

From: A57 Link Roads



Cc: NI Enquiries <NIEnquiries@planninginspectorate.gov.uk>

Subject: RE: TR010034 Development Consent Order (DCO) for the proposed A57 Link previously Trans Pennine Upgrade Programme (TPUP)

Dear Ms Robinson

Thank you for your email which crossed preparation of my reply to your 6 July inquiry (attached).

Response to 6 July enquiry

The Acceptance tests are set out in Section 55 of the Planning Act 2008 (PA2008) and paragraphs 114 to 118 of [Planning Act 2008: Guidance on the pre-application process](#) establish the criteria that the Planning Inspectorate's (the Inspectorate's) judgement will be based on in deciding whether an application should be accepted for examination. Paragraph 116 explains what is meant by an application being required to be of an overall satisfactory standard.

Regulation 14 and Schedule 4 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 establish the statutory tests in respect of Environmental Statements.

The document type 'Case for the Scheme', common to applications for development consent submitted by Highways England, is not a prescribed document. This means applicants are not required to submit this document type for an application to be accepted for examination. Notwithstanding this, Regulation 5 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 establishes the information that an application for development consent must be accompanied by, and the document type 'Case for the Scheme' is provided under Regulation (2)(q) of these Regulations ('any other documents considered [by the Applicant] necessary to support the application'). There are no prescriptive statutory tests that relate solely to the 'Case for the Scheme', however the application as a whole must be of standard that the Inspectorate considers satisfactory.

For every application that the Inspectorate has accepted for examination we have published on the [National Infrastructure Planning website](#) a 'Section 55 Checklist' which sets out the criteria that we use and records our observations against those criteria. You may find it useful to read some of our Checklist observations in respect accepted cases to understand how we reach a conclusion that an application is of an overall satisfactory standard eg [A303 Amesbury to Berwick Down s55 Checklist](#), [Manston Airport s55 Checklist](#).

Response to 16 July enquiry

Section 55 of the PA2008 established what the Inspectorate must have regard to when reaching a decision about whether to accept an application for examination. Comments from third parties about an applicant's Pre-application consultation can be considered in addition to the statutory Acceptance tests

when making the decision about whether or not to accept the application. However, it will be for the Inspectorate to decide the weight to give to the views expressed based on the individual facts of the case.

Comments about the merits/ demerits of an application cannot be considered at the Acceptance stage. If the application is accepted for examination, in order to make comments about the merits/ demerits of the application you will need to register as an Interested Party by making a Relevant Representation at the appropriate time. For more information about how and when you can have your say, please see our Advice Note 8.2: How to register to participate in an Examination: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Kind regards

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