



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: 19 July 2022

A66 Northern Trans-Pennine Project 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 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
		21 June 2022	19 July 2022	19 July 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	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 5.1) includes development falling within the categories in s14 of the PA2008. The development is for the construction and alteration of a highway and satisfies section 22 of the PA2008; including subsection (1)(a) and (1)(b). This is consistent with the summary provided in section 4 of the Application Form (Doc 1.3) 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)

	<p>relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 5.1) 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>On 11 June 2021 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 September 2021.</p> <p>A copy of the notification letter is provided at Annex D of the Consultation Report (Doc 4.4).</p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C'	Yes.

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

<p>and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 33 host and neighbouring authorities, of which 12 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 22 June 2022.</p> <p>All 12 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:</p> <ul style="list-style-type: none"> • Carlisle City Council ('A' authority) • Hambleton District Council ('A' Authority) • Lake District National Park Authority ('A' authority') • Wakefield Metropolitan District Council ('D' authority) • Northumberland National Park Authority ('A' Authority) • Harrogate Borough Council ('A' Authority) • Richmondshire District Council ('B' Authority) • Eden District Council ('B' Authority)* • Cumbria County Council ('C' Authority)* • North Yorkshire County Council ('C' Authority) • Durham County Council ('B' Authority) • Northumberland County Council ('A/D' Authority) <p>Notwithstanding, Eden District Council and Cumbria County Council (CCC) have provided additional comments in their AoCR. Cumbria County Council note in respect of s42 consultation that they had identified areas in which further</p>
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		<p>information and details were required. CCC then note that they look forward to further engagement and dialogue with the Applicant on these matters.</p> <p>Eden District Council also stated that the Applicant could have done more to inform parties and the public during each stage of public consultation to the extent that there was insufficient information and time to properly consider the proposal. Accordingly, it further states that it wasn't able to engage with the applicant in the way the PA2008 envisaged. Both Authorities attached copies of submissions received from other parties with their respective AoCRs. These are discussed in the response to Box 24 below.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a66-northern-trans-pennine-project/?ipcsection=docs&stage=2&filter1=Adequacy+of+Consultation+Representation</p> <p>Additionally, the Planning Inspectorate received submissions from members of the public highlighting concerns with the Applicant's consultation. These have been published here: http://infrastructure.planninginspectorate.gov.uk/document/TR010062-000624</p> <p>The Inspectorate has considered all representations relating to the adequacy of consultation and is of the view that the Applicant has complied with its statutory obligations under s42, s47 and s48.</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>		
6	Section 42(1)(a) persons prescribed ⁵ ?	Yes.

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

		<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 20 September 2021 at Annex H of the Consultation Report (Doc 4.4).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Annex I of the Consultation Report (Doc 4.4)</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"> • North Cumbria Integrated Care NHS Foundation Trust • Royal Mail Group • Southern Gas Networks plc • Squire Energy Limited • Energy Assets Networks Limited • Mua Electricity Limited • Optimal Power Networks Limited • National Grid Electricity System Operator Limited <p>The Applicant's Consultation Report (Doc 4.4) 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>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	n/a

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

8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes.</p> <p>Table 5.1 of the Consultation Report (Doc 4.4) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 24 September 2021.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Eden District Council • Richmondshire District Council • Durham County Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Cumbria County Council • North Yorkshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Allerdale Borough Council • Carlisle City Council • Craven District Council • Gateshead Council • Hambleton District Council • Harrogate Borough Council • Hartlepool Borough Council
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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

		<ul style="list-style-type: none"> • Lake District National Park Authority • Northumberland National Park Authority • South Lakeland District Council • Sunderland City Council • Yorkshire Dales National Park Authority <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Scottish Borders Council • Bradford Metropolitan District Council • Dumfries and Galloway Regional Council • Doncaster Metropolitan Borough Council • East Riding of Yorkshire Council • Lancashire County Council • Lancaster City Council • Leeds City Council • Middlesbrough Borough Council • North York Moors National Park Authority • Redcar and Cleveland Borough Council • Wakefield City Council • City of York Council <p>The boundary 'A' & 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Darlington Borough Council
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		<ul style="list-style-type: none"> • Northumberland County Council • Stockton-on-Tees Borough Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Annex I of the Consultation Report (Doc 4.4).</p> <p>The Planning Inspectorate is aware of the Structural Changes Orders 2022 in which two new unitary authorities, Westmorland and Furness Council and North Yorkshire Council, will assume the roles and functions of Eden District Council and Cumbria County Council, and Richmondshire District Council and North Yorkshire County Council respectively. The new unitary authorities will assume its powers on 1 April 2023 and are, until then shadow authorities. However, the shadow authorities are not relevant for the purposes of s42 and s43 of the PA2008.</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 5.5.5 of the Consultation Report (Doc 4.4) states that all persons identified under s42(1)(d) were consulted on 20 September 2021.</p> <p>Paragraphs 5.4.17 to 5.4.19 of the Consultation Report (Doc 4.4) 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 5.1). The full methodology undertaken by the Applicant is provided in Section 4.4 of the Statement of Reasons (Doc 5.8).</p> <p>The persons consulted under s42(1)(d) are listed at Annex H of the Consultation Report (Doc 4.4).</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.

		A sample of the letter is provided at Annex I of the Consultation Report (Doc 4.4) .
Section 45: 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>A sample of the letter sent to s42 consultees is provided at Annex I of the Consultation Report (Doc 4.4).</p> <p>The sample letter dated 20 September 2021 confirmed that consultation commenced on 24 September 2021 and closed on 6 November 2021, providing more than the required minimum time for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes.</p> <p>The Applicant gave notice under s46 on 20 September 2021, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at is provided at Annex K of the Consultation Report (Doc 4.4).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>A copy of the final SoCC is provided at Annex G of the Consultation Report (Doc 4.4).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if	Yes.

	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?	The Applicant sent the draft SoCC to Eden District Council, Richmondshire District Council and Durham County Council ('B Authorities') and Cumbria County Council and North Yorkshire County Council ('C' authorities) on 12 July 2021 and set a deadline of 12 August 2021 for responses; providing more than the required minimum time for responses to be received.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 4.2 and Annex F of the Consultation Report (Doc 4.4) provides a summary of the consultation responses from the Local Authorities 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"> • Consultation period extended from 30 days to 6 weeks to give more time for the public to consider the consultation material and respond. • Key representatives for seldom heard groups contacted to share information about consultation. • Leaflet notification zone extended from those living within 2.5km of the route centreline to 5km. <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 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>Yes.</p> <p>The final SoCC was made available on the Applicant's website: (https://nationalhighways.co.uk/our-work/a66-northern-trans-pennine/) from 24 September 2021.</p> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Cumberland News - 17 September 2021

		<ul style="list-style-type: none"> • Cumberland and Westmorland Herald - 18 September 2021 • Gazette Live - 20 September 2021 • Northern Echo - 22 September 2021 • Teesdale Mercury - 22 September 2021 <p>The published SoCC notice, provided at Annex L of the Consultation Report (Doc 4.4) 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 4.4).</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 3.11 of the final SoCC at Annex G of the Consultation Report (Doc 4.4) sets out that the development is EIA development and 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>Table 4.3 of the Consultation Report (Doc 4.4) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Annexes I, L, M and N of the Consultation Report (Doc 4.4) provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Due to an administrative error, s47 Notice was not published in the Darlington and Stockton Times (DST) as stated in SoCC, Table 1 of Annex G of the Consultation Report (Doc 4.4).</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

		<p>However, Table 4.3 of the Consultation Report (Doc 4.4) clarifies that the circulation area of the other newspapers in which the s47 notifications were published, crossover with the circulation area of the DST.</p> <p>The Applicant informed Durham County Council, North Yorkshire County Council and Richmondshire District Council about the error via email provided in Annex Q of the Consultation Report (Doc 4.4), as the notice publication was located within the extent of their local authority boundaries.</p> <p>The Planning Inspectorate is satisfied that the Applicant carried out the consultation in accordance with the SoCC.</p>
Section 48: Duty to publicise the proposed application		
19	<p>Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?</p>	<p>Yes.</p> <p>Paragraphs 5.5.50 to 5.5.56 of the Consultation Report (Doc 5.5) provide information that the Applicant publicised the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations:</p> <p>Table 5.6 of the Consultation Report (Doc 4.4) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Annex M of the Consultation Report (Doc 4.4).</p> <p>Clippings of the published notices set out below are provided at Annex M of the Consultation Report (Doc 4.4):</p>
<p style="text-align: center;">Newspaper(s) Date</p>		

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"> Northern Echo Cumberland and Westmorland Herald Gazette Live (Evening Gazette in Teesside) Teesdale Mercury Darlington and Stockton Times Cumberland News (News and Star) 	<p>15 September 2021, 22 September 2021</p> <p>11 September 2021, 18 September 2021</p> <p>13 September 2021, 20 September 2021</p> <p>15 September 2021, 22 September 2021</p> <p>17 September 2021, 24 September 2021</p> <p>10 September 2021, 17 September 2021</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> The Times 	20 September 2021
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 	20 September 2021
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
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes.</p> <p>The published s48 notice, supplied at Annex M of the Consultation Report (Doc 4.4), contains the required information as set out below:</p>	
Information		Paragraph	
Information		Paragraph	

a)	the name and address of the Applicant. As Highways England	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 were available on a website maintained by or on behalf of the applicant the address of the website where the documents, plans and maps may be inspected the place on the website where the documents, plans and maps may be inspected a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps	6 (top of page 2)	f)	the latest date on which those documents, plans and maps will be available for inspection	12 (top of page 4)
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	13	h)	details of how to respond to the publicity	15
i)	a deadline for receipt of those responses by the Applicant, being not less than 28	14			

	days following the date when the notice is last published		
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>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 5.2.9 and Table 5.2 of the Consultation Report (Doc 4.4).</p> <p>A sample of the s42 consultation letter provided at Annex I of the Consultation Report (Doc 4.4) 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>Section 6 of the Consultation Report (Doc 4.4) and Annex N of the Consultation Report (Doc 4.4) 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			

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

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Section 8 of the Consultation Report (Doc 4.4) states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Box 5 above confirms that those local authorities who responded to the invitation to submit Adequacy of Consultation Responses have stated that, in their view, the relevant tests of the PA2008 had been met. However, appended to both Cumbria County Council and Eden District Council AoCR were a number of third-party responses whose concerns primarily rested on the adequacy of available information to make an informed judgement, and the perceived lack of timescales to make such a judgement in. However, neither Eden District Council nor Cumbria Country Council advised that such concerns amount to an inadequate consultation process by the Applicant.</p> <p>The Applicant sets out in its Consultation Report (Doc 4.4) how it has engaged with third parties and Table 8.1 lists how the Applicant considers it has complied with component elements of the Guidance as well as highlighting relevant evidence throughout the Consultation Report and its Annexes.</p> <p>Additionally, the Planning Inspectorate received submissions from members of the public highlighting concerns with the Applicant's consultation. These have been published here: http://infrastructure.planninginspectorate.gov.uk/document/TR010062-000624</p> <p>Having reviewed the Application and noted the other responses, 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.

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

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 Planning Inspectorate.</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 5.12) 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 4.4) and Consultation Report Annexes A - R (Doc 4.4).</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 Document</p>		<p>Information Document</p>	

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

a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (Doc 3.2) Environmental Statement Figures (Doc 3.3) Environmental Statement Appendices (Doc 3.4) Scoping Opinion is also provided in Appendix 4.2 of the ES.	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 5.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 5.3)	d)	Where applicable, a Book of Reference	Book of Reference (Doc 5.7)
	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 and Outline Drainage Strategy is provided in Appendix 14.2 of the Environmental Statement (Doc 3.2)	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	Statement of Statutory Nuisance (Doc 5.5)

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

			(statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	
	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 5.8) Funding Statement (Doc 5.6)	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	Land Plans Scheme 0102 M6 Junction 40 to Kemplay Bank (Doc 5.13) Land Plans Scheme 03 Penrith to Temple Sowerby (Doc 5.13) Land Plans Scheme 0405 Temple Sowerby to Appleby (Doc 5.13) Land Plans Scheme 06 Appleby to Brough (Doc 5.13) Land Plans Scheme 07 Bowes Bypass (Doc 5.13) Land Plans Scheme 08 Cross Lanes to Rokeby (Doc 5.13) Land Plans Scheme 09 Stephen Bank to Carkin Moor (Doc 5.13) Land Plans Scheme 11 A1(M) Junction 53 Scotch Corner (Doc 5.13)

			(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
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 out and any limits of deviation provided for in the draft DCO</p>	<p>Works Plans Scheme 0102 M6 Junction 40 to Kemplay Bank (Doc 5.16)</p> <p>Works Plans Scheme 03 Penrith to Temple Sowerby (Doc 5.16)</p> <p>Works Plans Scheme 0405 Temple Sowerby to Appleby (Doc 5.16)</p> <p>Works Plans Scheme 06 Appleby to Brough (Doc 5.16)</p> <p>Works Plans Scheme 07 Bowes Bypass (Doc 5.16)</p> <p>Works Plans Scheme 08 Cross Lanes to Rokeby (Doc 5.16)</p> <p>Works Plans Scheme 09 Stephen Bank to Carkin Moor (Doc 5.16)</p> <p>Works Plans Scheme 11 A1(M) Junction 53 Scotch Corner (Doc 5.16)</p>	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 Scheme 0102 M6 Junction 40 to Kemplay Bank (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 03 Penrith to Temple Sowerby (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 0405 Temple Sowerby to Appleby (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 06 Appleby to Brough (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 07 Bowes Bypass (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 08 Cross Lanes to Rokeby (Doc 5.19)</p> <p>Rights of Way and Access Plans Scheme 09 Stephen Bank to Carkin Moor (Doc 5.19)</p>

			Rights of Way and Access Plans Scheme 11 A1(M) Junction 53 Scotch Corner (Doc 5.19)
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?
i)	<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, together with an assessment of any effects on such sites, features, habitats or</p>	<p>(i) <u>Statutory/non-statutory sites</u></p> <p>Environmental Statement Volume 2 (Doc 3.3) provides the plans:</p> <p>Figure 6.1 shows the Statutory and Non-statutory Designated Sites within the vicinity of each scheme.</p> <p>Figure 9.4 shows the Geodiversity sites.</p> <p>Figure 10.1 shows the Landscape and Visual Context, and Figure 10.2 shows the Landscape Designations.</p> <p>The assessments of effects on such sites are provided in Environmental Statement Volume 1 (Doc 3.2): Chapter 6 Biodiversity; Chapter 9 Geology and Soils; and</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>
			The plans are provided in Environmental Statement Volume 2 (Doc 3.3) : Figure 8.1 Heritage Resources likely to be subject to significant effects Figure 8.8.1 Designated Heritage Resources within 1km Figure 8.8.2 Non-Designated Heritage Resources within 300m An assessment of effects is provided in Environmental Statement Volume 1 (Doc 3.2) Chapter 8 Cultural Heritage.

	bodies likely to be caused by the Proposed Development	Chapter 10 Landscape and Visual. (ii) <u>Habitats of protected species, important habitats</u> Environmental Statement Volume 2 (Doc 3.3) provides the plans in Figures 6.2 to 6.19. An assessment of effects is provided in Environmental Statement Volume 1 (Doc 3.2) in Chapter 6 Biodiversity Tree Preservation Order Trees Location Plans (Doc 5.24) Schemes 01, 02, 06, 09		
	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 Scheme 06 Appleby to Brough (Doc 5.14) Crown Land Plans Scheme 07 Bowes Bypass (Doc 5.14)	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 Special Category Land Plans (Doc 5.15) Schemes 01, 02, 04, 05, 06, 07 Engineering Section Drawings Plan and Profiles Scheme (Doc 5.17) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09, 11

		buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<p>Engineering Section Drawings Cross - Sections (Doc 5.18) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09, 11</p> <p>Rights of Way and Access Plans (Doc 5.19) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09, 11</p> <p>Classification of Roads Plan (Doc 5.20) Schemes 01, 02, 03, 04, 05</p> <p>De Trunking Plans (Doc 5.21) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09</p> <p>Traffic Regulation Measures Clearways and Prohibitions Plans (Doc 5.22) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09</p> <p>Traffic Regulation Measures Speed Limits Plans (Doc 5.23) Schemes 01, 02, 03, 04, 05, 06, 07, 08, 09</p>
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:	<p>General Arrangement Drawings (Doc 2.5)</p> <p>Engineering Section Drawings (Plan and Profiles) (Doc 5.17)</p> <p>Engineering Section Drawings (Cross Sections) (Doc 5.18)</p>	q)	Any other documents considered necessary to support the application	<p>Cover Letter (Doc 1.1)</p> <p>Section 55 Checklist (Doc 1.2)</p> <p>Guide to the Application (Doc 1.4)</p> <p>Application Glossary (Doc 1.5)</p> <p>Electronic Index (Doc 1.6)</p> <p>Understanding the DCO Application (Doc 2.1)</p> <p>Case for the Project (Doc 2.2)</p> <p>Project Design Report (Doc 2.3)</p> <p>Walking, Cycling and Horse-riding Proposals (Doc 2.4)</p> <p>Environmental Management Plan (Doc 2.7)</p> <p>Environmental Mitigation Maps (Doc 2.8)</p> <p>Mitigation Schedule (Doc 2.9)</p> <p>Transport Assessment (Doc 3.7)</p> <p>Combined Modelling and Appraisal Report (Doc 3.8)</p> <p>Legislation and Policy Compliance Statement (Doc 3.9)</p> <p>Equalities Impact Assessment (Doc 3.10)</p> <p>Project Development Overview Report (Doc 4.1)</p> <p>Statement of Commonality and Statements of Common Ground (Doc 4.5)</p> <p>Consents and Agreements Position Statement (Doc 5.4)</p>
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				Compulsory Acquisition and Temporary Possession Schedule (Doc 5.9) Schedule of Negotiations (Doc 5.10) Project Design Principles (Doc 5.11)
	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 5.13) There are a limited number of plots which are listed in the Book of Reference but not in the land plans and examples where plots are described as <i>not in use</i> in Book of Reference but are labelled in the land plans.</p> <p>Works Plans (Doc 5.16) A small number of discrepancies have been observed relating to the descriptions of the works, the work numbers referenced in the corresponding plans and boundary alignments of the Works Plans and the Land Plans.</p> <p>Rights of Way and Access Plans (Doc 5.19) A small number of discrepancies have been observed in these plans including the omission of placenames and typographical errors.</p> <p>Crown Land Plans (Doc 5.14) A limited number of Plots were observed to be present in the Book of Reference but not identified in the corresponding plan.</p> <p>Further details re the above observations will be communicated to the Applicant in due course.</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	Yes. A Habitat Regulations Assessment (HRA) Report has been provided (Doc 3.5 and Doc 3.6).		

	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	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. 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 3 of the Application Cover Letter (Doc 1.1) 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. To help facilitate an efficient and effective examination of the application, further details in respect of the discrepancies identified in Box 30 of this checklist, will be communicated to the Applicant in due course.

The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

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

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

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 10 May 2022; before the application was made.
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Role	Electronic signature	Date
Case Manager	Bart Bartkowiak	19 July 2022
Acceptance Inspector	Richard Allen	19 July 2022

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

