



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 of issue: 15 December 2022

M3 Junction 9 Improvement Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Department for Levelling Up, Housing and Communities.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		21 November 2022	19 December 2022	15 December 2022
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 Sections (s)14 to 30 does the Proposed Development fall)?	<p>Yes.</p> <p>The proposed development set out in Schedule 1 of the Draft Development Consent Order (Doc 3.1) includes development falling within the categories in s14 of the PA2008.</p> <p>The Proposed Development is for the alteration of a highway and satisfies s22 of the PA2008; including s22(1)(b), s22(3) and s22(4).</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 s14 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 Development Consent Order (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?	<p>Yes.</p> <p><u>2019 consultation</u></p> <p>On 25 January 2019 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of the EIA Regulations of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of the 2019 statutory consultation on 2 July 2019.</p> <p>A copy of the notification letter is provided at Appendix E.2 of the Consultation Report (Doc 5.1).</p> <p><u>2021 consultation</u></p> <p>On 19 October 2020 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of the EIA Regulations of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of the 2021 statutory consultation on 27 May 2021.</p>

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)

		A copy of the notification letter is provided at Appendix E.4 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?	<p>Yes.</p> <p>There are 21 host and neighbouring authorities, of which 11 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 23 November 2022.</p> <p>All 11 responding authorities confirmed in their AoCR that 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:</p> <ul style="list-style-type: none"> • Eastleigh Borough Council (‘A’ authority) • Fareham Borough Council (‘A’ authority) • Havant Borough Council (‘A’ authority) • Test Valley Borough Council (‘A’ authority) • South Downs National Park Authority (‘B’ authority) • Winchester City Council (‘B’ authority) • Hampshire County Council (‘C’ authority) • Bournemouth, Christchurch and Poole Council (‘D’ authority) • Bracknell Forest Borough Council (‘D’ authority) • New Forest National Park Authority (‘D’ authority) • Surrey County Council (‘D’ authority) <p>A representation confirming the adequacy of the Applicant’s consultation was also received from New Forest District Council. New Forest District Council does not have a formal status under the PA2008 in relation to this application but had been</p>

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

		<p>consulted by the Applicant as if it were a local authority defined by s43 of the PA2008.</p> <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/south-east/m3-junction-9-improvement/?ipcsection=docs&stage=2&filter1=Adequacy+of+Consultation</p>
<p>Section 42: Duty to consult</p>		
<p>Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
<p>6</p>	<p>Section 42(1)(a) persons prescribed⁵?</p>	<p>Yes.</p> <p>Paragraphs 8.21 and 11.21 of the Consultation Report (Doc 5.1) confirm that the Applicant undertook two rounds of statutory consultation between:</p> <ul style="list-style-type: none"> • 2 July 2019 and 27 August 2019; and • 27 May 2021 and 8 July 2021 <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 2 July 2019 at Appendix G.1, Table 1 of the Consultation Report (Doc 5.1) and on 27 May 2021 at Appendix B.1, Tables B1.1 and B1.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees on 2 July 2019 is provided at Appendix G.3 of the Consultation Report (Doc 5.1) and on 27 May 2021 at Appendix J.2 of the Consultation report (Doc 5.1).</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>

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

		<p><u>2019 consultation</u></p> <ul style="list-style-type: none"> • NHS Hampshire and Isle of Wight • Crown Estate Scotland (Interim Management) • Northern Gas Networks Limited • Scotland Gas Networks Plc • Last Mile Gas Ltd • Leep Gas Networks Limited • Mua Gas Limited • Squire Energy Limited • Indigo Power Limited • Last Mile Electricity Ltd • Mua Electricity Limited • Optimal Power Networks Limited • National Grid Electricity System Operator Limited <p><u>2021 consultation</u></p> <ul style="list-style-type: none"> • Crown Estate Scotland (Interim Management) • Northern Gas Networks Limited • Leep Gas Networks Limited • Mua Gas Limited • Squire Energy Limited • Indigo Power Limited • Mua Electricity Limited
--	--	--

		<ul style="list-style-type: none"> • Optimal Power Networks Limited • National Grid Electricity System Operator Limited <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the bodies identified above have not been consulted at one or both of the statutory consultations. 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/document/TR010055-000423</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>Section 8.2.1, Table 8.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 2 July 2019 and 27 May 2021.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Winchester City Council • South Downs National Park Authority <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Hampshire County Council

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

		<p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none">• Test Valley Borough Council• Basingstoke and Deane Borough Council• East Hampshire District Council• Havant Borough Council• Portsmouth City Council• Fareham Borough Council• Eastleigh Borough Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none">• New Forest National Park Authority• West Sussex County Council• Surrey County Council• Southampton City Council• Portsmouth City Council• Dorset Council• Wiltshire Council• West Berkshire Council• Wokingham Borough Council• Bracknell Forest Council• Bournemouth, Christchurch and Poole Council* <p>*On the basis of the evidence accompanying the application, it appears that Bournemouth, Christchurch and Poole Council ('D' authority) was not consulted for the 2019 statutory consultation. The Planning Inspectorate notes that the Council was formed in April 2019. The Council was consulted for the 2021 statutory</p>
--	--	---

		<p>consultation and has provided an AoCR confirming its view that the Applicant has complied with its consultation duties.</p> <p>A sample of the letter sent to s42(1)(b) relevant authorities on 2 July 2019 is provided at Appendix G.3 of the Consultation Report (Doc 5.1) and on 27 May 2021 at Appendix J.3 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><u>2019 consultation</u></p> <p>Paragraph 8.2.21 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 27 June 2019.</p> <p>Paragraphs 11.2.18 to 11.2.44 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult with persons with an interest in lands affected by the Draft Development Consent Order (Doc 3.1) for the purpose of the 2019 statutory consultation. The full methodology undertaken by the Applicant is provided in Section 4 of the Statement of Reasons (Doc 4.1).</p> <p>The persons consulted under s42(1)(d) for the 2019 consultation are listed at Appendix G.13 of the Consultation Report (Doc 5.1). A sample of the letter sent on 30 June 2019 is provided at Appendix G.3 of the Consultation Report (Doc 5.1).</p> <p><u>2021 consultation</u></p> <p>Paragraph 11.2.18 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 25 May 2021.</p> <p>Paragraphs 13.3.1 to 13.3.6 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with</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.

		<p>an interest in lands affected by the Draft Development Consent Order (Doc 3.1) for the purpose of the 2021 statutory consultation. The full methodology undertaken by the Applicant is provided in Section 4 of the Statement of Reasons (Doc 4.1).</p> <p>The persons consulted under s42(1)(d) for the 2021 consultation are listed at Appendix B2, Table B2 of the Consultation Report (Doc 5.1). A sample of the letter sent on 25 May 2021 is provided at Appendix J.4 of the Consultation Report (Doc 5.1).</p> <p><u>Targeted consultation</u></p> <p>Paragraphs 13.1.1 to 13.1.7 of the Consultation Report (Doc 5.1) confirm that the Applicant undertook targeted consultation with s42(1)(d) parties due to several minor refinements made to the red line boundary that had been consulted on between 27 May 2021 and 8 July 2021. Paragraph 13.3.4 states that the relevant parties were consulted on 17 November 2021.</p> <p>Paragraphs 15.1.1 to 15.1.3 of the Consultation Report (Doc 5.1) confirm that the Applicant undertook targeted consultation with s42(1)(d) parties due to the acknowledgement that land interests change over time and that new or additional interests may emerge after statutory consultation has concluded but just before the application is submitted. Paragraph 15.2.4 states that the relevant parties were consulted on 25 October 2022.</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><u>2019 consultation</u></p> <p>Samples of the letters sent to s42 consultees as part of the 2019 statutory consultation are provided at Appendix G.3 of the Consultation Report (Doc 5.1). The sample letters confirmed that the 2019 consultation commenced on 2 July 2019 and closed on 27 August 2019. The letters therefore provided more than the required minimum time for receipt of responses.</p>

		<p><u>2021 consultation</u></p> <p>Samples of the letters sent to s42 consultees as part of the 2021 statutory consultation are provided at Appendix J.2 – J.5 of the Consultation Report (Doc 5.1). The sample letters confirmed that the 2021 consultation commenced on 27 May 2021 and closed on 8 July 2021. The letters therefore provided more than the required minimum time for receipt of responses.</p> <p><u>Targeted consultation</u></p> <p>Sample letters sent to those s42(1)(d) parties consulted as part of the 2021 targeted consultation are provided at Appendices L.1, L.2 and L.3 of the Consultation Report (Doc 5.1). These letters confirmed consultation commenced on 17 November 2021 and closed 22 December 2021.</p> <p>Sample letters sent to those s42(1)(d) parties consulted as part of the 2022 targeted consultation are provided at Appendices N.1, N.2, N.3 and N.4 of the Consultation Report (Doc 5.1). These letters confirmed consultation commenced on 25 October 2022 and closed 21 November 2022.</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><u>2019 consultation</u></p> <p>The Applicant gave notice under s46 on 28 June 2019, which was before the beginning of the s42 consultation held between 2 July 2019 and 27 August 2019.</p> <p>A copy of the s46 notification letter dated 28 June 2019 is provided at Appendix G.4 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix G.5 of the Consultation Report (Doc 5.1).</p> <p><u>2021 consultation</u></p> <p>The Applicant also gave notice under s46 on 25 May 2021, which was before the beginning of s42 consultation held between 27 May 2021 and 8 July 2021.</p>

		A copy of the s46 notification letter dated 25 May 2021 is provided at Appendix J.6 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix G.7 of the Consultation Report (Doc 5.1) .
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><u>2019 consultation</u></p> <p>A copy of the final 2019 SoCC is provided at Appendix F.3 of the Consultation Report (Doc 5.1).</p> <p><u>2021 consultation</u></p> <p>A copy of the final 2021 SoCC is provided at Appendix I.8 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><u>2019 consultation</u></p> <p>The Applicant sent the draft 2019 SoCC to Winchester City Council and South Downs National Park Authority ('B Authority') and Hampshire County Council ('C' authority) on 24 May 2019 and set a deadline of 22 June 2019 for responses; providing more than the required minimum time for responses to be received.</p> <p><u>2021 consultation</u></p> <p>The Applicant sent the draft 2021 SoCC to Winchester City Council and South Downs National Park Authority ('B Authority') and Hampshire County Council ('C' authority) 10 November 2020 and set a deadline of 9 December 2020 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?	Yes.

		<p><u>2019 consultation</u></p> <p>Section 7, Table 7.1 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from Winchester City Council, Hampshire County Council and South Downs National Park Authority in respect of the draft 2019 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"> • Section 3 of the 2019 SoCC was updated to provide further details on what information would be presented in the 2019 Consultation Brochure. • Section 5.2 of the 2019 SoCC was updated to include a short summary of the engagement outcomes. • The table in Section 6.2 of the 2019 SoCC was updated to include details of how the Applicant would advertise the consultation via social media. • The 2019 consultation zone was extended and included in Appendix A of the 2019 SoCC. <p><u>2021 consultation</u></p> <p>Section 10, Table 10.3 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from Winchester City Council, Hampshire County Council and South Downs National Park Authority in respect of the draft 2021 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"> • Table 1 of the 2021 SoCC was updated to confirm that stakeholder briefings would be held for local authorities, parish councils and local businesses to advise them of how we intended to undertake the 2021 statutory consultation. • Table 1 of the 2021 SoCC was updated to include the Mid-Hampshire Observer as an additional local newspaper publication. • Table 1 of the 2021 SoCC was updated to confirm that stakeholder briefings would be held for local authorities, parish councils and local businesses to
--	--	--

		<p>advise them of how we intended to undertake the 2021 statutory consultation.</p> <ul style="list-style-type: none"> • Table 1 of the 2021 SoCC was amended to include a reference to where the interactive map could be accessed. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes.</p> <p><u>2019 consultation</u></p> <p>The final 2019 SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Winchester Discovery Centre • Winchester Tourist Information Centre • Winchester City Council – Customer Services Centre • Kings Worthy Community Centre • Winnall Community Centre • M3 Moto Services, Winchester • A34 Road Chef Sutton Scotney Services • Tesco Extra – Easton Lane, Winnall, Winchester <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Hampshire Chronicle on 27 June 2019 and 11 July 2019. <p>The published SoCC notice, provided at Appendix F.4 of the Consultation Report (Doc 5.1), states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix G.7 of the Consultation Report (Doc 5.1).</p>

		<p><u>2021 consultation</u></p> <p>The final 2021 SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Made available online via the Applicant’s dedicated Scheme webpage, to address the limitations of COVID-19 measures and support the ‘digital first’ approach. <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Mid Hampshire Observer on 12 May 2021 and 19 May 2021 • Hampshire Chronicle on 13 May 2021 and 20 May 2021 • Hampshire Independent on 14 May 2021 and 21 May 2021 <p>The published SoCC notice, provided at Appendix I.9 of the Consultation Report (Doc 5.1), states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix I.10, I.11, I.12, I.13, I.14 and I.15 of the Consultation Report (Doc 5.1).</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><u>2019 consultation</u></p> <p>Paragraph 4 of the final 2019 SoCC at Appendix F.3 of the Consultation Report (Doc 5.1) 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> <p><u>2021 consultation</u></p> <p>Paragraph 4 of the final 2021 SoCC at Appendix I.8 of the Consultation Report (Doc 5.1) sets out that the development is EIA development and sets out how the</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

		Applicant 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><u>2019 consultation</u></p> <p>Sections 8.4.1 to 8.4.18 of the Consultation Report (Doc 5.1) set out how the 2019 community consultation was carried out in line with the final SoCC.</p> <p>Section 8 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Section 8, Table 8.8 of the Consultation Report (Doc 5.1) provides evidence that the commitments within the final SoCC have been carried out.</p> <p><u>2021 consultation</u></p> <p>Sections 11.4.1 to 11.4.24 of the Consultation Report (Doc 5.1) set out how the 2021 community consultation was carried out in line with the final SoCC.</p> <p>Section 11 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendix I.18 of the Consultation Report (Doc 5.1) provides evidence that the commitments within the final SoCC have been carried out.</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 which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes.</p> <p><u>2019 Consultation</u></p> <p>Paragraph 8.5.2 of the Consultation Report (Doc 5.1) states:</p> <p><i>“As required by Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations, a notice publicising the proposed application for development consent for the scheme was published between 27 June 2019 and 4 July 2019, in the London Gazette, once in a national newspaper (The Times) and for two successive weeks in a local newspaper (Hampshire Chronicle)”</i></p>

		<p>A copy of the s48 notice is provided at Appendix H.1 of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix H.2, H.3, H.4 and H.5 of the Consultation Report (Doc 5.1):</p> <p><u>2021 Consultation</u></p> <p>Paragraph 11.5 of the Consultation Report (Doc 5.1) states:</p> <p><i>“As required by Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations, a notice publicising the proposed application for development consent for the scheme was published between 19 May 2021 and 03 June 2021, in the London Gazette, once in a national newspaper (The Times) and for two successive weeks in a local newspaper (Hampshire Chronicle, Hampshire Independent and Mid Hampshire Observer”</i></p> <p>A copy of the s48 notice is provided at Appendix J.20 of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix J.21 to J.28 of the Consultation Report (Doc 5.1):</p> <p>Table 8.9/ Section 8.5.3 (2019 consultation) and Table 11.6/ Section 11.5.3 (2021 consultation) of the Consultation Report (Doc 5.1) display the newspapers and dates of s48 publicity as set out below:</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;"></th> <th style="width: 45%; text-align: center;">Newspaper(s)</th> <th style="width: 20%; text-align: center;">Date</th> </tr> </thead> </table>				Newspaper(s)	Date			
	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;	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 35%;">2019 statutory consultation:</td> <td style="width: 45%;"> <ul style="list-style-type: none"> • Hampshire Chronicle </td> <td style="width: 20%; text-align: center;">27 June 2019</td> </tr> <tr> <td>2021 statutory consultation:</td> <td> <ul style="list-style-type: none"> • Mid Hampshire Observer </td> <td style="text-align: center;">19 May 2021 and 26 May 2021</td> </tr> </tbody> </table>	2019 statutory consultation:	<ul style="list-style-type: none"> • Hampshire Chronicle 	27 June 2019	2021 statutory consultation:	<ul style="list-style-type: none"> • Mid Hampshire Observer 	19 May 2021 and 26 May 2021
2019 statutory consultation:	<ul style="list-style-type: none"> • Hampshire Chronicle 	27 June 2019						
2021 statutory consultation:	<ul style="list-style-type: none"> • Mid Hampshire Observer 	19 May 2021 and 26 May 2021						

		<ul style="list-style-type: none"> • Hampshire Chronicle • Hampshire Independent 	<p>20 May 2021 and 27 May 2021</p> <p>21 May 2021 and 28 May 2021</p>	
b)	once in a national newspaper;	<p>2019 statutory consultation:</p> <ul style="list-style-type: none"> • The Times <p>2021 statutory consultation:</p> <ul style="list-style-type: none"> • The Times 	<p>4 July 2019</p> <p>3 June 2021</p>	
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p>2019 statutory consultation:</p> <ul style="list-style-type: none"> • London Gazette <p>2021 statutory consultation:</p> <ul style="list-style-type: none"> • London Gazette 	<p>4 July 2019</p> <p>27 May 2021</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, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes.</p> <p>Both the s48 notice published in respect of the 2019 statutory consultation and the 2021 statutory consultation, supplied at Appendices H.1 and J.20 of the Consultation Report (Doc 5.1), contain the required information as set out below:</p>		
Information		Paragraph	Information	Paragraph

a)	the name and address of the Applicant.	1 (2019 and 2021)	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1 (2019 and 2021)
c)	a statement as to whether the application is EIA development	6 (2019) and 3 (2021)	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	3 (2019) and 2 (2021)
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> the nature and location of the Proposed Development The address of the website The place on the website A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 	8 (2019) and 4 (2021)	f)	the latest date on which those documents, plans and maps will be available for inspection	7 (2019) and 4 (2021)
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	10 (2019 and 2021)	h)	details of how to respond to the publicity	12 (2019 and 2021)
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	13 (2019) and 11 (2021)			
21	Are there any observations in respect of the s48 notice provided above?				

	No.	
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><u>2019 consultation</u></p> <p>A copy of the 2019 s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in Section 6.2 of the Consultation Report (Doc 5.1)</p> <p>Samples of the s42 consultation letters issued as part of the 2019 statutory consultation are provided at Appendix G.3 of the Consultation Report (Doc 5.1). They confirm a copy of the s48 notice was enclosed.</p> <p><u>2021 consultation</u></p> <p>A copy of the 2021 s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in Section 6.4 of the Consultation Report (Doc 5.1).</p> <p>Samples of the s42 consultation letters issued as part of the 2021 statutory consultation are provided at Appendix J.2 of the Consultation Report (Doc 5.1). They confirm 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><u>2019 consultation</u></p> <p>Section 9 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the 2019 consultation responses received; including whether or not responses led to changes to the application.</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

		<p><u>2021 consultation</u></p> <p>Section 12/ Appendix K.1, K.2 and K.3 of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the 2021 consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the 2019 and 2021 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>Annex 1 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.
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 	<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>

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

	<ul style="list-style-type: none"> a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	A Location Plan (Doc 2.1) has been provided.
27	Is it accompanied by a Consultation Report?	Yes. The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1) .
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:
Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement, Chapters 1 to 18 (Doc 6.1), Figures (Doc 6.2), and Appendices (Doc 6.3)
	Is this of a satisfactory standard?	Yes.
b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
	Is this of a satisfactory standard?	Yes.

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

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	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	Flood Risk Assessment (Doc 7.4)	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	Statement relating to Statutory Nuisance (Doc 7.6)
	Is this of a satisfactory standard?	Yes. See comments in Box 30.		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: <ul style="list-style-type: none"> (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 	Land Plans (Doc 2.2) Sheets 1 to 10

			<p>Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	
	Is this of a satisfactory standard?	Yes.	Is this of a satisfactory standard?	Yes (with minor discrepancies noted in Box 30).
j)	<p>A Works Plan showing, in relation to existing features:</p> <p>(i) the proposed location or (for a linear 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</p>	Works Plans (Doc 2.3)	k)	<p>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</p> <p>Rights of Way and Access Plans (Doc 2.4)</p> <p>Classification of Road Plans (Doc 2.8)</p>

	out and any limits of deviation provided for in the draft DCO				
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be</p>	<p>(i) ES Chapter 7: Landscape and Visual Figures (Doc 6.2):</p> <ul style="list-style-type: none"> - Figure 7.1 - Landscape Designations - Figure 7.2 - Topography and Features - Figure 7.3 - Landscape Character Areas <p>ES Chapter 9: Geology and Soils Figure 9.1 - Environmental Information (Doc 6.2)</p> <p>(ii) ES Chapter 8: Biodiversity Figures (Doc 6.2):</p> <ul style="list-style-type: none"> - Figure 8.1 - Statutory Designated Areas – 2km - Figure 8.2 - Internationally 	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or 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>ES Chapter 6 Cultural Heritage Figures (Doc 6.2):</p> <ul style="list-style-type: none"> - Figure 6.2: Designated Heritage Assets - Figure 6.4: Prehistoric Heritage Assets - Figure 6.5: Roman and Early Medieval Heritage Assets - Figure 6.6: Medieval and Post-Medieval Heritage Assets - Figure 6.7: Modern and Undated Heritage Assets - Figure 6.8: National Mapping Programme - Figure 6.9: Historic Landscape Characterisation - Figure 6.10: Eighteenth Century Kings Worthy - Figure 6.11: Sir Charles Ogle Estate Map (1823) - Figure 6.12: Important Hedgerows

<p>caused by the Proposed Development</p>	<p>Designated Areas – 10km</p> <ul style="list-style-type: none"> - Figure 8.3 – Internationally Designated Areas for Bats - 30km - Figure 8.4 - Non-statutory Designated Areas - Figure 8.5 – Habitats of Principal Importance <p>Protected Trees and Hedgerows to be Removed Plans (Doc 2.13)</p> <p>(iii) ES Chapter 13: Road Drainage and the Water Environment Figure 13.1</p> <ul style="list-style-type: none"> - Study Area and Receptors (Doc 6.2) <p>Water Framework Directive (WFD) Assessment (Doc 7.7):</p> <ul style="list-style-type: none"> - Figure 3.2: WFD Surface Water Bodies (River Itchen and Nun's Walk Stream) - Figure 3.3: WFD Surface Water Bodies (Itchen Navigation Canal) 		<p>An assessment of effects likely to be caused by the Proposed Development is contained in ES Chapter 6: Cultural Heritage (Doc 6.1) and associated appendices.</p>
---	--	--	---

		<ul style="list-style-type: none"> - Figure 3.4: WFD Groundwater Bodies (River Itchen Chalk) <p>An assessment of effects likely to be caused by the Proposed Development is contained in the following documents and associated appendices:</p> <ul style="list-style-type: none"> - ES Chapter 7: Landscape and Visual Effects (Doc 6.1); - ES Chapter 8: Biodiversity (Doc 6.1) - ES Chapter 9: Geology and Soils (Doc 6.1); - ES Chapter 13: Road Drainage and the Water Environment (Doc 6.1); and - WFD Assessment (Doc 7.7). 		
	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	N/A.	o)	<p>Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external</p> <p>Location Plan (Doc 2.1) Drainage and Surface Water Plans (Doc 2.12) General Arrangements Plan (Doc 2.5)</p>

			appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	De-Trunking Plans (Doc 2.10) Traffic Regulations Measures Plans (Doc 2.11) Speed Limits Plans (Doc 2.9)
	Is this of a satisfactory standard?	N/A.	Are they of a satisfactory standard?	Yes.
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineering Plans and Sections (Doc 2.6) Structures Plans and Sections (Doc 2.7)	q) Any other documents considered necessary to support the application	Consents and Agreements Position Statement (Doc 3.3) Case for the Scheme (Doc 7.1) National Policy Statement for National Networks Accordance Table (Doc 7.2) Outline Traffic Management Plan (Doc 7.8) Design and Access Statement (Doc 7.9) Combined Modelling and Appraisal Report (Doc 7.10) Progress with Statements of Common Ground (Doc 7.12) Transport Assessment Report (Doc 7.13) Equality Impact Assessment (Doc 7.14)

	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 at Box 29 (a) to (q) above?				
<p>Land Plans (Doc 2.2) and Statement of Reasons (Doc 4.1):</p> <p>A discrepancy has been identified between the Land Plans (Doc 2.2), Statement of Reasons (Doc 4.1) and the Draft Development Consent Order (Doc 3.1). In the Land Plans (Doc 2.2) and Statement of Reasons (Doc 4.1) Plot 5/5a is identified as 'Land to be used temporarily', however this plot does not appear to be listed in Schedule 7 of the Draft Development Consent Order (Doc 3.1).</p> <p>Rights of Way and Access Plans (Doc 2.4):</p> <p>A discrepancy has been identified between the Rights of Way and Access Plans (Doc 2.4) and the Draft Development Consent Order (Doc 3.1). Sheet 6 of the Rights of Way and Access Plans (Doc 2.4) shows point 3 but this point is on Sheet 7 according to the Draft Development Consent Order (Doc 3.1).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters: https://infrastructure.planninginspectorate.gov.uk/document/TR010055-000423</p>					
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)?¹⁴</p>	<p>Yes.</p> <p>A Habitats Regulations Assessment (HRA) Report (Doc 7.5) has been provided.</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for Acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>			

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

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?	<p>Yes.</p> <p>Chapter 3 and Annex 1 of the Consultation Report (Doc 5.1) explain how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Introduction to the Application (Doc 1.3) explains the structure of the application and lists the application documents.</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)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.
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 was received on 17 November 2022; before the application was made.

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

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

Role	Electronic signature	Date
Case Manager	<i>Sarah Norris</i>	15 December 2022
Acceptance Inspector	<i>Wendy McKay</i>	15 December 2022