



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Published: 16 January 2024

M5 Junction 10 Improvements Scheme 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 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
		19 December 2023	16 January 2024	16 January 2024
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	<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.</p> <p>The development is for the alteration of Junction 10 of the M5 motorway and satisfies section 14(1)(h) and 22(1)(a) of the PA2008; including subsections 22(3)(a), 22(3)(b), 22(3)(c) and 22(4)(a)</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)

	category or categories in Sections (s)14 to 30 does the Proposed Development fall)? 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 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 20 July 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 8 December 2021. The Applicant notified PINS under Regulation 8(1)(b) via email. The email notification is missing from the Consultation Report but a copy is held in the Inspectorate's internal records.
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they	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

	confirm that the Applicant has complied with the duties under s42, s47 and s48?	<p>There are 17 host and neighbouring authorities, of which 10 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 20 December 2023</p> <p>All 10 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"> • Forest of Dean District Council (A authority) • Cotswold District Council (A authority) • Monmouthshire County Council (A authority) • Stroud District Council (A Authority) • Cheltenham Borough Council (B authority) • Tewkesbury Borough Council (B authority) • Gloucestershire County Council (C authority) • Worcestershire County Council (D authority) • Herefordshire Council (D authority) • Wiltshire Council (D authority) <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: Documents M5 Junction 10 Improvements Scheme (planninginspectorate.gov.uk)</p>
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 ?	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 6 December 2021 at Appendix K of the Consultation Report (Doc 5.2).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix H 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"> • Wales and West Utilities Ltd • GTC Pipelines Limited • Mua Electricity Limited • Optimal Power Networks Limited • Malvern Hills District Council • Wychavon District Council <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/document/TR010063</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>Paragraph 8.3.2, 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 the 6 and 7 December 2021</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Tewkesbury Borough Council • Cheltenham Borough Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Gloucestershire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Gloucester City Council • Cotswold District Council • Forest of Dean District Council • Monmouthshire County Council • Stroud District Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Herefordshire Council • Malvern Hills District Council • Oxfordshire County Council • South Gloucestershire Council • Swindon 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"> • Warwickshire County Council • Wiltshire Council • Worcestershire County Council • Wychavon District Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix H 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>Paragraph 8.4 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 6 December 2021.</p> <p>Paragraphs 8.4.2 to 8.4.8 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 methodology undertaken by the Applicant is provided in the Chapter 8 of the Consultation Report (Doc 5.1) and the Book of Reference (Doc 4.3).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix K of the Consultation Report (Doc 5.2).</p> <p>A sample of the letter is provided at Appendix H of the Consultation Report (Doc 5.2).</p>
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	Yes

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.

	Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>A sample of the letter sent to s42 consultees is provided at Appendix H (section H.1) of the Consultation Report (Doc 5.2).</p> <p>The sample letter dated 6 December 2021 confirmed that consultation commenced on 8 December 2021 and closed on 15 February 2022, 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 7 December 2021, which was before the beginning of s42 consultation which commenced on 8 December 2021.</p> <p>A copy of the s46 notification letter is provided at Appendix H (section H.1) of the Consultation Report (Doc 5.2) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix H (section H.2) of the Consultation Report (Doc 5.2).</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 Appendix 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 Cheltenham Borough Council and Tewkesbury Borough Council ('B Authorities') and Gloucestershire County Council ('C' Authority) on 23 September 2021 and set a deadline of 22 October 2021 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>Appendix F of the Consultation Report (Doc 5.1) provides a summary of the consultation response from Gloucestershire County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <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 at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Online on the Applicant’s project website • Cheltenham West Community Fire and Rescue Station – Tewkesbury Road, Uckington, Cheltenham, GL51 9SN • Hesters Way Community Resource Centre - Cassin Drive, Cheltenham, GL51 7SU <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Times – 25 November 2021 • London Gazette – 25 November 2021 • Gloucester Citizen – 25 November 2021, 2 December 2021 • Gloucestershire Echo - 25 November 2021, 2 December 2021 <p>The published SoCC notice, provided at Appendix I 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 Appendix I 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 3.2.1 and 3.2.2 of the final SoCC at Appendix 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 10.9 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 10-6 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>Appendices F and H of the Consultation Report (Doc 5.2) provide 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 (as amended) APFP Regulations 2009?	<p>Yes</p> <p>Paragraph 17.2.5 of the Consultation Report (Doc 5.1) states:</p> <p><i>“The statutory requirement of s48 of the Planning Act 2008 requires the Applicant to publicise the proposed application in the prescribed manner, in national and local newspapers as set in Regulation 4 of the APFP Regulations. Notices were published in two local newspapers (the Gloucestershire Echo and Gloucester Citizen) and two national newspapers (The Times and London Gazette).”</i></p> <p>Table 11-1 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</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>A copy of the s48 notice is provided at Appendix I of the Consultation Report (Doc 5.2).</p> <p>Clippings of the published notices set out below are provided at Appendix I of the Consultation Report (Doc 5.2):</p>	
		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"> • Gloucester Citizen • Gloucestershire Echo 	<p>Week 1: 25 November 2021 – Week 2: 2 December 2021</p> <p>Week 1: 25 November 2021 – Week 2: 2 December 2021</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Times 	25 November 2021
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • London Gazette 	25 November 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 the (as amended) APFP Regulations 2009?	<p>Yes</p> <p>The published s48 notice, supplied at Appendix I of the Consultation Report (Doc 5.2), contains the required information as set out below:</p>	

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	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2
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. 	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	11,12,13,14
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	15			

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 11.1.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix H 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 12 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>Chapter 17 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>

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

25	Summary: Section 55(3)(e)	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant in this regard, available here:</p> <p>https://infrastructure.planninginspectorate.gov.uk/document/Horizon ref</p>
<p>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>		
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 1.2) 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> <p>A Location Plan (Doc 2.1) has been provided.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.2) (Appendices A-T)</p>
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Yes</p>

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

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:																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Document</th> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Document</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">a)</td> <td>Where applicable, the Environmental Statement required under the EIA Regulations¹³ and any scoping or screening opinions or directions</td> <td> Document 6.1 Non-Technical Summary Document 6.2 to 6.13 Main Chapters Document 6.15 Appendices (inclusive of figures) Document 5.2 Appendix B to the Consultation Report (EIA Scoping Opinion) </td> <td style="vertical-align: top;">b)</td> <td>The draft Development Consent Order (DCO)</td> <td>Draft DCO (Doc 3.1)</td> </tr> <tr> <td></td> <td>Is this of a satisfactory standard?</td> <td style="text-align: center;">Yes</td> <td></td> <td>Is this of a satisfactory standard?</td> <td style="text-align: center;">Yes (with minor discrepancies as noted in Box 30)</td> </tr> <tr> <td style="vertical-align: top;">c)</td> <td>An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO</td> <td>Explanatory Memorandum (Doc 3.2)</td> <td style="vertical-align: top;">d)</td> <td>Where applicable, a Book of Reference</td> <td>Book of Reference (Doc 4.3)</td> </tr> <tr> <td></td> <td>Is this of a satisfactory standard?</td> <td style="text-align: center;">Yes</td> <td></td> <td>Is this of a satisfactory standard?</td> <td style="text-align: center;">Yes</td> </tr> <tr> <td style="vertical-align: top;">e)</td> <td>A copy of any Flood Risk Assessment</td> <td>ES Appendix 8.1: Flood Risk Assessment (Parts 1 and 2) (Doc 6.15)</td> <td style="vertical-align: top;">f)</td> <td>A statement whether the proposal engages one or more of the matters</td> <td>Document 6.16 – Statement relating to statutory nuisance</td> </tr> </tbody> </table>				Information	Document		Information	Document	a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Document 6.1 Non-Technical Summary Document 6.2 to 6.13 Main Chapters Document 6.15 Appendices (inclusive of figures) Document 5.2 Appendix B to the Consultation Report (EIA Scoping Opinion)	b)	The draft Development Consent Order (DCO)	Draft DCO (Doc 3.1)		Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)	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	ES Appendix 8.1: Flood Risk Assessment (Parts 1 and 2) (Doc 6.15)	f)	A statement whether the proposal engages one or more of the matters	Document 6.16 – Statement relating to statutory nuisance
	Information	Document		Information	Document																																	
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¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

		ES Chapter 8: Road Drainage and Water Environment (Doc 6.6) ES Appendix 8.4: Road Drainage and the Water Environment Chapter Figures (Doc 6.15) ES Appendix 2.1: Drainage Strategy Report (Doc 6.15) ES Appendix 2.2: Drainage Strategy Figures (Doc 6.15)		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	
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted 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:- (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	Land Plans (Doc 2.2)

			other private rights; and (iv) any special category land and replacement land	
	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)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Works Plans Part 1 & 2 (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 creation of rights of way or public rights of navigation	Streets, Rights of Way and Access Plans 1 & 2 (Doc 2.5)
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes

<p>l) 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 caused by the Proposed Development</p>	<p>(i) Document 2.11 in 2 parts - Biodiversity Sites and Features Plans</p> <p>Document 6.15 – Environmental Statement Appendix 7.19 Biodiversity figures</p> <p>Environmental Statement Appendix 7.13: Habitats Regulations Assessment Screening Appendix A Figure 7-13A</p> <p>Environmental Statement Appendix 7.14: Habitats Regulations Assessment Statement to Inform an Appropriate Assessment Appendix B Figure 7-14A</p> <p>Assessment of effects on above sites, features and habitats included in ES Chapter 7 – Biodiversity (Section 7.7 and 7.8) (Doc 6.5) and the HRA Documents in ES Chapter 7 Appendices 7.13 and 7.14</p> <p>(ii) Environmental Statement Appendices:</p> <p>7.1: Phase 1 Habitat Survey Figures 7-1A to 7-1D</p> <p>7.3: Bat Survey Figure 7.3D</p>	<p>m) 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>Document 2.12 in 6 parts – Historic Environment Sites and Features Plans: Designated Receptors (2 parts)</p> <p>Historic Environment Sites and Features Plans: Ridge and Furrow (2 parts)</p> <p>Historic Environment Sites and Features Plans: Non-designated Receptors (2 parts)</p> <p>Document 6.15 Environmental Statement Appendix 9.1: LVIA Chapter Figure 9.3</p> <p>Document 6.15 Environmental Statement Appendix 11.2: Cultural Heritage Figures 11-1 and 11-2</p> <p>Assessment of effects on above sites and features included in ES Chapter 11 – Cultural Heritage (Doc 6.9)</p>
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	<p>7.5: Badger Survey Results Figure 7-5A</p> <p>7.6: Otter Survey Results Appendix A, Figure 7-6 and Tables B.1 and B.2</p> <p>7.8: Breeding Bird Surveys Appendix A, Figure 7-8A to 7-8D</p> <p>7.9: Winter Bird Surveys Appendix A, Figures 7-9A to 7-9G</p> <p>7.10: Reptile Surveys Appendix A, Figure 7-10A</p> <p>7.11: Great Crested Newt Surveys Appendix A, Figure 7-11A</p> <p>7.12: Aquatic Ecology Survey Appendix B, Figure 7-12A</p> <p>7.16: Barn Own Survey Appendix B, Figure 7-16C</p> <p>Document 6.15 – Environmental Statement Appendix 7.19 Biodiversity figures</p> <p>Environmental Masterplan (Doc 2.13)</p> <p>Assessment of effects on above sites, features and habitats</p>			
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		<p>included in ES Chapter 7 – Biodiversity (Section 7.7 and 7.8) (Doc 6.5)</p> <p>(iii) Biodiversity Sites and Features Plans (Doc 2.11 in 2 parts)</p> <p>Environmental Statement Appendix 8.2: WFD Compliance Assessment</p> <p>Environmental Statement Appendix 8.4: Road Drainage and the water Environment Chapter Figure 8.1</p> <p>Assessment of effects on above sites, features and habitats included in ES Chapter 8 – Road Drainage and the water environment (Doc 6.6)</p>		
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)	Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 2.7)	o)	Environmental Master Plan 1 and 2 (Doc 2.13)
			Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of	

p)			q)	buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes (With minor discrepancies as noted in Box 30)
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineering Drawings and Sections 1,2 and 3 (Doc 2.10) General Arrangement Plans 1 and 2 (Doc 2.9)		Any other documents considered necessary to support the application	Introduction to the Application (Doc 1.1) Application Form (Doc 1.2) Schedule of Compliance with Section 55 of the Planning Act 2008 (Doc 1.3) Speed Limits and Traffic Regulations Plans (Doc 2.14) Consents and Agreements Position Statement (Doc 3.3) Planning Statement and Schedule of Accordance with National Policy Statement (Doc 7.1) Environmental Management Plan (Doc 7.3)
	Are they of a satisfactory standard?	Yes (With minor discrepancies as noted in Box 30)		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>Environmental Statement (ES) Appendix 7.3 Bat Survey Part 1 of 2 (Doc 6.15)</p> <p>There is no list / mention of appendices in the contents page. It is recommended that the appendices are listed for information to be easily located.</p> <p>Biodiversity Sites and Features Plans – Part 1 - Large Scale Plan (Doc 2.11)</p> <p>This document appears to be a merged document of the requirement of 29 (L)(i) and 29 (L)(iii) of the s55 checklist, as it combines biodiversity features (on a single sheet) and water bodies in a river basin management plan (16 sheets). The water bodies figure does not have a separate entry on the document index, and as such is it advised that this be provided as two separate documents. The water bodies shown on this plan are also not clearly labelled on each sheet, (however a figure with clear labelling is provided in Document 6.15 (ES Appendix 8.4)).</p> <p>The exported large scale plan has some rendering issues, where the (former) Area of Outstanding Natural Beauty (Now known as National Landscape) layer has sporadic horizontal lines that are not shown in the legend. The Applicant is also advised to update the terminology used.</p> <p>There is also no base map to indicate the geographical location of the identified sites/ features.</p> <p>Environmental Master Plan (Part 2) (Doc 2.13)</p> <p>The final plan in the second part of the Environmental Master Plan is the “<i>Proposed Indicative River Chelt Link Road River Cross-Sections</i>” and should be removed as it does not appear to be part of the correct document.</p> <p>Flood Risk Assessment (FRA) (Document 6.15)</p> <p>ES Appendix 8.1A does not provide information to differentiate between land within Flood Zone 3a and 3b. The Applicant is advised to provide updated figures and text which describe the location and extent of these flood zones.</p> <p>The figures in ES Appendix 8.1B skip from 3-4 to 3-7 and 5-1 to 5-4. It does not appear that any are missing as the contents page appears to indicate that the Applicant did not use the intervening figure numbers; however, the Applicant is advised to confirm this.</p> <p>The FRA refers to several other reports including a Scheme Modelling Report and three Atkins reports that have information to support the sequential/ exception test, which have not been provided. The Applicant is advised to submit these.</p>

ES Appendix 8.2 (Drainage Strategy Report) refers to maintenance schedules and appendices, which are stated to be available on request. The Applicant is advised to submit these.

Draft DCO (Doc 3.1)

There appears that there may be a contradiction between the ES and the DCO as the DCO would allow for a depth of up to 2m, while the ES Chapter 2, (para 2.5.30) states that storage for 190,298 cubic metres of storage would be provided, with permitted excavation no deeper than Piffs Elm culvert. Please ensure consistency between the documents.

The Applicant is advised to explain the reason for the change between the use of square metres in the DCO and cubic metres in the ES with reference to flood storage.

Land Plans (Doc 2.2)

Sheet 5 Plot 5/6c & 5/6h may benefit from an inset due to the small size and sheer volume of plots surrounding.

Sheet 5 Plot 5/6d description in the Book of Reference (BoR) (Doc 4,3) reads “south of Bridge House and northeast of Laburnum” where as on the land plan it is north west of Laburnum.

Sheet 11, Plot 11/1b is described as ‘West of Elm Tree Cottage’ in the BoR, however the plot appears to be Northwest of Elm Tree Cottage

Sheet 11, Plot 11/1d & 11/1f are described as being located ‘East of Mill Cottage’ in the BoR. Whereas Plot 11/1e is described as ‘northeast of Mill Cottage’. As the plots are in the same area they should be re-labelled with the same directional description (east).

Section 51 advice has been issued to the Applicant in respect of the above matters:

[https://infrastructure.planninginspectorate.gov.uk/document/Horizon ref](https://infrastructure.planninginspectorate.gov.uk/document/Horizon%20ref)

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 sufficient information that will enable the Secretary of State to make an appropriate	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (6.15 Environmental Statement appendix 7.13 HRA screening and 6.15 Environmental Statement appendix 7.14 HRA statement to inform appropriate assessment).</p>
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	assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	<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>
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 17 of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to statutory guidance on the form of the application.</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)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>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/document/Horizon ref</p>

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

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

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

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 15 December 2023 before the application was made.

Role	Electronic signature	Date
Case Manager	<i>TA Williams</i>	16 January 2024
Acceptance Inspector	<i>Edwin Maund</i>	16 January 2024

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

