of Barking and Dagenham
- London Borough of Bexley
- London Borough of Redbridge
- Medway Council
- Sevenoaks District Council
- Swale Borough Council
- Tunbridge Wells Borough Council <sup>2</sup>

The boundary 'D' authorities were consulted:

- Cambridgeshire County Council
- East Sussex County Council
- Hertfordshire County Council
- London Borough of Bromley
- London Borough of Enfield
- London Borough of Waltham Forest
- Southend-on-Sea City Council
- Suffolk County Council
- Surrey County Council

A sample of the letter sent to s42(1)(b) relevant authorities is provided at **Appendix K** of



		<p>the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Notes:</p> <p><sup>1</sup> These authorities were ‘A’ authorities in 2018 but are now ‘B’ authorities.</p> <p><sup>2</sup> These authorities became ‘A’ authorities when Maidstone BC and Tonbridge and Malling BC changed from ‘A’ to ‘B’ authorities.</p> <p><sup>3</sup> This authority was a ‘B’ authority in 2018 but is now an ‘A’ authority.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Yes</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 5.2.2</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> states that all persons identified under s42(1)(d) were consulted on 09 October 2018.</p> <p>A number of additional persons were identified after the start of Statutory Consultation and were consulted, with a minimum of 28 days, on dates between 15 October 2018 and 21 November 2018.</p> <p>Additional persons were also identified and consulted on dates including 15 August 2019, 27 January 2020, 13 July 2020, 13 July 2021, 11 May 2022 and 18 August 2022. Some persons were consulted on other dates, as they were identified after the start of Supplementary Consultation, and were given at least 28 days to respond.</p> <p><b>Table J.12</b> of <b>Appendix J</b> of the <b>Consultation Report (Doc 5.1)</b> lists 58 persons both known and unknown that were identified following the final round of non-statutory consultation and were therefore not consulted. They were contacted in October 2022 and have been invited to engage in the next stage of the planning process.</p>

<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.

		<p><b>Paragraphs 4.3.19 to 4.3.46 of the Consultation Report (Doc 5.1, Part 1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>. The full methodology undertaken by the Applicant is provided in <b>Statement of Reasons Annex C – Land Referencing Methodology (Doc 4.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendices J</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix K</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix K</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 04 October 2018 confirmed that consultation commenced on 10 October 2018 and closed on 20 December 2018, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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><b>Yes</b></p> <p>The Applicant gave notice under s46 on 09 October 2018, which was before the beginning of the s42 consultation.</p> <p>A copy of the s46 notification letter and a copy of s46 notification acknowledgement letter from the Planning Inspectorate are provided at <b>Appendix L</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>

## Section 47: Duty to consult local community

13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix G</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to 42 local authorities on 01 August 2018, including:</p> <ul style="list-style-type: none"> <li>• Brentwood Borough Council ('B' authority)</li> <li>• Dartford Borough Council ('B' authority) <sup>1</sup></li> <li>• Gravesham Borough Council ('B' authority)</li> <li>• London Borough of Havering ('B' authority)</li> <li>• Maidstone Borough Council ('B' authority) <sup>2</sup></li> <li>• Thurrock Council ('B' authority)</li> <li>• Tonbridge and Malling Borough Council ('B' authority) <sup>2</sup></li> <li>• Essex County Council ('C' authority)</li> <li>• Kent County Council ('C' authority)</li> </ul> <p>The Applicant set a deadline of 02 September 2018 for responses; providing more than the required minimum time for responses to be received.</p> <p>Notes:  <sup>1</sup> This authority is no longer a 'B' authority  <sup>2</sup> These authorities were not 'B' authorities at the time but were consulted on the SoCC.</p>
15	Has the Applicant had regard to any responses received when preparing the	<p><b>Yes</b></p>

	SoCC?	<p><b>Appendix F of the Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Ashford District Council, Cambridgeshire County Council, Castle Point Borough Council, Chelmsford City Council, Dartford Borough Council, Dover District Council, Essex County Council, Gravesham Borough Council, Greater London Authority, Kent County Council, London Borough of Bexley, London Borough of Havering, Maidstone Borough Council, Maldon District Council, Medway Council, Thurrock Council, in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Change of an event location from Orsett Hall to Tilbury Community Association; suggested due to a lack of public transport to Orsett Hall.</li> <li>• Extension of leaflet distribution area over much larger areas of Essex and Kent and increased to around 270,000 addresses.</li> <li>• Information added to the SoCC about how harder to reach audiences would be engaged with and how equalities would be considered.</li> </ul> <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 on a website maintained by or on behalf of the Applicant; 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><b>Yes</b></p> <p>The final SoCC was made available at the following locations, which were reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Brentwood Library, New Road, Brentwood, CM14 4BP</li> <li>• Grays Library, Thameside Complex, Orsett Road, Grays, RM17 5DX</li> <li>• Romford Central Library, St Edwards Way, Romford, RM1 3AR</li> <li>• Tilbury Hub, Civic Square, Tilbury, RM18 8AD</li> <li>• Dartford Library, Central Park, Market Street, Dartford, DA1 1EU</li> </ul>

		<ul style="list-style-type: none"> <li>• Gravesend Library, Windmill Street, Gravesend, DA12 1BE</li> <li>• Maidstone Library, Kent History and Library Centre, James Whatman Way, Maidstone, ME14 1LQ</li> <li>• Rochester Library, Rochester Community Hub, Eastgate, Rochester, M1 1EW</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• The Times 10 October 2018</li> <li>• Essex Chronicle 04 October 2018</li> <li>• Kent Messenger 04 October 2018</li> <li>• Thurrock Gazette 04 October 2018</li> <li>• Yellow Advertiser 12 October 2018</li> <li>• Fishing News 11 October 2018</li> </ul> <p>The published SoCC notice, provided at <b>Appendix N</b> of the <b>Consultation Report (Doc 5.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix N</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Paragraphs 15 and 16</b> of the final SoCC at <b>Appendix G</b> of the <b>Consultation Report (Doc 5.1)</b> 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	<p><b>Yes</b></p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	SoCC?	<p><b>Paragraphs 4.5.1 to 4.5.58 of the Consultation Report (Doc 5.1, Part 1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table G.1 of Appendix G to the Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices K, M and N of the Consultation Report (Doc 5.1)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• Some consultees reported problems downloading large documents from the website on launch day. These issues were identified on the first day of the consultation and addressed by breaking the affected documents into smaller files to make downloading easier.</li> <li>• The venue managers of Lakeside requested cancellation of the visit of the Mobile information centre scheduled for 16 November 2018 due to operational difficulties. An additional awareness event inside the shopping centre was rescheduled for 06 December 2018 and publicised.</li> <li>• One information point was set up incorrectly due to a courier error, with material intended for Blackshots Library being delivered to the Civic Hall next door. As soon as the error was identified, additional consultation publicity materials were sent to Blackshots Library.</li> </ul>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure)	<p><b>Yes</b></p> <p><b>Paragraph 4.6.4 of the Consultation Report (Doc 5.1, Part 1)</b> states:  <i>“Section 48(1) of the Planning Act 2008 provides that a notice publicising a proposed development must be published in the prescribed manner, namely in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP</i></p>

	Regulations 2009?	<p><i>Regulations.</i>”</p> <p><b>Table 4.15</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix N</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix N</b> of the <b>Consultation Report (Doc 5.1)</b>:</p>	
		<b>Newspaper(s)</b>	<b>Date</b>
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"> <li>• Essex Chronicle</li> <li>• Kent Messenger</li> <li>• Thurrock Gazette</li> </ul>	04 October 2018 and 11 October 2018
		<ul style="list-style-type: none"> <li>• Yellow Advertiser</li> </ul>	12 October 2018 and 19 October 2018
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul>	10 October 2018
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• London Gazette</li> </ul>	10 October 2018
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> <li>• Lloyd's List</li> </ul>	04 October 2018 and 11 October 2018
		<ul style="list-style-type: none"> <li>• Fishing News</li> </ul>	10 October 2018
20	Did the s48 notice include the required information set out in Regulation 4(3) of	<b>Yes</b>	

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?		The published s48 notice, supplied at <b>Appendix N</b> of the <b>Consultation Report (Doc 5.1)</b> , contains the required information as set out below:					
Information		Paragraph		Information		Paragraph	
a)	the name and address of the Applicant	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1		
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	1		
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	4 to 6	f)	the latest date on which those documents, plans and maps will be available for inspection	4		
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6	h)	details of how to respond to the publicity	7		
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	4 and 7					



21	Are there any observations in respect of the s48 notice provided above?	
<b>No</b>		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 4.6.5</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix S</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Chapter 11</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</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>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning	<b>Paragraph 2.4.2</b> of the <b>Consultation Report (Doc 5.1, Part 1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

	Act 2008: Guidance on the pre-application process <sup>11</sup> ?	<p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p> <p>To assist the Inspectorate in reaching this conclusion all responses to the Applicant's consultation under Part 5 of the PA2008 were requested under Regulation 5(5) of the APFP Regulations. The Inspectorate's request for these responses was made on 03 November 2022 and the Applicant provided the responses on 04 November 2022.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
<p><b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b></p>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Section 4 of the Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5 of the Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>Section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 2.1)</b> has been provided.</p>
27	Is it accompanied by a Consultation Report	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and accompanying</p>

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

		Appendices.
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes</b>
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:
<b>Information</b>		<b>Document</b>
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Non – Technical Summary (Doc 6.4)</b> <b>Environmental Statement, Chapters 1 – 17 (Doc 6.1)</b> <b>Environmental Statement Figures (Doc 6.2)</b> <b>Environmental Statement Appendices (Doc 6.3)</b> <b>Appendix 4.1 – The Inspectorate’s Scoping Opinion and National Highway’s Response (Doc 6.3)</b>
<b>Information</b>		<b>Document</b>
b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>

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

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.2)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>ES Appendices (Doc 6.2): ES Appendix 14.6 Flood Risk Assessment Part 1 to Part 10; ES Appendix 14.6 Flood Risk Assessment Part 9; ES Appendix 14.6 Flood Risk Assessment Part 9 Annex A to Annex H;</b>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>Statement of Statutory Nuisance (Doc 6.6)</b> The Applicant acknowledges the potential to engage the following statutory nuisances: <ul style="list-style-type: none"> <li>• Section 79(1)(d) – relating to dust, steam, smell or other effluvia</li> <li>• Section 79(1)(e) – relating to accumulations or deposits of material</li> <li>• Section 79(1)(fb) – relating to artificial light</li> <li>• Section 79(1)(g) and (ga) – relating to noise and vibration</li> </ul> Mitigation includes good practice measures set out in the Code of Construction Practice and monitoring and mitigation as set out in

			the Register of Actions and Commitments (REAC) (Doc 7.11)
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.3)</b>	i) A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory 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	<b>Yes</b>	Is this of a satisfactory
			<b>Yes</b> (with minor discrepancies as noted in Box

	satisfactory standard?			standard?	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	<b>Works Plans (Doc 2.6), Composite and Utility Temporary Works Plans (Doc 2.17)</b>	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	<b>Rights of Way and Access Plans (Doc 2.7)</b> <b>Streets Subject to Temporary Restrictions of Use Plans (Doc 2.8)</b> <b>Traffic Regulation Measures Plans (Doc 2.10)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
l)	Where applicable, a plan with accompanying information	(i) <u>statutory or non-statutory sites</u> and (ii) <u>habitats of protected species, important habitats</u>	m)	Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or	<b>Environmental Statement Chapter 6 – Cultural Heritage (Doc 6.1)</b> <b>Environmental Statement Figure 6.1 - Archaeological Baseline and Assets</b>

<p>identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or 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><b>Environmental Statement (Doc 6.1)</b> contains this information on the <b>Environmental Constraints Plan (Doc 2.3)</b>. This plan includes designated sites, heritage assets and areas of landscape and geological importance. This plan is supported from the following:</p> <p><b>ES Figure 6.3 – Historic landscape</b></p> <p><b>ES Figure 7.4 – Landscape Designations</b></p> <p><b>ES Figure 8.1 – Designated Sites</b></p> <p><b>ES Figure 8.2- Phase 1 Habitat Map Pages 1 – 16.</b></p> <p><b>ES Figure 9.1 – Nationally and internationally designated sites within 11km of Order Limit</b></p> <p><b>ES Figure 10.8 – Local Geological Sites;</b></p> <p>The assessments of effects on such sites are provided in <b>Environmental Statement (Doc 6.1)</b> chapters:</p> <p>ES Ch7: Landscape and visual; ES Ch8: Terrestrial</p>	<p>features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>Assessed as Likely to Experience an Effect (Doc 6.2)</b></p> <p><b>Environmental Statement Figure 6.2 - Built Heritage Baseline and Assets Assessed as Likely to Experience an Effect (Doc 6.2)</b></p> <p><b>Environmental Statement Figure 6.3 – Historic Landscape (Doc 6.2)</b></p> <p><b>Environmental Statement Figure 6.4 – Geophysical and Aerial Mapping Survey Results (Doc 6.2)</b></p> <p><b>Environmental Statement Figure 6.8 – Archaeology and Geology (Document ref 6.2)</b></p> <p><b>Environmental Statement Figure 6.9 – Palaeolithic Archaeology (Document ref 6.2)</b></p>
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	<p>Biodiversity; ES Ch9: Marine Biodiversity and ES Ch10: Geology and Soils</p> <p>(ii) <u>water bodies in a river basin management plan</u></p> <p>ES Appendix 14.6 Flood Risk assessment identifies the following River Basin Management Plans:</p> <p><b><u>Thames River Basin Management Plan</u></b></p> <p>The following figures contain information on water bodies</p> <p><b>ES Figure 14.1 – Surface Water Receptors and Resources</b></p> <p><b>ES Figure 14.2 – Groundwater Receptors and Resources</b></p> <p><b>ES Figure 14.5 – Water Framework Directive – Surface Water Bodies, Transitional Waterbodies and Current Status</b></p> <p><b>ES Figure 14.6 – Water Framework Directive – Groundwater Bodies and Current Status</b></p>		
Is this of a	<b>Yes</b>	Is this of a satisfactory	<b>Yes</b>



	satisfactory standard?			standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plans (Doc 2.3)</b>	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	<b>Traffic Regulation Measures Plan (Doc 2.10)</b> <b>Classification of Roads Plans (Doc 2.11)</b> <b>Tunnel Area Plan (Doc 2.12)</b> <b>Drainage Plans (Doc 2.16)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Are they of a satisfactory standard?	<b>Yes</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>General Arrangement Plans (Doc 2.5)</b> <b>Engineering Drawings and Sections (Doc 2.9)</b> <b>Structures Plans (Doc 2.13)</b> <b>River Restrictions Plan (Doc 2.14)</b> <b>Tunnel Limits of Deviation Plans (Doc 2.15)</b>	q)	Any other documents considered necessary to support the application	<b>Cover letter (Doc 1.1)</b> <b>Introduction to the Application (Doc 1.3)</b> <b>Navigation Document (Doc 1.4)</b> <b>Consents and Agreements Position Statement (Doc 3.3)</b> <b>Statement of Engagement (Doc 5.2)</b> <b>Statement of Commonality (Doc 5.3)</b> <b>Statements of Common Ground (Doc 5.4)</b>

				<p><b>Statements responding to Local Authorities stated positions on Adequacy of Consultation (Doc 5.5)</b></p> <p><b>Need for the Project (Doc 7.1)</b></p> <p><b>Planning Statement (Doc 7.2)</b></p> <p><b>Section 106 Agreements – Head of Terms (Doc 7.3)</b></p> <p><b>Project Design Report (Doc 7.4)</b></p> <p><b>Design Principles (Doc 7.5)</b></p> <p><b>Road User Charging Statement (Doc 7.6)</b></p> <p><b>Combined Modelling and Appraisal Report (Doc 7.7)</b></p> <p><b>Traffic Forecasts Non-Technical Summary (Doc 7.8)</b></p> <p><b>Transport Assessment (Doc 7.9)</b></p> <p><b>Health and Equalities Impact Assessment (Doc 7.10)</b></p> <p><b>Sustainability Statement (Doc 7.11)</b></p> <p><b>Wider Networks Impacts Management and Monitoring Plan (Doc 7.12)</b></p> <p><b>Framework Construction Travel Plan (Doc 7.13)</b></p> <p><b>Outline Traffic Management Plan for Construction (7.14)</b></p> <p><b>Preliminary Navigational Risk Assessment (Doc 7.15)</b></p>
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			<b>Community Impact Report (Doc 7.16)</b> <b>Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes (Doc 7.17)</b> <b>Workers Accommodation Report (Doc 7.18)</b> <b>Carbon and Energy Management Plan (Doc 7.19)</b> <b>Benefits and Outcomes Document (Doc 7.20)</b> <b>Stakeholder Actions and Commitments Registers (Doc 7.21)</b>
Are they of a satisfactory standard?	<b>Yes</b>	Are they of a satisfactory standard?	<b>Yes</b>
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p>There are minor errors and omissions of a level considered to be proportionate according to the scale of the application.</p> <p>Specific section 51 advice has been provided to the Applicant in relation to the following documents:</p> <p><b>Land Plans (Doc 2.2)</b>  <b>Crown Land Plans (Doc 2.3)</b>  <b>Special Category Land Plans (Doc 2.4)</b>  <b>Works Plans: Composite and Utilities (Doc 2.6)</b>  <b>Rights of Way and Access Plans (Doc 2.7)</b>  <b>Book of Reference (BoR) (Doc 4.2)</b>  <b>Environmental Statement (ES) and associated documents (Doc 6.2)</b></p> <p>Section 51 advice has been issued to the Applicant and can be found here:</p>		

31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>14</sup>	<p><b>Yes</b></p> <p><b>A Habitats Regulations Report (HRA) (Doc 6.5)</b> – Screening Report and Statement to Inform an Appropriate Assessment – has been provided.</p> <p>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.</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, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	No hard copies requested.
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?	<p><b>Yes</b></p> <p><b>Paragraph 3.1 of the Covering Letter (Doc 1.1)</b> explains that the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

	In respect of the discrepancies referred to 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: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR010032-001813">https://infrastructure.planninginspectorate.gov.uk/document/TR010032-001813</a>
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### 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 <sup>16</sup> ?	The fee was received on 21 October 2022; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Eleanor Church</i>	28 November 2022
Acceptance Inspector	<i>Rynd Smith</i>	28 November 2022

<sup>16</sup> 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

