

The Planning Act 2008

Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) deleted
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) deleted
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

(5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –

- a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
- b) any applicable guidance given under section 37(4) has been followed in relation to the application.

(6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

(7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must - c

- (a) notify that view to the applicant, and
- (b) notify the applicant of the Secretary of State’s reasons for that view.

(8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure Directorate) to complete. Completion or self assessment by the applicant does not hold weight at the acceptance stage.

NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		29 October 2018	26 November 2018	26 November 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(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 ² (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 ³ (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 ss14-30 does the application scheme fall)? If the development does not fall within the categories in	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the draft DCO (Doc 3.1) is a Nationally Significant Infrastructure Project (NSIP), which is a development falling within the categories in ss14 and 22 of the PA2008.</p> <p>This is consistent with the summary provided in Box 4 of the Application Form (Doc 1.2) which concludes that the application is for an NSIP.</p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	ss14-30, 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 – s55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the application submitted is an application for an order granting development consent and that development consent is required for the Proposed Development and associated matters described in Box 5 of the Application Form (Doc 1.2) and set out in Schedule 1 of the draft DCO (Doc 3.1) .
s55(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 ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	Yes The Applicant notified the Planning Inspectorate that it proposed to provide an Environmental Statement in respect of the development on 24 October 2017, before the start of s42 consultation in March 2018, as outlined in paragraph 3.5.2 of the Consultation Report (Doc 5.1) . A copy of the notification is provided in Annex B of the Consultation Report (Doc 5.1)
5	Have any adequacy of consultation representations ⁵ been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	There are 22 host and neighbouring authorities, of which 7 provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/or that they had “no comments”, these were: Host (“ B, C”) Authorities <ul style="list-style-type: none"> • Fylde Borough Council, subject to the information provided below. • Wyre Council • Lancashire County Council

⁴ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

Neighbouring (“A, D”) Authorities

- West Lancashire Borough Council
- Cumbria County Council
- Sefton Council
- Wigan Council

Responses were invited but were not received from the following authorities:

Neighbouring (“A,, D”) Authorities

- Blackpool Council
- Preston City Council
- Lancaster City Council
- South Ribble Borough Council
- Ribble Valley Borough Council
- Yorkshire Dales National Park Authority
- North Yorkshire County Council
- Bury Council
- Blackburn with Darwen Council
- Knowsley Council
- Bradford Metropolitan District Council
- Calderdale Council
- Rochdale Borough Council
- St Helens Council
- Bolton City Council

These AoCRs have been carefully considered and are available to view on the project

		<p>page of the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a585-windy-harbour-to-skipool-improvement-scheme/?ipcsection=docs</p> <p>Fylde Borough Council confirmed that they considered the Applicant had fulfilled their duties under s47 and s48 and noted that, subject to the Planning Inspectorate confirming that they were satisfied that the Marine Management Organisation (MMO) were properly consulted, they had no objection to the application's acceptance.</p> <p>The Planning Inspectorate is satisfied that the Applicant has complied with the duties under s42, s47 and s48 and that the MMO were properly consulted.</p>
s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 16 March 2018 in Appendix J of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted by the applicant under s42:</p> <ul style="list-style-type: none"> • Network Rail • Harlaxton Gas Networks Ltd • Murphy Gas Networks Ltd • Eclipse Power Network Ltd • Energy Assets Networks Ltd • Fulcrum Electricity Assets Ltd • Murphy Power Distribution Ltd

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		<ul style="list-style-type: none"> • Vattenfall Networks Ltd <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the bodies identified above have not been consulted.</p> <p>It is noted that the licences held by Murphy Power Distribution Ltd and Vattenfall Networks Ltd both cover Great Britain. The operational areas of these bodies however are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as being interested in the Order Lands and are not listed in the Book of Reference (Doc 4.3).</p> <p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008 unless there is a specific justification why this is not necessary.</p> <p>Section 51 advice has been issued regarding this matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010035-000309</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes</p> <p>Paragraph 4.4.1 of the Consultation Report (Doc 5.1) explains that the Marine Management Organisation (MMO) were consulted in accordance with s42(1)(aa). Table 5.3 of the Consultation Report (Doc 5.1) provides a summary of the response from the MMO and the regard the Applicant had to it.</p>
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p>

⁷ 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

⁸ Definition of "local authority" in s43(3): 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 where such an authority shares a boundary with a "C" authority

The Applicant has consulted each local authority within s43 as described in **paragraph 4.4.3** of the **Consultation Report (Doc 5.1)**. These are:

Host (“ B, C”) Authorities

- Fylde Borough Council
- Wyre Council
- Lancashire County Council

Neighbouring (“A, D”) Authorities

- Blackpool Council
- Preston City Council
- Lancaster City Council
- South Ribble Borough Council
- Ribble Valley Borough Council
- West Lancashire Borough Council
- Yorkshire Dales National Park Authority
- North Yorkshire County Council
- Cumbria County Council
- Bury Council
- Blackburn with Darwen Council
- Knowsley Council
- Sefton Council
- Wigan Council
- Bradford Metropolitan District Council
- Calderdale Council

		<ul style="list-style-type: none"> • Rochdale Borough Council • St Helens Council • Bolton City Council
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	N/A
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>The Applicant has confirmed that they have consulted each person in one or more s44 categories as described in paragraph 4.4.5 of the Consultation Report (Doc 5.1). A copy of the consultation letter can be found in Appendix K of the Consultation Report (Doc 5.1).</p> <p>Appendix I of the Consultation Report (Doc 5.1), as referred to in paragraph 4.4.5 of the Consultation Report (Doc 5.1), provides a List of ‘Land Interests’ consulted noting their type of interest in the land. No key is included to identify the land interest reference (‘ID’) and therefore it is not possible to cross reference this list to the Book of Reference (Doc 4.3). As a result any omission or error is a matter for the Applicant.</p>
s45: Timetable for s42 Consultation		
11	Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes</p> <p>Letters dated 16 March 2018 were sent to s42 consultees which confirmed that the statutory consultation ran for seven weeks from 21 March 2018 to 8 May 2018; providing more than 28 days for responses to be received. Copies of the consultation letters can be found in Appendix K of the Consultation Report (Doc 5.1).</p> <p>Paragraphs 4.8.4 to 4.8.6 of the Consultation Report (Doc 5.1) explain that the statutory consultation was reopened from 28 August 2018 and 25 September 2018 for a number of individuals that the Applicant missed during the initial consultation period.</p>

⁹ 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: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

s46: Duty to notify Secretary of State of proposed application		
12	Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State 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 16 March 2018, at the same time as the notification letters were issued to the s42 consultees.</p> <p>Copies of the consultation documents sent to the Secretary of State are included in Appendix M of the Consultation Report (Doc 5.1).</p> <p>Paragraph 4.5.1 of the Consultation Report (Doc 5.1) incorrectly refers to the date of the s46 letter as 20 March 2018 and not 16 March 2018, it also incorrectly refers to the letter being included in Appendix B and not Appendix M.</p>
s47: 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>The Applicant produced a SoCC which is supplied with the application in Appendix F 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 beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?	<p>Yes</p> <p>Section 4.3 of the Consultation Report (Doc 5.1) outlines the Applicant’s approach to developing the content of the SoCC with relevant local authorities.</p> <p>Paragraph 4.3.7 of the Consultation Report (Doc 5.1) confirms that the Applicant contacted Fylde Borough Council and Wyre Council (both ‘B Authorities’) on 17 January 2018 and set a deadline of 14 February for responses to the draft SoCC.</p> <p>Paragraph 4.3.8 of the Consultation Report (Doc 5.1) confirms that, following an error, the Applicant consulted Lancashire County Council (‘C Authority’) on 29 January and provided 28 days for response to the draft SoCC.</p> <p>Appendix E of the Consultation Report (Doc 5.1) provides copies of the responses from Fylde Borough Council, Wyre Council and Lancashire County Council.</p>
15	Has the applicant had regard to any responses	<p>Yes</p>

	received when preparing the SoCC?	<p>The Applicant has explained in Table 4.2 of the Consultation Report (Doc 5.1) how the responses that were received, as a result of consultation on the SoCC, have been taken into consideration.</p> <p>Appendix E of the Consultation Report (Doc 5.1) provides copies of the responses from Fylde Borough Council, Wyre Council and Lancashire County Council.</p> <p>An example of where the Applicant has had regard to the responses includes:</p> <ul style="list-style-type: none"> • Wyre Council suggested that Fleetwood Nautical Campus would be the most appropriate location for a consultation event. The draft SoCC was subsequently amended and the published SoCC included a consultation event at this venue <p>Appendix C of the Consultation Report (Doc 5.1) provides a copy of the draft SoCC.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the final SoCC.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>Table 4.3 of the Consultation Report (Doc 5.1) gives details of the locations, which are reasonably convenient having regard to the location of the scheme, where the SoCC was made available.</p> <p>Notices stating when and where the SoCC could be inspected were published in the following publications on 14 March 2018 and 21 March 2018:</p> <ul style="list-style-type: none"> • Blackpool Gazette • Fleetwood Weekly News • Lancashire Evening Post
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes</p> <p>The SoCC in Appendix F of the Consultation Report (Doc 5.1) sets out under the heading 'Consulting the community' that the scheme is EIA development and also sets out how the applicant proposed to publicise and consult on the preliminary environmental information.</p>

¹⁰ Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant has set out in Table 4.7 of the Consultation Report (Doc 5.1) how the consultation has been carried out in accordance with the SoCC.</p> <p>Fylde Borough Council, Wyre Council and Lancashire County Council have confirmed in their Adequacy of Consultation representations that the Applicant has complied with its duties under the PA2008.</p>	
s48: Duty to publicise the proposed application			
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p>Yes</p> <p>The Applicant has described the newspapers and dates of s48 publicity in Table 4.8 of the Consultation Report (Doc 5.1) as set out below:</p> <p>Copies of the newspaper notices are provided in Appendix N of the Consultation Report (Doc 5.1).</p> <p>The application includes a Deemed Marine Licence. On this basis the proposed application relates to offshore development. It is noted that the s48 notice was not published in Lloyds List and an appropriate fishing trade journal. The Applicant is therefore advised to publish their notice of acceptance of the application in Lloyds List and an appropriate fishing trade journal as described in Regulations 8 and 9 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>Section 51 advice has been issued regarding this matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010035-000309</p>	
		Newspaper(s)	Date
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"> • Blackpool Evening Gazette • Fleetwood Weekly News • Lancashire Evening Post 	<p>14 and 21 March 2018</p> <p>14 and 21 March 2018</p> <p>14 and 21 March 2018</p>

	once in a national newspaper;		• The Guardian		21 March 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		• London Gazette		21 March 2018
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?		(see Box 19 above)		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes A copy of the s48 notice is supplied in Appendix O of the Consultation Report (Doc 5.1) and contains the required information as set out below:			
	Information	Paragraph		Information	Paragraph
a)	The name and address of the applicant.	Paragraph 1	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	Paragraph 1
c)	a statement as to whether the application is EIA development	Paragraph 4	d)	a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 3
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	Paragraph 5	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 5
g)	whether a charge will be made for copies of any of the documents, plans or maps and	Paragraph 8	h)	details of how to respond to the publicity	Paragraph 9

	the amount of any charge				
i)	a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	Paragraph 10			
21	Are there any observations in respect of the s48 notice provided above?				
	N/A				
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 ¹¹ ?	Yes The s48 notice was sent to the EIA consultation bodies in accordance with the EIA regulations on Friday 16 March 2018; as confirmed in paragraph 4.4.2 of the Consultation Report (Doc 5.1) .			
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?	Yes The Applicant has set out in Tables 5.2 and 5.3 of the Consultation Report (Doc 5.1) the actions that have been taken having regard to the consultation responses received. Table 6.1 of the Consultation Report (Doc 5.1) provides a summary of changes to the scheme as a result of consultation. Table 6.2 of the Consultation Report (Doc 5.1) provides a summary of consultation responses that did not result in a change to the scheme. Appendix S and Appendix T of the Consultation Report (Doc 5.1) provide full details of the regard the Applicant had to the consultation responses received. A design change to Poulton Junction roundabout resulted from the regard the Applicant had to the consultation responses received. This was not considered by the Applicant to be a material change and therefore a further round of consultation was not undertaken. Paragraphs 4.8.2 and 4.8.3 of the Consultation Report (Doc 5.1)			

¹¹ Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		<p>describe the non-statutory 'Information Sharing Exercise' undertaken by the Applicant following the design change.</p> <p>The actions described above appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Table 7.1 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to DCLG guidance on the Pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.
25	Summary - s55(3)(e)	<p>The application as made by the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. All relevant duties have been complied with. Whilst there are some consultation discrepancies, s51 advice has been provided to the Applicant to remedy these:</p> <p>http://infrastructure.planninginspectorate.gov.uk/document/TR010035-000309</p>
s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; 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>Box 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site, whilst Box 6 provides the location of the proposal. A Location Plan (Doc 2.1) has been provided.</p>

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

27	Is it accompanied by a consultation report?	Yes. The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices A to T.	
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	Yes. Key Plans are provided for: <ul style="list-style-type: none"> • Land Plans (Doc 2.2) • Works Plans (Doc 2.3) • Streets, Rights of Way and Access Plans (Doc 2.4) • General Arrangement Plans (Doc 2.5) • Engineering Section Drawings (Doc 2.6) • Classification of Roads Plans (Doc 2.7) • Traffic Regulation Measures and De-Trunking Plans (Doc 2.8) • Outline Drainage Works Plans (Doc 2.9) • Hedgerows and Protected Trees to be Removed Plans (Doc 2.10) 	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:	
Information		Document	
a)	Where applicable, the environmental	Environmental	b) The draft proposed order
			Draft

¹³ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Statement (Docs 6.1 – 6.20, including Appendices)			Development Consent Order (Doc 3.1)
	Is this of a satisfactory standard?	Yes (with discrepancies as noted in Box 30).		Is this of a satisfactory standard?	Yes (with discrepancies as noted in Box 30).
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Book of Reference (Doc 4.3)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with discrepancies as noted in Box 30).
e)	A copy of any flood risk assessment	Flood Risk Assessment (Doc 5.2, Parts 1 and 2)	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	Doc 5.3
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.2)	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;	Land Plans (Doc 2.2)

¹⁴ The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

				(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
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 order	Works Plans (Doc 2.3)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Streets, Rights of Way and Access Plans (Doc 2.4)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin	ES Chapters on Biodiversity, Landscape and Geology (Doc 6.8, 6.9 and 6.13) Water Framework Directive Assessment (Doc 5.6) Habitats Regulations	m)	Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. 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	Appendix 7.1 of the ES (Doc 6.7.1)

	management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development	Assessment (Doc 5.4)			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 2.11)	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	General Arrangement Plans (Doc 2.5) Classification of Roads Plans (Doc 2.7) Traffic Regulation Measures and De-Trunking Plans (Doc 2.8) Outline Drainage Works Plans (Doc 2.9) Hedgerows and Protected Trees to be Removed Plans (Doc 2.10)
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineering Section Drawings (Doc 2.6)	q)	Any other documents considered necessary to support the application.	Application Letter and Schedule of Compliance with Section 55 Checklist (Doc 1.1)

					<p>Introduction to the Application (Doc 1.3)</p> <p>Consents and Agreements Position Statement (Doc 5.5)</p> <p>Planning Statement and National Policy Statement Accordance (Doc 7.1)</p> <p>Traffic Management Plan (Doc 7.5)</p> <p>Outline Construction Environmental Management Plan (Doc 7.2)</p> <p>Ground Investigation Report (Doc 7.6)</p> <p>Progress with Statements of Common Ground (Doc 7.7)</p> <p>Record of Environmental Actions and Commitments (Doc</p>
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				7.3) Transport Assessment (Doc 7.4)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard? Yes
30	Are there any observations in respect of the documents provided above?			
	<p>Box 29(a) – Regulation 5(2)(a)</p> <p>The Non-Technical Summary (Doc 6.18) to the Environmental Statement omits certain details including a description of the alternatives considered by the Applicant, or a summary of the chapter on cumulative effects, although these are presented within the ES itself.</p> <p>Box 29(b) – Regulation 5(2)(b)</p> <p>Schedule 1 of the draft DCO (Doc 3.1) describes Work No.116 as shown on Sheet 3 of the Works Plans however Work No. 116 is shown on Sheet 1 of the Works Plans (Doc 2.3).</p> <p>Part 6 of Schedule 3 of the draft DCO (Doc 3.1) refers to the speed limit for Poulton-le-Fylde and describes the A585 Breck Road as ‘north of Skippool Junction’, however the A585 Breck Road is shown as south of Skippool Junction on the Streets, Rights of Way and Access Plans (Doc 2.4). Also Part 6 of Schedule 3 of the draft DCO (Doc 3.1) describes the B5412 Skippool Road as ‘south of Skippool Junction’ however the B5412 Skippool Road is shown as north of Skippool Junction on the Streets, Rights of Way and Access Plans (Doc 2.4).</p> <p>Part 8 of Schedule 3 of the draft DCO (Doc 3.1) refers to the new traffic regulation orders sought for Singleton and describes the ‘No entry on westbound carriageway at proposed Poulton Junction for traffic travelling east, as shown on Sheet 1 of the Traffic Regulation Measures and De-trunking Plans (Doc 2.8)’.</p> <p>Schedule 11 of the draft DCO (Doc 3.1) refers to the Classification of Road Plans as a document to be certified and identifies this as Document Reference 2.6 however the Classification of Road Plans submitted have a Document Reference of 2.7. Also Schedule 11 of the draft DCO (Doc 3.1) refers to the Scheme Layout Plan as a document to be certified and identifies this as Document Reference 6.2, however this Document is titled ‘Description of the Scheme’.</p> <p>Box 29(d) – Regulation 5(2)(d) A number of persons recorded in Part 3 of the Book of Reference (Doc 4.3) as a person entitled to enjoy easements, or other private rights over land plots affected by the Scheme as described in column 3 of Part 3 of the Book of Reference (Doc 4.3), are not recorded in Part 1 of the Book of Reference (Doc 4.3) as a person who has a Category 1 and/or Category 2 interest in the relevant plot.</p>			

For example:

- In respect of plot 2/09 Margaret Esther Smith is recorded in column 3 of **Part 3** but she is not recorded in **Part 1** as a person who has a Category 1 and/or Category 2 interest in that plot

Paragraph 6.1.1 of the **Statement of Reasons (Doc 4.1)** states that The Duchy of Lancaster has a freehold interest in respect of a number of plots. This highlights a number of discrepancies in respect of **Part 4** of the **Book of Reference (Doc 4.3)**:

- In respect of some of the plots referred to in **Paragraph 6.1.1** of the **Statement of Reasons (Doc 4.1)** The Duchy of Lancaster is not listed in **Part 1** of the **Book of Reference (Doc 4.3)** as a Category 2 person
- In respect of some of the plots referred to in **Paragraph 6.1.1** of the **Statement of Reasons (Doc 4.1)** The Duchy of Lancaster is not listed in column 4 of **Part 4** of the **Book of Reference (Doc 4.3)** as the owner of the Crown Interest
- Plot 1/34 is referred to in **Paragraph 6.1.1** of the **Statement of Reasons (Doc 4.1)** however this plot is not recorded in **Part 4** of the **Book of Reference (Doc 4.3)**. The plot is recorded in **Part 1** of the **Book of Reference (Doc 4.3)** however The Duchy of Lancaster is not listed as a Category 2 person in respect of this plot. This plot is recorded on the **Crown Land Plans (Doc 2.11)**
- Plot 1/31 is recorded in **Part 4** of the **Book of Reference (Doc 4.3)** however this plot is not recorded on the **Crown Land Plans (Doc 2.11)**. Also the plot is recorded in **Part 1** of the **Book of Reference (Doc 4.3)** however The Duchy of Lancaster is not listed as a Category 2 person in respect of this plot
- Plot 1/04 is referred to in **Paragraph 6.1.1** of the **Statement of Reasons (Doc 4.1)** however this plot is not recorded in **Part 4** of the **Book of Reference (Doc 4.3)**. This plot is recorded on the **Crown Land Plans (Doc 2.11)**

Plot 3/17 is described in **Part 1** of the **Book of Reference (Doc 4.3)** as 'outside 111 Mains Lane' however the **Land Plans (Doc 2.2)** indicate that the plot is located outside 109 Mains Lane.

Plot 3/21 is described in **Part 1** of the **Book of Reference (Doc 4.3)** as 'outside 'Red Trees, 107 Mains Lane' however the **Land Plans (Doc 2.2)** indicate that the plot is located outside 105 Mains Lane.

Box 29(j) – Regulation 5(2)(j)

It is noted that the information presented on the **General Arrangement Plans (Doc 2.5)** considerably assists consideration of the **Works Plans (Doc 2.3)** and it is within the information context provided by the General Arrangement Plans that the Works Plans are agreed to be of a satisfactory standard.

It is noted that Work No. 75 is shown on **Sheet 3** of the **Works Plans (Doc 2.3)** however Inset 1 on **Sheet 3** of the **Works Plans (Doc 2.3)** shows the same Work but indicates that is Work No. 77.

Section 51 advice has been issued regarding these matters: <http://infrastructure.planninginspectorate.gov.uk/document/TR010035-000309>
 The Planning Inspectorate is of the view that these matters do not amount to the application as a whole failing to be of a satisfactory standard.

31	<p>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)?¹⁵</p>	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Doc 5.4.</p> <p>The 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. There are a number of references in the Screening Matrices (Appendix 4 of the Report) that need to be updated in light of changes to the draft Report.</p> <p>Section 51 advice has been issued regarding this matter: http://infrastructure.planninginspectorate.gov.uk/document/TR010035-000309</p> <p>The Planning Inspectorate is of the view that these matters do not amount to the application as a whole failing to be of a satisfactory standard.</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	<p>If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans¹⁶</p>	<p>One paper copy was received, as requested by the Secretary of State.</p>
33	<p>Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared</p>	<p>Yes</p> <p>Table 7.1 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to DCLG guidance. On reviewing the application the Applicant has identified</p>

¹⁵ Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	to a standard that the Secretary of State considers satisfactory?	and has had regard to relevant guidance, and the overall standard of the application is satisfactory.
34	Summary - s55(3)(f) and s55(5A)	The application as submitted is of a satisfactory standard. A number of discrepancies/ inconsistencies are evident upon inspection of the application documents and will need to be remedied in due course. However, none are considered to significantly reduce the ability of prospective participants in the examination from appreciating the extent and effects of the application.
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁷ ?	The fee was received on 26 October 2018; three days before the application was submitted.

Electronic Signature	Name	Date
Case Leader	<i>Michele Gregory</i>	26 November 2018
Acceptance Inspector	<i>Jonathan Green</i>	26 November 2018

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.