



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

A57 Link Roads

Section 55

Acceptance of Applications Checklist

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

A57 Link Roads 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
		28 June 2021	26 July 2021	26 July 2021
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 (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?	<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 the construction of a highway and satisfies section 22 of the PA2008; including subsection 22(1)(a) and 22(2).</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)

	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?	
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 8 November 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 the first statutory consultation commenced on 12 February 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', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	Yes There are 18 host and neighbouring authorities, of which six responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 29 June 2021. Four of the responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 or that their

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

authority had no comments to make. These local authorities were:

- Derby City Council ('D' authority)
- Tameside Metropolitan Borough Council ('B' authority)
- Peak District National Park Authority (PDNPA)* ('A' authority)
- Cheshire East Council ('A' authority')

*Although the PDNPA concluded that the Applicant had complied with its duties under s42, s47 and s48, it raised concerns in respect of the effectiveness of the 2020 s47 consultation due to the COVID19 restrictions in place at the time, and the level of information that the Applicant made available at both 2018 and 2020 s42 consultations for its authority to make an informed opinion of the likely impacts of the Proposed Development.

Two of the responding authorities submitted a joint AoCR (the joint AoCR). These local authorities were:

- High Peak Borough Council (HPBC) ('B' authority)
- Derbyshire County Council (DCC) ('C' authority)

In respect of s42 consultation for the 2018 and 2020 consultations the joint AoCR summarises that the authorities are satisfied that the Applicant consulted with each relevant local authority and relevant land owners.

The joint AoCR confirms consultation with the authorities on the 2018 draft Statement of Community Consultation (SoCC) and provides an example of how the Applicant had regard to the authorities' consultation response.

For the 2018 s47 consultation, the joint AoCR sets out concerns in respect of level of information within the Preliminary Environmental Information Report (PEIR) for consultees to determine the likely traffic-related impacts of the Proposed Development. Notwithstanding this, the joint AoCR concludes that the 2018 s47 consultation was undertaken in line with the 2018 SoCC.

For the 2020 s47 consultation, the joint AoCR states that there was insufficient information published with the consultation to enable the local community to determine the likely impacts of the Proposed Development. It also notes some concerns in respect of alternative methods to facilitate community engagement in

		<p>the consultation during COVID-19 restrictions. Notwithstanding this, the joint AoCR concludes that the 2020 s47 consultation was broadly conducted in line with the 2020 SoCC.</p> <p>In respect of s48 publicity, the joint AoCR identifies ambiguity in respect of the circulation of the local newspapers in which the 2020 s48 notice was published; specifically whether a newspaper circulating in the Glossop area was used. No comments are made in respect of the s48 publicity for the 2018 consultation. The joint AoCR does not confirm, or otherwise, that the Applicant has complied with its duties under s48 for the 2018 and 2020 consultations.</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/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme/?ipcsection=docs&stage=2&filter1=Adequacy+of+Consultation+Representation</p>
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 at Appendix G and Appendix R of the Consultation Report (Doc 5.1) lists of persons consulted under s42(1)(a):</p> <ul style="list-style-type: none"> • on 26 January 2018 for the 2018 Statutory Consultation exercise (the 2018 consultation); and • on 4 November 2020 for the 2020 Statutory Consultation exercise (the 2020 consultation). <p>A sample of the letters sent to s42(1)(a) consultees for each consultation are provided</p>

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

		<p>at Appendix H and Appendix S of the Consultation Report (Doc 5.1) respectively.</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 for the 2020 consultation:</p> <p>Harlaxton Gas Networks Limited; Leep Gas Networks Limited; Murphy Gas Networks Limited; Murphy Gas Networks Limited; National Grid Gas Networks Plc; Scotland Gas Networks Plc; Eclipse Power Networks Limited; Last Mile Electricity Limited; Forbury Assets Limited; Fulcrum Electricity Assets Limited; Indigo Power Limited; Murphy Power Distribution Limited; and Vattenfall Networks Limited.</p> <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the bodies identified above 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.</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>It is unclear if the Historic England Historical Railways Estate was consulted under s42 for the 2020 consultation as the column in Appendix R that indicates its inclusion has been left blank.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010034-000564</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>Tables 4-5 and 7-4 of the Consultation Report (Doc 5.1) list the relevant local</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

authorities that were identified and consulted under s43 and s42(1)(b) on 26 January 2018 for the 2018 consultation and 11 November 2020 for the 2020 consultation.

The host 'B' authorities were consulted:

- Tameside Metropolitan Borough Council
- High Peak Borough Council

The host 'C' authority was consulted:

- Derbyshire County Council

The boundary 'A' authorities were consulted:

- Peak District National Park Authority
- Manchester City Council
- Oldham Council
- Sheffield City Council
- Stockport Council
- Staffordshire Moorlands District Council
- Kirklees Council
- Barnsley Council
- Cheshire East Council
- Derbyshire Dales District Council

The boundary 'D' authorities were consulted:

- Oldham Council
- Sheffield City Council
- Stockport Council
- Rotherham Metropolitan Borough Council*
- Derby City Council

		<ul style="list-style-type: none"> • Leicestershire County Council • Staffordshire County Council • Nottinghamshire County Council <p>The Inspectorate that Rotherham Metropolitan Borough Council, as a unitary neighbouring 'D' authority, was not consulted for the 2020 consultation. No justification for this omission has been provided. Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010034-000564</p> <p>A sample of the letters sent to the s42(1)(b) relevant authorities on 26 January 2018 and 4 November 2020 are provided at Appendix H and Appendix S of the Consultation Report (Doc 5.1).</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>Paragraphs 4.3.1 and 7.3.1 of the Consultation Report (Doc 5.1) state that all persons identified under s42(1)(d) were consulted for the 2018 and 2020 consultations.</p> <p>Paragraphs 4.3.6 to 4.3.11 and 7.3.12 to 7.3.14 of the Consultation Report (Doc 5.1) 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) for the 2018 and 2020 consultations. The full methodology undertaken by the Applicant is provided in the Statement of Reasons (Doc 4.1).</p> <p>A sample of the letters are provided at Appendix H and Appendix S of the Consultation Report (Doc 5.1).</p>
Section 45: Timetable for s42 consultation		

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

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 letters sent to s42 consultees for the 2018 and 2020 consultations are provided at Appendix H and Appendix S of the Consultation Report (Doc 5.1).</p> <p>The sample letters dated 26 January 2018 confirmed that the 2018 consultation commenced on 12 February 2018 and closed on 25 March 2018, providing more than the required minimum time for receipt of responses.</p> <p>Paragraphs 4.3.8 and 4.3.9 of the Consultation Report (Doc 5.1) explain that for the 2018 consultation, the Applicant reissued the s42 letters to the local authorities and s42(1)(d) persons between 30 January and 19 February 2018 to provide additional information specific to them. The required minimum time for receipt of responses was provided.</p> <p>The sample letters dated 4 November 2020 confirmed that the 2020 consultation commenced on 5 November 2020 and closed on 17 December 2020, providing more than the required minimum time for receipt of responses.</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 on 9 February 2018 and again on 3 November 2020. Both were received before the beginning of the 2018 and 2020 s42 consultations respectively.</p> <p>A copy of the s46 notification letters are provided at Appendix I and Appendix T of the Consultation Report (Doc 5.1).</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>Yes</p> <p>A copy of the final 2018 and 2020 SoCCs are provided at Appendix F and Appendix Q of the Consultation Report (Doc 5.1).</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	<p>Yes</p> <p>The Applicant sent the draft 2018 and 2020 SoCCs to Tameside Metropolitan and</p>

	beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	High Peak Borough Councils ('B Authorities'), Derbyshire County Council ('C' authority) as well as the Peak District National Park Authority on 24 November 2017 and 25 September 2020 respectively. Deadlines for responses were set on both occasions which provided the required minimum time for responses to be received.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Tables 4-2 and 7-1 of the Consultation Report (Doc 5.1) provide a summary of the consultation responses from Tameside Metropolitan Borough Council (TMBC) and High Peak Borough Council (HPBC) ('B Authorities'), Derbyshire County Council (DCC) ('C' authority) and Peak District National Park Authority in respect of the draft 2018 and 2020 SoCCs respectively and demonstrate how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCCs to the final SoCCs include:</p> <ul style="list-style-type: none"> • Deposit locations within the 2018 SoCC were updated to include the High Peak offices in Glossop (HPBC). • Section 8 of the 2018 SoCC was revised to separately identify the DCO and non-DCO elements (DCC). • Due to COVID restrictions, any reference to deposit locations on TMBC premises were removed from the 2020 SoCC (TMBC). <p>It is noted that HPBC and DCC's joint AoCR sets out that HPBC's request to extend the proposed boundary of the consultation area was not incorporated within the final 2020 SoCC. Justification for not extending the consultation area is provided at Table 7-1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the 2018 and 2020 SoCCs.</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 2018 SoCC was made available at 19 locations within Tameside, Derbyshire, Barnsley and Sheffield, which is reasonably convenient having regard to the location of the Proposed Development.</p> <p>A notice stating when and where the final 2018 SoCC could be inspected was published in:</p>

		<ul style="list-style-type: none"> • The Guardian - 29 January 2018 • Tameside Reporter - 1 February 2018 • Barnsley Chronicle - 2 February 2018 • Sheffield Star - 5 February 2018 • London Gazette - 5 February 2018 <p>Clippings of the published 2018 SoCC notices in situ, provided at Appendix F of the Consultation Report (Doc 5.1), state where and when the final SoCC was available to inspect.</p> <p>Table 7-2 of the Consultation Report (Doc 5.1) states the final 2020 SoCC was made available at three locations: Mottram Post Office, Longendale; Hollingworth Post Office, Hollingworth; and Broadbottom Post Office, Broadbottom which is reasonably convenient having regard to the location of the Proposed Development. The Inspectorate notes that the 2020 SoCC and associated notices include a fourth location: Bradbury Community House, Market Street, Glossop.</p> <p>A notice stating when and where the final 2020 SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Tameside Reporter - 29 October 2020 • Manchester Weekly News - 29 October 2020 <p>Copies of the 2020 SoCC notices, provided at Appendix F of the Consultation Report (Doc 5.1), state where and when the final 2020 SoCC was available to inspect. However, clippings of the published notices in situ have not been provided.</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 13 of the final 2018 SoCC at Appendix F of the Consultation Report (Doc 5.1) sets out that the development is EIA development and how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p> <p>Page 4 of the final 2020 SoCC at Appendix Q of the Consultation Report (Doc 5.1)</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

		sets out that the Applicant was carrying out an EIA for the scheme and how it intended to publicise and consult on the Preliminary Environmental Information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Paragraphs 4.5.1 to 4.5 and 7.5.1 to 7.5.8 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final 2018 and 2020 SoCCs respectively.</p> <p>Appendix J and Appendix U of the Consultation Report (Doc 5.1) provide the consultation materials for the 2018 and 2020 consultations.</p> <p>Tables 4-7 and 7-6 of the Consultation Report (Doc 5.1) set out how the Applicant has complied with the commitments set out in the final 2018 and 2020 SoCCs.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the 2018 and 2020 consultations in line with the final SoCCs, material to evidence some SoCC commitments has not been provided. For instance, the Inspectorate notes the absence of:</p> <ul style="list-style-type: none"> • Photographic evidence of the 2018 public consultation events. • Screenshots and participation data evidencing the 2020 consultation public telephone events and online webinars. • Screenshots, circulation data and tweets evidencing the scheme webpage and social media campaign for the 2018 and 2020 consultations respectively. • Minutes from any briefings or stakeholder group meetings for the 2018 and 2020 consultations respectively. • Photographic evidence of the 2020 consultation posters in situ. <p>The Inspectorate also notes that HPBC and DCC's joint AoCR raises concerns in respect of the alternative methods to facilitate community engagement during COVID-19 restrictions for the 2020 consultation methods (see Box 5 above).</p> <p>The Inspectorate does not consider that any of these points, either individually or collectively, alter its conclusion that the Applicant has complied with its statutory duties under s47 of the PA2008.</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>For the 2018 consultation, Paragraph 4.6.1 of the Consultation Report (Doc 5.1) states:</p> <p><i>“In accordance with s48 of the Act, notices were published in the newspapers shown in Table 4-8 publicising a proposed application for a DCO.”</i></p> <p>Table 4-8 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>For the 2020 consultation, Paragraph 7.6.1 of the Consultation Report (Doc 5.1) states:</p> <p><i>“In accordance with s48 of the Act, notices were published in the newspapers shown in Table 7-7 publicising a proposed application for a DCO.”</i></p> <p>Table 7-7 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>Clippings of the published 2018 s48 notices in situ are provided at Appendix K of the Consultation Report (Doc 5.1). A copy of the 2020 s48 notice has been provided at Appendix V of the Consultation Report (Doc 5.1), but clippings of the notice in situ have not been provided.</p>
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		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;	2018 consultation: <ul style="list-style-type: none"> • Sheffield Star • Tameside Reporter • Barnsley Chronicle 	29 January and 5 February 2018 1 February and 8 February 2018 2 February and 9

		<p>2020 consultation:</p> <ul style="list-style-type: none"> • Tameside Reporter • Manchester Weekly News 	<p>February 2018</p> <p>29 October and 5 November 2020</p> <p>29 October and 5 November 2020</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Guardian 	<p>29 January and 5 February 2018 (2018 consultation)</p> <p>29 October 2020 (2020 consultation)</p>
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 	<p>29 January and 5 February 2018 (2018 consultation)</p> <p>29 October 2020 (2020 consultation)</p>
d)	<p>where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	n/a	n/a

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes</p> <p>The published 2018 and 2020 consultation s48 notices, supplied at Appendix K and Appendix V of the Consultation Report (Doc 5.1), contain the required information as set out below:</p>
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Information		Paragraph	
a)	the name and address of the Applicant.	One (2018 and 2020 consultations)	
c)	a statement as to whether the application is EIA development	Three (2018 consultation) Four (2020 consultation)	
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	Four (2018 consultation) Six (2020 consultation)	
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Seven (2018 consultation) Six (2020 consultation)	
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	Four (2018 consultation) Five (2020 consultation)	
b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	One (2018 and 2020 consultations)	d)
	a summary of the main proposals, specifying the location or route of the Proposed Development	Two (2018 consultation) Three (2020 consultation)	f)
	the latest date on which those documents, plans and maps will be available for inspection	Four (2018 consultation) Seven (2020 consultation)	h)
	details of how to respond to the publicity	Eight (2018 consultation) 11 (2020 consultation)	

21	Are there any observations in respect of the s48 notice provided above?	
<p>Yes</p> <p>Paragraph 4.1.10 of the Consultation Report (Doc 5.1) explains that due to an editorial error (correction to the post code for Penistone Library) the s48 notices were republished in the publications identified in section 18 a) above between 21 and 23 February 2018.</p> <p>Newspaper clippings of the published 2020 consultation s48 notice in situ have not been provided.</p>		
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 for both 2018 and 2020 s42 consultations, as confirmed in paragraphs 4.3.10 and 7.3.5 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letters provided at Appendix H and Appendix S of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed for both 2018 and 2020 consultations.</p> <p>It is noted that the s48 notice provided with the 2018 s42 consultation contained an error and was therefore reissued on 29 January 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>Tables 5-8 to 5-10 and Tables 8-33 to 8-34 of the Consultation Report (Doc 5.1) provide summaries of the responses received from the local authorities, Statutory and Non-statutory Consultees to the 2018 and 2020 consultations respectively. These tables include whether or not responses led to changes to the application.</p> <p>Appendix M and Appendix Y of the Consultation Report (Doc 5.1) evidence how the Applicant had regard to the responses to the 2018 and 2020 consultations respectively.</p> <p>Tables 6-1 and 9-1 of the Consultation Report (Doc 5.1) set out the key changes to the scheme as a result of both sets of responses.</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

		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.
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>Paragraphs 10.1.1 and 10.1.2 of the Consultation Report (Doc 5.1) state that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Table 10-1 of the Consultation Report (Doc 5.1) sets out the Applicant's compliance with guidance 'Planning Act 2008: Guidance on the pre-application process'.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	<p>In reaching this conclusion under s55 of PA2008, the Planning Inspectorate has had regard to correspondence received from various persons relating to the Applicant's Pre-application consultation (published as part of the s51 advice record on the National Infrastructure Planning website).</p> <p>To further 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 19 July 2021 and the Applicant responded on 21 July 2021.</p> <p>Whilst some discrepancies have been identified with the consultation carried out, the Inspectorate is satisfied that the Applicant has complied with Chapter 2 of Part 5 (pre- application procedure) of the PA2008 and in respect of the discrepancies identified, s51 advice has been provided to the Applicant how to remedy these: http://infrastructure.planninginspectorate.gov.uk/document/TR010034-000564</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		

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

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 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>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 (Doc 1.2) 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 associated 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:									
<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> An Environmental Statement ('ES') is provided in six parts, as follows: <ul style="list-style-type: none"> ES Index (Doc 6.1) ES Non-Technical Summary </td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	An Environmental Statement ('ES') is provided in six parts, as follows: <ul style="list-style-type: none"> ES Index (Doc 6.1) ES Non-Technical Summary 	<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)
Information	Document										
a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening	An Environmental Statement ('ES') is provided in six parts, as follows: <ul style="list-style-type: none"> ES Index (Doc 6.1) ES Non-Technical Summary 										
Information	Document										
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	<p>(Doc 6.2)</p> <ul style="list-style-type: none"> • ES Chapters (Doc 6.3) • ES Figures (Doc 6.4) • ES Appendices (Doc 6.5) • Environmental Scoping Report and Opinion (Doc 6.6) 			
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 29)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 29)
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
e)	A copy of any Flood Risk Assessment	A57 Link Roads Flood Risk Assessment (Doc 5.5)	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	<p>A Statutory Nuisance Statement has been provided (Doc 5.2), which considers the matters set out in section 79(1) of the Environmental Protection Act 1990.</p> <p>The Applicant concludes that with implementation of the mitigation measures described in the DCO (including ES Chapters 2 The Scheme, 5 Air Quality, 7 Landscape and Visual Effects and 11 Noise and Vibration (Doc 6.3), and the Environmental Management Plan (EMP) (Second Iteration) (EMP First Iteration at Doc 7.2) and Register of Environmental Actions and Commitments (REAC) (Doc 7.3), there would be no</p>

				effects giving rise to a statutory nuisance.	
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 29)		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 (with minor discrepancies regarding the Statement of Reasons as noted in Box 29)		Yes	
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear	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	Streets, Rights of Way and Access Plans (Doc 2.4)

	<p>scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>			<p>of rights of way or public rights of navigation</p>	
	<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies as noted in Box 29)</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies as noted in Box 29)</p>
<p>l)</p>	<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,</p>	<p>(i) Nature Conservation Sites and Features Plan (Doc 2.9), ES Figure 2.3 Environmental Constraints (Doc 6.4), ES Figure 5.1 Air Quality Constraints (Doc 6.4), ES Figure 7.5 Indirect Viewpoints within Peak District National Park (Doc 6.4), ES Figure 8.1 Statutory Designated Sites for Nature Conservation (Doc 6.4), ES Figure 8.2 Non-Statutory Designated Sites for Nature Conservation (Doc 6.4), ES Figure 8.5 Aquatic Features and Screening Area (Doc 6.4), ES Figure 9.1 Geology and Soils Constraints (Doc 6.4) and Figure 1 Location of European Designated Sites at Appendix A of the Habitats Regulation</p>	<p>m)</p>	<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>	<p>Historic Environment Sites and Features Key Plan and Historic Environment Sites and Features Plans (Doc 2.10).</p> <p>ES Figure 6.1 Designated Heritage Assets (Doc 6.4).</p> <p>ES Figure 6.2 Non-Designated Heritage Assets (Doc 6.4).</p> <p>ES Figure 6.5 Archaeological Events (Doc 6.4).</p> <p>ES Figure 7.1 Designations and Character (Doc 6.4).</p> <p>ES Figure 7.5 Indirect Viewpoints within Peak District National Park (Doc 6.4).</p> <p>Assessment of effects provided in ES Chapter 6 Cultural Heritage (Doc 6.3), which is supported by appendices 6.1 to 6.6 (Doc 6.5).</p>

<p>habitats or bodies likely to be caused by the Proposed Development</p>	<p>Assessment (Doc 5.3). Assessment of effects provided in ES Chapter 7 Landscape and Visual (Doc 6.3), ES Chapter 8 Biodiversity (Doc 6.3), ES Appendix 8.4 Assessment of Likely Significant Air Quality on Designated Habitats (Doc 6.5), ES Chapter 9 Geology and Soils (Doc 6.3).</p> <p>(ii) Nature Conservation Sites and Features Plan (Doc 2.9), TPO and Hedgerow Plans (Doc 2.13), ES Figure 8.1 Statutory Designated Sites for Nature Conservation (Doc 6.4), ES Figure 8.2 Non-Statutory Designated Sites for Nature Conservation (Doc 6.4) and ES Figure 8.3 Phase 1 Habitat Survey Plan (Doc 6.4). Assessment of effects provided in ES Chapter 8 Biodiversity (Doc 6.3).</p> <p>(iii) ES Figure 13.1 Surface Water Receptors (Doc 6.4) and ES Figure 13.3 WFD Waterbodies (Doc 6.4). Water Framework Directive Assessment provided in the Water Framework Directive Assessment Compliance Assessment Report (Doc 5.4).</p>			
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	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 29)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 29)
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	Engineering Drawings and Sections (Doc 2.7) Culvert and Drainage Plans (Doc 2.12) Classification of Roads (Doc 2.11)
	Is this of a satisfactory standard?	n/a		Are they of a satisfactory standard?	Yes (with minor discrepancies regarding the Engineering Drawings and Sections as noted in Box 29)
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineering Drawings and Sections (Doc 2.7) Culvert and Drainage Plans (Doc 2.12)	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) Index of Development Consent Order Application Documents (Doc 1.5) Speed Limits and Traffic Regulations Plans (Doc 2.5) Scheme Layout Plans (Doc 2.6) Temporary Works Plans (Doc 2.8) Historic Environment Sites and Features Plan (Doc 2.10) Consents and Agreements Position

			<p>Statement (Doc 3.3)</p> <p>Habitat Regulations Assessment (Doc 5.3)</p> <p>Equality Impact Assessment (Doc 5.6)</p> <p>Case for the Scheme (Doc 7.1)</p> <p>Environmental Management Plan (Doc 7.2)</p> <p>Register of Environmental Actions and Commitments (Doc 7.3)</p> <p>Transport Assessment Report (Doc 7.4)</p> <p>Traffic Management Plan (Doc 7.5)</p> <p>Ground Investigation Report (Doc 7.6)</p> <p>Drainage Design Strategy Report (Doc 7.7)</p> <p>Statement of Commonality (Doc 8.1)</p> <p>Draft Statement of Common Ground with Tameside Metropolitan Borough Council (Doc 8.2)</p> <p>Draft Statement of Common Ground with High Peak Borough Council and Derbyshire County Council (Doc 8.3)</p>
Are they of a satisfactory standard?	Yes (with minor discrepancies regarding the Engineering Drawings and Sections as noted in Box 29)	Are they of a satisfactory standard?	Yes (with minor discrepancies regarding the Consents and Agreements Position Statement, the Equality Impact Assessment, the Register of Environmental Actions and Commitments and the Outline Traffic Management Plan as noted in Box 29)

Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?

Environmental matters

The Inspectorate has identified inconsistencies between mitigation identified as being required in the ES (**Doc 6.3**) to avoid, prevent, reduce and offset likely significant adverse effects, and the commitments of the Applicant to mitigation secured within the DCO, as set out in the Register of Environmental Actions and Commitments (REAC) (**Doc 7.3**). In addition, the cross referencing within the REAC (**Doc 7.3**) to the location of information within the ES (**Doc 6.3**) is incorrect in some instances, eg the REAC cross refers to section x.9 of an ES chapter, and mitigation is generally described in section X.8.

These inconsistencies in the Application identified by the Inspectorate include, but are not limited to, the matters described below:

- Whilst culverts are omitted from the flood modelling the Proposed Development is stated to require up to 14 culverts, the locations of which are described in ES Chapter 2 (**Doc 6.3**) and shown on the Culverts and Drainage Plans (**Doc 2.12**), and the approximate lengths of which are described in Schedule 1 of the draft DCO (**Doc 3.1**), although the Flood Risk Assessment (**Doc 5.5**) states that the detailed design has yet to be finalised.
- ES Chapter 6 (Doc 6.3) identifies a mitigation requirement to restrict construction traffic from travelling through Mottram-in-Longdendale Conservation Area. It is stated that this would be embedded mitigation secured through in the Traffic Management Plan. The Inspectorate notes that as yet there is only an Outline Traffic Management Plan (Doc 7.5), which does not reference this mitigation, and nor is it described as being required in the final Traffic Management Plan as committed to in REAC Ref GEM1.4 and GEM2.5.
- ES Chapter 8 (Doc 6.3) identifies the following mitigation requirements:
- Provision of 6km of replacement species-rich hedgerow, with the commitment at REAC Ref BD2.6 being only 5km.
- Realigned watercourses to be ecologically sensitive with invert level of culverts to facilitate natural bed establishment, with REAC Ref BD1.13 only requiring appropriately sized channels.
- Creation of 546m of new watercourse channel and 2,219m of new ditches associated with road drainage to mitigate for loss of approximately 718m of existing watercourse, which is not directly referenced in the REAC.
- An 8m buffer around the three proposed attenuation ponds, which is not directly referenced in the REAC and it is unclear from the Works' Plans (Doc 2.3) whether it is incorporated into the design.
- Creation of two artificial badger setts, whereas REAC Ref BD2.16 commits to one, with potential for a second to be confirmed through pre-commencement surveys.
- ES Chapter 11 (Doc 6.3) identifies a mitigation requirement for low noise road surfacing with a correction of -3.5dB, but the correction criteria is not directly referenced in the REAC.
- ES Chapter 11 (Doc 6.3) identifies a potential mitigation requirement of provision of noise insulation under the Noise Insulation Regulations 1975 for existing residential properties that are eligible, but there is no reference in the REAC to any process that would be followed to establish eligibility or how the mitigation would be secured if eligible properties are identified

Plans

The following are **examples only** of some discrepancies identified by the Inspectorate while checking the plans submitted as part of the application documents:

Land Plans (Doc 2.2)

- a. Plot 8/7a is coloured green (temporary possession and use), however the BoR describes it as land to be permanently acquired (pink)
- b. Plot 9/3 is coloured blue (temporary possession with permanent rights), however the BoR states the plot is for the temporary possession (green)

Works Plans (Doc 2.3)

- Work Number (WN) 14, dDCO states that the work is shown on sheets 4, 5, 6 and 8 of the Works Plans. On sheet 6, the label pointing to the work is not present
- WN 15, dDCO states that the work is shown on sheet 8 but it also appears on sheet 4
- WN 56 dDCO states that the work is shown on sheet 5 but it also appears on sheet 6
- The Plans define few limits of deviation. Read together with dDCO Art 7 therefore, the lateral LoDs appear to be, for the most part, the Order Limits. This issue should be explored in the examination
- Noise barriers are listed in dDC Schedule under further works item (i). There are not shown in the works Plans (although there are shown in the Environmental Masterplans (Doc 6.4 Figure 2.4). Consider whether they should be added to the Works Plans.
- Yellow AutoCAD windows pop up when hovering over the plans, this can be observed in multiple places for example on sheets 3 and 9 of Works Plans and sheet 1 Speed Limits and Traffic Regulations Plans

Engineering Drawings and Sections (Doc 2.7)

- The drawings are inconsistent in providing AOD levels information for the proposed structures. It is present for some elements and not for others. Consider whether there is sufficient information to properly understand the proposal in this regard.

Classification of Roads (2.11)

- On the plans, roads marked in orange 'new private means of access' and yellow 'altered or improved private means of access' are on the plans however don't appear to be mentioned in the dDCO.
- Under Part 2 Trunk Roads in the dDCO, Proposed A57(T) Dual Carriageway, '*between points C1/6 or C1/9*' - says 'or' whereas should say 'and'

Section 51 advice has been provided to the Applicant regarding the plans submitted as part of the application and is available here:

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>A Habitat Regulations Assessment (HRA) Report has been provided (Doc 5.3).</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 ¹⁵	<p>No hard copies requested</p>
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>Yes</p> <p>Paragraphs 10.1.1 and 10.1.2 of the Consultation Report (Doc 5.1) explain how the Applicant has had regard to statutory guidance on the form of the application. However, specific reference to the 'Planning Act 2008: Application form guidance' has not been provided.</p> <p>The Applicant's Covering Letter and Schedule of Compliance with Section 55 of the Planning Act 2008 (Doc 1.1) states that reference to the guidance was made when preparing the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
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</p>

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

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

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: <http://infrastructure.planninginspectorate.gov.uk/document/TR010034-000564>

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 of £7,263.00 was received on 24 May 2020; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Bart Bartkowiak</i>	26 July 2021
Acceptance Inspector	<i>Simon Warder</i>	26 July 2021

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