



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Date: February 2020

M54 to M6 Link Road 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
		31 January 2020	28 February 2020	28 February 2020
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)? 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) 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 subsections (1), (2) and (4).</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.3) and section 2 of the Explanatory Memorandum (Doc 3.2) which states that the application is for an NSIP.</p> <p>Section 4 of the Application Form (Doc 1.3) states:</p>		

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

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

	ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	“The Scheme has been defined as a Nationally Significant Infrastructure Project (NSIP) as it consists of the construction of a highway under sections 14(1)(h) and 22(1)(a) of the Planning Act 2008 (PA 2008)...”
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 11 January 2019 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 24 May 2019. A copy of the notification letter is provided at Appendix B of the Consultation Report (Doc 5.2) .
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 26 host and neighbouring authorities, of which nine responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline. All responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/or that their authority had no comments/objections to make. These local authorities were: <ul style="list-style-type: none">• Cannock Chase District Council

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		<ul style="list-style-type: none"> • South Staffordshire Council • City of Wolverhampton Council • Staffordshire County Council • Peak District National Park Authority • Warwickshire County Council • Cheshire East Council • Cheshire West and Chester Council • Herefordshire Council <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs</p>
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Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) from 24 May 2019 at Annex G of the Consultation Report (Doc 5.2).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Annex I of the Consultation Report (Doc 5.2).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • ESP Pipelines Ltd
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<ul style="list-style-type: none"> • Energy Assets Networks Limited <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>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs</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>Paragraph 3.4.7 and Table 3.4 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 23 May 2019 in line with the red line boundary at the time.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • South Staffordshire Council • City of Wolverhampton Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Staffordshire County Council <p>The boundary 'A' authorities were consulted:</p>

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

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

- Stafford Borough Council
- Cannock Chase District Council
- Walsall District Council
- Dudley Metropolitan District Council
- Bromsgrove District Council
- Wyre Forest District Council
- Telford and Wrekin Borough Council
- Sandwell Metropolitan Borough Council
- Shropshire County Council

The boundary 'D' authorities were consulted:

- Derbyshire County Council
- Leicestershire County Council
- Warwickshire County Council
- Worcestershire County Council
- Cheshire East Council
- Birmingham City Council
- Stoke-on-Trent City Council
- Peak District National Park Authority

A sample of the letter sent to s42(1)(b) relevant authorities is provided at **Annex I** of the **Consultation Report (Doc 5.2)**.

The red line boundary has been amended since the statutory consultation was undertaken. The Planning Inspectorate has identified the following authorities based on the submitted application that would be considered an authority under s43.

- Newcastle-under-Lyme Borough Council
- Cheshire West and Chester Council

		<ul style="list-style-type: none"> - Wrexham County Borough Council - Powys County Council - Herefordshire Council - Malvern Hills District Council <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the six Local Authorities identified above were not consulted.</p> <p>The amendment to the red line boundary that has triggered the above six authorities to become authorities under s43 looks to be extremely minor in nature; being to incorporate signage on an existing highway. The Book of Reference (Doc 4.3) indicates that Highways England are the owner of this land. The six local authorities were invited to submit Adequacy of Consultation Representations; two authorities have done so and raised no concerns. Based on this information, the Planning Inspectorate considers that the likelihood of any prejudice to the authorities or others is minimal and would not constitute a sound reason for deciding not to accept the application.</p> <p>However, the applicant should serve notice on these authorities (as required by s56A) when it serves notice of the accepted application under s56(2)(a) of the PA2008.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 3.4.13 of the Consultation Report (Doc 5.1) states that all persons</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p>identified under s42(1)(d) were consulted on 23 May 2019.</p> <p>Paragraphs 3.4.8 to 3.4.11 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). The full methodology undertaken by the Applicant is provided in Paragraph 4.9 of the Statement of Reasons (Doc 4.1).</p> <p>The Applicant's Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d).</p> <p>A sample of the letter is provided at Appendix I of the Consultation Report (Doc 5.2).</p>
Section 45: Timetable for s42 consultation		
11	<p>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>	<p>Yes</p> <p>A sample of the letter sent to s42 consultees is provided at Annex I of the Consultation Report (Doc 5.2).</p> <p>The sample letter dated 23 May 2019 confirmed that consultation commenced on 24 May 2019 and closed on 05 July 2019, providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes</p> <p>The Applicant gave notice under s46 on 23 May 2019, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Annex J of the Consultation Report (Doc 5.2) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Annex J of the Consultation Report (Doc 5.2).</p>
Section 47: Duty to consult local community		
13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes</p> <p>A copy of the final SoCC is provided at Annex F of the Consultation Report (Doc 5.2).</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>The Applicant sent the draft SoCC to South Staffordshire District Council ('B Authority'), City of Wolverhampton Council ('B Authority') and Staffordshire County Council ('C' authority) on 8 April 2019 and set a deadline of 7 May 2019 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Annex E of the Consultation Report (Doc 5.2) provides a summary of the consultation responses from Staffordshire County Council, South Staffordshire Council and City of Wolverhampton Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • Reformatting of Table 2 for ease of use. • Two additional community facilities added as deposit locations, closer to the A460. • Appendix A updated to include Walsall Council as a neighbouring local authority. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection 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 SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Featherstone and Hilton Community Centre, Baneberry Drive, Featherstone, WV10 7TR • Cannock Library, Manor Avenue, Cannock, WS11 1AA • South Staffordshire Council, Council Offices, Wolverhampton Road, Codsall, WZ8 1PX • Codsall Library, South Staffordshire County Council, No1 Staffordshire Plane, Tipping Street, Stafford, ST16 2LP

		<ul style="list-style-type: none"> • Brewood and Coven Parish Council, 35 Stafford Street, Brewood, ST19 9DX • Bilbrook Parish Council, Joeys Lane, Bilbrook, WV8 1JL • Collingwood Library, Northwood Park Road, Bushbury, WV10 8EA • Cheslyn Village Hall and Library, Pinfold Lane, Cheslyn Hay, WS6 7HP • Pendeford Library, Whitburn Close, Pendeford, WV9 5NJ • Sainsburys Cannock, Orbital Retail Centre, Voyager Drive, Cannock, WS11 8XP • Essington Community Centre, Hobnock Road, Essington, WV11 2RF <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • West Midlands Express & Star – 21 May 2019 • London Gazette – 21 May 2019 • The Times – 21 May 2019 <p>The published SoCC notice, provided at Annex K of the Consultation Report (Doc 5.2) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Annex L of the Consultation Report (Doc 5.2).</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 titled ‘The Scheme’ of the final SoCC at Annex F of the Consultation Report (Doc 5.2) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Paragraphs 3.7 to 3.10.2 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 3.7 of the Consultation Report (Doc 5.1) sets out how the Applicant has</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

complied with the commitments set out in the final SoCC.

The **Consultation Report (Doc 5.1)** and **Annex K** of the **Consultation Report (Doc 5.2)** refers to and provides evidence that the commitments within the final SoCC have been carried out, such as:

- Public information and consultation events.
- Posters in 18 locations in the vicinity of the proposed scheme.
- Consultation leaflet sent to all homes in the consultation zone.

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?

Yes

Paragraph 3.8.1 of the **Consultation Report (Doc 5.1)** states:

“In accordance with Section 48(1) of the PA 2008 a notice publicising the proposed development was published in the prescribed manner, namely in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP Regulations.”

Table 3.8 of the **Consultation Report (Doc 5.1)** displays the newspapers and dates of s48 publicity as set out below.

A copy of the s48 notice is provided at **Annex L** of the **Consultation Report (Doc 5.2)**.

Clippings of the published notices set out below are provided at **Annex L** of the **Consultation Report (Doc 5.2)**:

Newspaper(s)

Date

a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> • West Midlands Express and Star 	21 May 2019 28 May 2019
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Times 	21 May 2019
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • The London Gazette 	21 May 2019

d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a	n/a
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20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. The published s48 notice, supplied at Appendix L of the Consultation Report (Doc 5.1) , contains the required information as set out below:	
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Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	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	5	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6	h)	details of how to respond to the publicity	8
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	9			

21	Are there any observations in respect of the s48 notice provided above?	
Yes - The layout of the section 48 notice is slightly different in the London Gazette. The above paragraph references relate to the notice published in the West Midlands Express and Star.		
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 as part of the s42 consultation, as confirmed in paragraph 3.10.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Annex I of the Consultation Report (Doc 5.2) confirms a copy of the s48 notice was enclosed.</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>Chapter 5 and Table 5.13 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
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>Paragraph 7 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance.</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)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

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

In respect of the consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these, available here:
<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs>

s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the NSIP Process.</p> <p>Section 5 of the Application Form (Doc 1.3) 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	<p>Is it accompanied by a Consultation Report?</p>	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Annexes (Doc 5.2).</p>	
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?¹²</p>	<p>Yes</p>	
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p>	
<p>Information</p>		<p>Information</p>	
a)	<p>Where applicable, the</p>	<p>6.1 Environmental Statement (ES)</p>	<p>b) The draft Development</p>
			<p>Draft Development Consent Order</p>

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

c)	Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	6.2 ES Figures 6.3 ES Appendices 6.4 Non-Technical Summary 6.3 ES Appendix 4.1 – Scoping Opinion	d)	Consent Order (DCO)	(Doc 3.1)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in box 30).		Is this of a satisfactory standard?	Yes
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum to the Draft DCO (Doc 3.2)		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 (with minor discrepancies as noted in box 30).		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in box 30).
e)	A copy of any Flood Risk Assessment	6.3 ES Appendix 13.1 Flood Risk Assessment	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	6.10: Statement of Statutory Nuisance. Statutory nuisances are also discussed in the following ES chapters. 6.1 ES Chapter 5 – Air Quality; 6.1 ES Chapter 9 – Geology and Soils; 6.1 ES Chapter 11 – Noise and Vibration; and 6.1 ES Chapter 12 – Population and Human Health.

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

	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; (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		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in box 30).
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and	Works Plans (Doc 2.4)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or	Streets, Rights of Way and Access Plans (Doc 2.7)

	<p>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>creation of rights of way or public rights of navigation</p>		
	<p>Is this of a satisfactory standard?</p>	<p>Yes</p>	<p>Is this of a satisfactory standard?</p>	<p>Yes</p>	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the</p>	<p>(i)</p> <p>6.2 ES Figure 7.3 – Landscape Character;</p> <p>6.2 ES Figure 7.4 – Landscape Designations;</p> <p>6.2 ES Figure 8.1 – location of European Sites; and</p> <p>6.2 ES Figure 8.2 - Statutory, non-statutory and Ancient Woodland sites.</p> <p>No figure depicting sites of geological importance has been provided as no designated geological sites are located within the 250m geological study area.</p> <p>(ii)</p> <p>6.2 ES Figure 8.3 – Phase I Baseline Habitat Survey Results;</p> <p>6.2 ES Figure 8.5 – Priority</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Statutory and Non-Statutory Nature Conservation Sites Plans (Doc 6.5)</p> <p>Statutory and Non-Statutory Historic Site Plans (Doc 6.6)</p>

<p>Proposed Development</p>	<p>Habitats;</p> <p>6.2 ES Figures 8.6 and 8.7 show badger surveys and sett locations.</p> <p>6.2 ES Figures 8.8 to 8.11 show Barn Owl survey and habitats;</p> <p>6.2 ES Figures 8.12 to 8.18 show bat surveys, roosts and habitats;</p> <p>6.2 ES Figures 8.19 to 8.24 show breeding and wintering bird surveys and habitats;</p> <p>6.2 ES Figures 8.25 to 8.27 show otter and water vole surveys and habitats;</p> <p>6.2 ES Figures 8.28 and 8.29 show GCN surveys and results;</p> <p>ES Figure 8.30 – Reptile Baseline Mat Locations;</p> <p>6.2 ES Figure 8.31 to 8.34 show terrestrial invertebrates surveys; and</p> <p>6.2 ES Figure 3.34 shows aquatic survey baseline sites for fish, macroinvertebrates and white-clawed crayfish.</p> <p>(iii)</p> <p>6.2 ES Figure 13.1 – Water Bodies and their Attributes;</p> <p>6.3 ES Appendix 13.1 FRA includes multiple figures depicting waterbodies in a RBMP</p>		
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		area.		
	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 2.3)	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 Site Location Plan (Doc 2.1) General Arrangement Scheme Layout Plans (Doc 2.5) Engineering Section Drawings (Doc 2.10) Outline Drainage Works (Doc 2.11) Special Category Land Plans (Doc 2.6) Traffic Regulation Measures Plans (Doc 2.8) Classification of Roads Plans (Doc 2.9) TPO Impact Removal Plans (Doc 6.8)
	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:	The development is highway related and therefore Regulations 6(2) applies: Engineering Section Drawings (Doc 2.10)	q)	Any other documents considered necessary to support the application Introduction to the Application (Doc 1.1) Transport Assessment Report (Doc 7.4) Outline Traffic Management Plan (Doc 7.5) Case for the Scheme and NPSNN Accordance Table (Doc 7.2) Outline Environmental Management Plan (Doc 6.11) Statement of Statutory Nuisance (6.10)

		Equality Impact Assessment (6.7)		
	Are they of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p>Habitats Regulations Assessment No Significant Effects Report (Doc 6.9) Annex E has not been provided, please refer to the s.51 advice letter.</p> <p>Environmental Statement Figure 13.1 (Doc.6.2) A clearer format for these figures is requested, please refer to the s.51 advice letter.</p> <p>Book of Reference (Doc 4.3) There are minor typing errors, e.g. plot 4/4 is on sheet 4 not 3, plot 4/20c is on sheet 4 not 5, plot 6/17o-p are on sheet 6 not 5. A plot appears to be mislabelled, please refer to the s.51 advice letter.</p> <p>Land Plans (Doc 2.2) The labelling of some plots is unclear, e.g.: <ul style="list-style-type: none"> - There is an unnumbered white plot below plot 4/4. - There is a plot to the east of plot 4/14d, it is not clear if this a continuation of plot 4/15 or an unnumbered plot. </p> <p>Explanatory Memorandum (Doc 3.2) Some minor errors have been spotted, e.g.: Paragraph 5.97 refers to Article 37; it should refer to Article 36. Paragraph 5.84 refers to 291 instead of 29(1).</p> <p>Section 51 advice has been issued to the Applicant in respect of some of the above matters: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs </p>			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with	Yes	A Habitats Regulations Assessment (HRA) No Significant Effects Report is provided (Doc 6.9).	

	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	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. Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	No hard copies requested.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes Section 7 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to statutory guidance on the form of the application. The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs
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	The fee was received on 17 January 2020; before the application was made.

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

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

was made ¹⁶ ?	
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Role	Electronic signature	Date
Case Manager	<i>Eleanor Church</i>	28 February 2020
Acceptance Inspector	<i>Lesley Coffey</i>	28 February 2020

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