



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

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

**Version:** August 2022

## London Luton Airport Expansion - 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
		<b>27 February 2023</b>	<b>27 March 2023</b>	<b>27 March 2023</b>
<b>Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:</b>		<b>Planning Inspectorate comments</b>		
<b>Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent</b>				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (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 <sup>2</sup> (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	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 2.01)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of airport-related development and satisfies section 23 of the PA2008, including subsections (1)(b), (1)(c), 4(a) and 5(a).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.02)</b> which states that the application is for an NSIP.</p>		

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

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

	(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	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 2.01)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , 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?	<b>Yes</b>  On 28 March 2019 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of the first round of statutory consultation on 16 October 2019.  A copy of the notification letter is provided at <b>Appendix C7 of the Consultation Report Appendices (Doc 6.02)</b> .
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do	<b>Yes</b>

<sup>3</sup> 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)

<sup>4</sup> 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>they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 22 host and neighbouring authorities, of which 17 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 28 February 2023.</p> <p>All 17 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"> <li>• North Hertfordshire District Council (B authority)</li> <li>• Luton Borough Council (B authority)</li> <li>• Central Bedfordshire Council (B authority)</li> <li>• Dacorum Borough Council (B authority)</li> <li>• Hertfordshire County Council (C authority)</li> <li>• South Cambridgeshire District Council (A authority)</li> <li>• Three Rivers District Council (A authority)</li> <li>• East Hertfordshire District Council (A authority)</li> <li>• St Albans City and District Council (A authority)</li> <li>• Welwyn Hatfield Borough Council (A authority)</li> <li>• Huntingdonshire District Council (A authority)</li> <li>• Milton Keynes City Council (A authority)</li> <li>• Buckinghamshire County Council (A and D authority)</li> <li>• Cambridgeshire County Council (A and D authority)</li> <li>• London Borough of Barnet (D authority)</li> <li>• London Borough of Harrow (D authority)</li> <li>• Essex County Council (D authority)</li> </ul>
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	<p>While none of the local authorities stated that the Applicant had not complied with the duties under s42, s47 and s48 many did raise other matters in relation to the Applicant's consultation.</p> <p>Dacorum Borough Council noted that it had not been identified as a host authority until 9 February 2022. This was also noted by Hertfordshire County Council.</p> <p>Three Rivers District Council noted that they were not consulted as a neighbouring authority in the first round of statutory consultation in 2019. This was also noted by Hertfordshire County Council.</p> <p>Luton Borough Council stated <b>Table 3.1</b> of the <b>Consultation Report (Doc 6.01)</b> did not include two matters which they had raised in response to the 2019 draft Statement of Community Consultation (SoCC). Welwyn Hatfield Borough Council stated <b>Table 5.1</b> of the <b>Consultation Report (Doc 6.01)</b> did not record their response to the 2022 draft SoCC as they would have expected but noted that it was captured in <b>Appendix M</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>. Hertfordshire County Council stated that it was not clear what regard was had to four issues raised in response to the 2019 draft SoCC and one issue in regard to the 2022 draft SoCC.</p> <p>Dacorum Borough Council noted their disappointment at the “<i>severe reduction</i>” in public consultation events and the lack of document deposit locations in their administrative area for the 2022 statutory consultation.</p> <p>Huntingdonshire District Council and Cambridgeshire County Council both noted that they did not have any record of being invited to participate in any of the meetings for the wider local authority planning officers’ group which, according to <b>paragraph 1.4.9</b> of the <b>Consultation Report (Doc 6.01)</b>, included all neighbouring local authorities. Both Councils noted their frustration at a lack of opportunity to engage earlier in the process.</p> <p>Huntingdonshire District Council also stated that “<i>The Council was first consulted in 2022 as part of the first statutory consultation</i>”. The first statutory consultation took place in 2019 and the Council is listed in <b>paragraph 4.5.4</b> of the <b>Consultation Report (Doc 6.01)</b> as having been consulted at that stage. However, no response from them is recorded in the due regard tables for the 2019 statutory consultation</p>
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	<p>within <b>Appendix L</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> therefore it is unclear whether they were consulted in 2019.</p> <p>South Cambridgeshire District Council, Huntingdonshire District Council and Cambridgeshire County Council referred to the NATS airspace consultation and concern that this was separate to the Applicant's consultation. However, the Planning Inspectorate is content that the consultation was conducted separately.</p> <p>The host authorities (North Hertfordshire District Council, Luton Borough Council, Central Bedfordshire Council, Dacorum Borough Council and Hertfordshire County Council) all referred to a number of issues remaining outstanding due to insufficient engagement prior to submission of the application.</p> <p>North Hertfordshire District Council, Central Bedfordshire Council, Dacorum Borough Council and Hertfordshire County Council refer to a lack of progress on a draft Statement of Common Ground. While the Planning Inspectorate advises applicants to proactively work on Statements of Common Ground in the pre-application period, this is an ongoing process which will continue into the pre-Examination and Examination periods and a lack of progress at this stage does not indicate there has been inadequate consultation.</p> <p>It is noted that North Hertfordshire District Council and Hertfordshire County Council both refer to a request for additional planning performance agreement (PPA) funding. The Inspectorate is, in principle, supportive of PPAs but this is not a matter on which the Inspectorate can comment further and does not relate to the adequacy of the Applicant's consultation.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/london-luton-airport-expansion/?ipcsection=docs&amp;stage=2&amp;filter1=Adequacy+of+Consultation+Representation">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/london-luton-airport-expansion/?ipcsection=docs&amp;stage=2&amp;filter1=Adequacy+of+Consultation+Representation</a></p> <p>Additionally, the Planning Inspectorate received submissions on the Applicant's consultations from members of the public. These have been published here:</p>
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		<p><a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000917">https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000917</a></p> <p>The Planning Inspectorate has considered all submitted representations. In relation to concerns bearing directly on adequacy of consultation. The Inspectorate is satisfied that the Applicant has complied with its statutory obligations. To the extent that other matters have been raised in responses, the Inspectorate is satisfied that these matters do not bear on an Acceptance decision and therefore do not affect the conclusion that the Applicant has complied with its statutory obligations.</p>
<p><b>Section 42: Duty to consult</b></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 <sup>5</sup> ?	<p><u>2019 consultation</u></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 14 October 2019 at <b>Tables 4.1</b> and <b>4.2</b> of the <b>Consultation Report (Doc 6.01)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix C2</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</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 appear not to have been consulted by the Applicant under s42 at the first round of consultation:</p> <p><u>Prescribed consultees</u></p> <ul style="list-style-type: none"> <li>• NHS Bedfordshire, Luton and Milton Keynes Integrated Care Board</li> <li>• NHS Hertfordshire and West Essex Integrated Care Board</li> <li>• Flamstead Parish Council</li> <li>• Office for Nuclear Regulation</li> </ul>

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

		<p><u>Statutory undertakers</u></p> <ul style="list-style-type: none"> <li>• Northern Gas Networks Limited</li> <li>• Southern Gas Networks Plc</li> <li>• Wales and West Utilities Limited</li> <li>• ESP Networks Limited</li> <li>• ESP Pipelines Limited</li> <li>• Last Mile Gas Limited</li> <li>• Leep Gas Networks Limited</li> <li>• Mua Gas Limited</li> <li>• Squire Energy Limited</li> <li>• ESP Electricity Limited</li> <li>• Indigo Power Limited</li> <li>• Last Mile Electricity Limited</li> <li>• Mua Electricity Limited</li> <li>• Optimal Power Networks Limited</li> <li>• National Grid Electricity Transmission Plc</li> <li>• National Grid Electricity System Operator Limited</li> </ul> <p><u>2022 consultation</u></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 8 February 2022 at <b>Tables 6.1</b> and <b>6.2</b> of the <b>Consultation Report (Doc 6.01)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix H3</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p>
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		<p>It is noted that the licences held by the statutory undertakers 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, other than ESP Electricity, have been identified by the Applicant as having an interest in the Order lands and are not listed in the <b>Book of Reference (Doc 3.02)</b>.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895">https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	n/a
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><u>2019 consultation</u></p> <p><b>Paragraphs 4.53 and 4.54</b> of the <b>Consultation Report (Doc 6.01)</b> list the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 14 October 2019.</p> <p>A footnote to paragraph 4.5.3(d) states that Dacorum Borough Council were consulted as a neighbouring authority however due to a small area of highway works within the local authority boundary they should have been consulted as a host authority. Three Rivers District Council should, therefore, have been consulted as a neighbouring authority but were not.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Central Bedfordshire Council</li> <li>• Dacorum Borough Council</li> <li>• Luton Borough Council</li> </ul>

<sup>6</sup> 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

<sup>7</sup> 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"> <li>• North Hertfordshire District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Hertfordshire County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Aylesbury Vale District Council</li> <li>• Bedford Borough Council</li> <li>• East Hertfordshire District Council</li> <li>• Huntingdonshire District Council</li> <li>• Milton Keynes Council</li> <li>• South Cambridgeshire District Council</li> <li>• St Albans City and District Council</li> <li>• Stevenage Borough Council</li> <li>• Uttlesford District Council</li> <li>• Welwyn Hatfield Borough Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> <li>• London Borough of Barnet</li> <li>• London Borough of Enfield</li> <li>• London Borough of Harrow</li> <li>• London Borough of Hillingdon</li> </ul> <p>The boundary 'A' and 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Buckinghamshire County Council</li> </ul>
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		<ul style="list-style-type: none"> <li>• Cambridgeshire County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix C2</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p><u>2022 consultation</u></p> <p><b>Paragraphs 6.4.4</b> and <b>6.4.5</b> list the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 8 February 2022.</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Central Bedfordshire Council</li> <li>• Dacorum Borough Council</li> <li>• Luton Borough Council</li> <li>• North Hertfordshire District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Hertfordshire County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Aylesbury Vale District Council</li> <li>• Bedford Borough Council</li> <li>• East Hertfordshire District Council</li> <li>• Huntingdonshire District Council</li> <li>• Milton Keynes Council</li> <li>• South Cambridgeshire District Council</li> <li>• St Albans City and District Council</li> <li>• Stevenage Borough Council</li> <li>• Three Rivers District Council</li> </ul>
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		<ul style="list-style-type: none"> <li>• Uttlesford District Council</li> <li>• Welwyn Hatfield Borough Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> <li>• London Borough of Barnet</li> <li>• London Borough of Enfield</li> <li>• London Borough of Harrow</li> <li>• London Borough of Hillingdon</li> </ul> <p>The boundary 'A' and 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Buckinghamshire County Council</li> <li>• Cambridgeshire County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix H3 Part 1</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</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 <sup>8</sup> ?	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p><b>Paragraph 4.5.1</b> of the <b>Consultation Report (Doc 6.01)</b> states that persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraphs 4.5.7 to 4.5.23</b> of the <b>Consultation Report (Doc 6.01)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 2.01)</b>.</p>

<sup>8</sup> 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>A sample of the letter is provided at <b>Appendix C3</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p><u>2022 consultation</u></p> <p><b>Paragraph 6.4.1</b> of the <b>Consultation Report (Doc 6.01)</b> states that persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraph 6.4.8</b> of the <b>Consultation Report (Doc 6.01)</b> explains that the methodology for identifying s42(1)(d) persons was broadly the same as that used for the 2019 consultation, however the land referencing limits were expanded. Firstly, the Applicant included the whole of the Airport Access Road within the Order limits which introduced new category 1 and 2 parties. Secondly, the Applicant altered the daytime noise level threshold which increased the number of category 3 parties.</p> <p>Samples of the letters are provided at <b>Appendix H11</b> and <b>H12</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p>It is noted in <b>Section 13.3</b> of the <b>Consultation Report (Doc 6.01)</b> that a number of additional parties were identified after the second round of consultation in 2022, mainly due to changes in land interests. The Applicant states in <b>paragraph 13.3.8</b> of the <b>Consultation Report (Doc 6.01)</b> that, in accordance with Planning Act 2008: Guidance on the Pre-application process, they wrote to these parties and advised them how to take part in the Examination, if the application is accepted.</p> <p>Samples of the letters are provided at <b>Appendix N1</b> and <b>N2</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p>
<p><b>Section 45: Timetable for s42 consultation</b></p>		
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</p>	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix C2</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p>

	<p>starting with the day after receipt of the consultation documents?</p>	<p>The sample letter dated 14 October 2019 confirmed that consultation commenced on 16 October 2019 and closed on 16 December 2019, providing more than the required minimum time for receipt of responses.</p> <p><b>Paragraph 4.5.21</b> of the <b>Consultation Report (Doc 6.01)</b> states that some additional s42(1)(d) persons were identified during the consultation period and were therefore sent letters at a later date. While the majority of the letters were sent on 14 October 2019 some were sent on 1 November 2019 and 12 November 2019. However, these still provided more than the required minimum time for receipt of responses.</p> <p><u>2022 consultation</u></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix H3</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p>The sample letter dated 4 February 2022 confirmed that consultation commenced on 8 February 2022 and closed on 4 April 2022, providing more than the required minimum time for receipt of responses.</p>
<p><b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b></p>		
<p>12</p>	<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><b>Yes</b></p> <p><u>2019 consultation</u></p> <p>The Applicant gave notice under s46 on 14 October 2019, which was before the start of the first round of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix C5</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p><u>2022 consultation</u></p> <p>The Applicant gave notice under s46 on 4 February 2022, which was before the start of the second round of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>H7</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</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><b>Yes</b></p> <p>A copy of the final 2019 SoCC is provided at <b>Appendix B5</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p>A copy of the final 2022 SoCC is provided at <b>Appendix G4</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</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><b>Yes</b></p> <p><u>2019 consultation</u></p> <p>The Applicant sent the draft SoCC to Central Bedfordshire Council, Dacorum Borough Council, Luton Borough Council and North Hertfordshire District Council ('B' authorities) and Hertfordshire County Council ('C' authority) on 13 June 2019 and set a deadline of 17 July 2019 for responses; providing more than the required minimum time for responses to be received. The Applicant also sent the SoCC to neighbouring authorities.</p> <p><u>2022 consultation</u></p> <p>The Applicant sent the draft SoCC to Central Bedfordshire Council, Dacorum Borough Council, Luton Borough Council and North Hertfordshire District Council ('B' authorities) and Hertfordshire County Council ('C' authority) on 6 August 2021 and set a deadline of 17 September 2021 for responses; providing more than the required minimum time for responses to be received. The Applicant also sent the SoCC to neighbouring authorities.</p> <p>Dacorum Borough Council was only identified as a host authority shortly before the start of the 2022 consultation, they were therefore consulted as a neighbouring authority on both the 2019 and 2022 SoCCs. Three Rivers District Council, which neighbours Dacorum Borough Council, was therefore not consulted as a neighbouring authority on the 2019 or 2022 SoCCs.</p>



15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p><b>Table 3.1</b> of the <b>Consultation Report (Doc 6.01)</b> provides a summary of the consultation responses from Buckinghamshire County Council, Aylesbury Vale District Council, Buckinghamshire County Council, Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, London Borough of Barnet, London Borough of Hillingdon, Luton Borough Council, North Hertfordshire District Council, St Albans City and District Council and Stevenage Borough Council in respect of the 2019 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"> <li>• The number of consultation events was increased;</li> <li>• The number of document inspection venues was increased;</li> <li>• The consultation period was extended; and</li> <li>• The newsletter mailing zone was expanded.</li> </ul> <p><u>2022 consultation</u></p> <p><b>Table 5.1</b> of the <b>Consultation Report (Doc 6.01)</b> provides a summary of the consultation responses from Luton Borough Council, North Hertfordshire District Council, Central Bedfordshire Council, Hertfordshire County Council, Buckinghamshire County Council, Dacorum Borough Council, East Hertfordshire District Council, St Albans City and District Council and Stevenage Borough Council in respect of the 2022 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"> <li>• Additional information on the reason for a ‘digital first’ consultation;</li> <li>• A map of the red line boundary was included;</li> </ul>
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		<ul style="list-style-type: none"> <li>• The approach to engagement with hard to reach communities was developed further; and</li> <li>• Reference to the Central Bedfordshire Home Library was included.</li> </ul> <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><b>Yes</b></p> <p><u>2019 consultation</u></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"> <li>• The Applicant’s dedicated website</li> <li>• Aylesbury Vale District Council Offices</li> <li>• Baldock Library</li> <li>• Beacon Villages Community Library, Ivinghoe</li> <li>• Bury Park Library, Luton</li> <li>• Cambridge City Council Offices</li> <li>• Central Bedfordshire Council Offices</li> <li>• Dunstable Library</li> <li>• Harpenden Library</li> <li>• Hemel Hempstead Library</li> <li>• Hertfordshire County Council Offices</li> <li>• Hitchin Library</li> <li>• Huntingdonshire District Council Offices</li> <li>• Leagrave Library</li> </ul>

		<ul style="list-style-type: none"> <li>• Leighton Buzzard Library</li> <li>• Letchworth Library</li> <li>• Lewsey Library, Luton</li> <li>• Luton Central Library</li> <li>• Luton Borough Council Offices</li> <li>• Marsh Farm Library, Luton</li> <li>• Milton Keynes Central Library</li> <li>• Milton Keynes Council Offices</li> <li>• North Hertfordshire District Council Offices</li> <li>• South Cambridgeshire Council Offices</li> <li>• St Albans Council Offices</li> <li>• St Albans Library</li> <li>• Stevenage Borough Council Offices</li> <li>• Stevenage Central Library</li> <li>• Stopsley Library, Luton</li> <li>• Tring Library</li> <li>• Welwyn Library</li> <li>• Wendover Community Library</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• The Times on 8 October 2019</li> <li>• The London Gazette on 8 October 2019</li> <li>• Barnet Borough Times on 17 and 24 October 2019</li> </ul>
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		<ul style="list-style-type: none"> <li>• Biggleswade Chronicle on 11 and 18 October 2019</li> <li>• Bucks Free Press on 11 and 18 October 2019</li> <li>• Bucks Herald on 9 and 16 October 2019</li> <li>• Cambridge News on 8 and 15 October 2019</li> <li>• Dunstable Gazette on 9 and 16 October 2019</li> <li>• Harrow Times on 10 and 17 October 2019</li> <li>• Hemel Hempstead Gazette on 9 and 16 October 2019</li> <li>• Hertfordshire Mercury on 10 and 17 October 2019</li> <li>• Herts Advertiser on 10 and 17 October 2019</li> <li>• Hitchin Comet on 10 and 17 October 2019</li> <li>• Hunts Post on 9 and 16 October 2019</li> <li>• Leighton Buzzard Observer on 8 and 15 October 2019</li> <li>• Letchworth and Baldock Comet on 10 and 17 October 2019</li> <li>• Luton and Dunstable Herald Post on 10 and 17 October 2019</li> <li>• Luton news on 9 and 16 October 2019</li> <li>• Milton Keynes Citizen on 10 and 17 October 2019</li> <li>• Royston Crow on 10 and 17 October 2019</li> <li>• Stevenage Comet on 10 and 17 October 2019</li> <li>• Watford Observer on 11 and 18 October 2019</li> <li>• Welwyn and Hatfield Times on 9 and 16 October 2019</li> </ul> <p>The published SoCC notices, provided at <b>Appendix C1</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> states where and when the final SoCC was available to inspect.</p>
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		<p>Clippings of the published advertisements are provided at <b>Appendix C1</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>. However it is noted that there do not appear to be clippings for The Times, The London Gazette, Letchworth and Baldock Comet, Luton News, Milton Keynes Citizen, Royston Crow, Stevenage Comet, Watford Observer or Welwyn and Hatfield Times.</p> <p><u>2022 consultation</u></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"><li>• The Applicant's dedicated website</li><li>• Dunstable Library</li><li>• Harpenden Library</li><li>• Hertfordshire County Council Offices</li><li>• Hitchin Library</li><li>• Leighton Buzzard Library</li><li>• Luton Central Library</li><li>• North Hertfordshire District Council Offices</li><li>• Stevenage Central Library</li><li>• Stopsley Library</li><li>• Wendover Community Library</li></ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"><li>• London Gazette on 8 February 2022</li><li>• The Times on 8 February 2022</li></ul>
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		<ul style="list-style-type: none"> <li>• Cambridge Evening News on 8 and 15 February 2022</li> <li>• Leighton Buzzard Observer on 8 and 15 February 2022</li> <li>• Bucks Herald on 9 and 16 February 2022</li> <li>• Luton News and Dunstable Gazette on 9 and 16 February 2022</li> <li>• Hemel Hempstead Gazette on 9 and 16 February 2022</li> <li>• Hunts Post on 9 and 16 February 2022</li> <li>• Welwyn and Hatfield Times on 9 and 16 February 2022</li> <li>• Barnet Borough Times on 10 and 17 February 2022</li> <li>• Hertfordshire Mercury on 10 and 17 February 2022</li> <li>• Herts Advertiser on 10 and 17 February 2022</li> <li>• Hitchin Comet on 10 and 17 February 2022</li> <li>• Letchworth and Baldock Comet on 10 and 17 February 2022</li> <li>• Milton Keynes Citizen on 10 and 17 February 2022</li> <li>• Royston Crow on 10 and 17 February 2022</li> <li>• Stevenage Comet on 10 and 17 February 2022</li> <li>• Biggleswade Chronicle on 11 and 18 February 2022</li> <li>• Bucks Free Press on 11 and 18 February 2022</li> <li>• Watford Observer on 11 and 18 February 2022</li> </ul> <p>The published SoCC notice, provided at <b>Appendix H9</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix H9</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p>
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17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p><b>Page 6</b> of the final SoCC at <b>Appendix B5</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> 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>2022 consultation</u></p> <p><b>Paragraph 2.2</b> of the final SoCC at <b>Appendix G4</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> 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><b>Yes</b></p> <p><u>2019 consultation</u></p> <p><b>Sections 4.6 to 4.13</b> of the <b>Consultation Report (Doc 6.01)</b> set out the consultation undertaken by the Applicant. Some additional activities were undertaken, and these are described in <b>paragraph 3.5.2</b> of the <b>Consultation Report (Doc 6.01)</b>.</p> <p><b>Appendices E and F</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p><u>2022 consultation</u></p> <p><b>Sections 6.5 to 6.13</b> of the <b>Consultation Report (Doc 6.01)</b> set out the consultation undertaken by the Applicant. Some additional activities were undertaken, and these are described in <b>paragraph 5.5.3</b> of the <b>Consultation Report (Doc 6.01)</b>.</p>

<sup>9</sup> 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><b>Appendices J and K of the Consultation Report Appendices (Doc 6.02)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations, as stated in <b>paragraph 5.5.2 of the Consultation Report (Doc 6.01)</b>, have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• A consultation event due to take place in Stevenage was postponed due to red weather warnings. The event was rescheduled and advertised.</li> <li>• 4,852 properties on the edge of the newsletter mailing zone were missed. These properties were sent a copy of the newsletter on 15 February 2022.</li> <li>• The village of Dagnall did not receive the newsletter at the start of the consultation period, but it was posted to all 214 properties in the village on 24 February 2022.</li> </ul>
<p><b>Section 48: Duty to publicise the proposed application</b></p>		
19	<p>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>	<p><u>2019 consultation</u></p> <p><b>Paragraph 3.4.1 of the Consultation Report (Doc 6.01)</b> states:</p> <p><i>“In accordance with Section 47(6)(a) of the Act newspaper notices were published setting out where and when the SoCC could be inspected. In addition to meeting the requirements of Section 47 of the Act, the same notice was used to publicise the proposed application for development consent in accordance with Section 48 of the Act and Regulation 4 of APFP Regulations 2009.”</i></p> <p><b>Table 3.2 of the Consultation Report (Doc 6.01)</b> lists the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix C4 of the Consultation Report Appendices (Doc 6.02)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix C1 of the Consultation Report Appendices (Doc 6.02)</b>. However, it is noted that there do not appear to be clippings for The Times, The London Gazette, Letchworth and</p>



		<p>Baldock Comet, Luton News, Milton Keynes Citizen, Royston Crow, Stevenage Comet, Watford Observer or Welwyn and Hatfield Times.</p> <p><u>2022 consultation</u></p> <p><b>Paragraph 5.4.1</b> of the <b>Consultation Report (Doc 6.01)</b> states:</p> <p><i>“In accordance with Section 47(6)(a) of the Act, newspapers notices were published setting out where and when the 2022 SoCC could be inspected. In addition to meeting the requirements of Section 47 of the Act, the same notice was used to publicise the proposed application in accordance with Section 48 of the Act and Regulation 4 of APFP Regulations 2009.”</i></p> <p><b>Table 5.3</b> of the <b>Consultation Report (Doc 6.01)</b> lists the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice (2022) is provided at <b>Appendix H4</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix H9</b> of the <b>Consultation Report Appendices (Doc 6.02)</b>.</p>
<p style="text-align: center;"><b>Newspaper(s)</b> <span style="float: right;"><b>Date</b></span></p>		
a)	<p>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</p>	<p><u>2019 consultation</u></p> <ul style="list-style-type: none"> <li>• Barnet Borough Times</li> <li>• Biggleswade Chronicle</li> <li>• Bucks Free Press</li> <li>• Bucks Herald</li> <li>• Cambridge News</li> <li>• Dunstable Gazette</li> <li>• Harrow Times</li> </ul> <ul style="list-style-type: none"> <li>• 17 and 24 October 2019</li> <li>• 11 and 24 October 2019</li> <li>• 11 and 18 October 2019</li> <li>• 9 and 16 October 2019</li> <li>• 8 and 15 October 2019</li> <li>• 9 and 16 October 2019</li> <li>• 10 and 17 October 2019</li> </ul>

	<ul style="list-style-type: none"> <li>• Hemel Hempstead Gazette</li> <li>• Hertfordshire Mercury</li> <li>• Herts Advertiser</li> <li>• Hitchin Comet</li> <li>• Hunts Post</li> <li>• Leighton Buzzard Observer</li> <li>• Letchworth and Baldock Comet</li> <li>• Luton and Dunstable Herald Post</li> <li>• Luton News</li> <li>• Milton Keynes Citizen</li> <li>• Royston Crow</li> <li>• Stevenage Comet</li> <li>• Watford Observer</li> <li>• Welwyn and Hatfield Times</li> </ul> <p><u>2022 consultation</u></p> <ul style="list-style-type: none"> <li>• Cambridge Evening News</li> <li>• Leighton Buzzard Observer</li> <li>• Bucks Herald</li> <li>• Luton News and Dunstable Gazette</li> <li>• Hemel Hempstead Gazette</li> <li>• Hunts Post</li> </ul>	<ul style="list-style-type: none"> <li>• 9 and 16 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 9 and 16 October 2019</li> <li>• 8 and 15 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 9 and 16 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 10 and 17 October 2019</li> <li>• 11 and 18 October 2019</li> <li>• 9 and 16 October 2019</li> </ul> <ul style="list-style-type: none"> <li>• 8 and 15 February 2022</li> <li>• 8 and 15 February 2022</li> <li>• 9 and 16 February 2022</li> <li>• 9 and 16 February 2022</li> <li>• 9 and 16 February 2022</li> <li>• 9 and 16 February 2022</li> </ul>
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		<ul style="list-style-type: none"> <li>• Welwyn and Hatfield Times</li> <li>• Barnet Borough Times</li> <li>• Hertfordshire Mercury</li> <li>• Herts Advertiser</li> <li>• Hitchin Comet</li> <li>• Letchworth and Baldock Comet</li> <li>• Milton Keynes Citizen</li> <li>• Royston Crow</li> <li>• Stevenage Comet</li> <li>• Biggleswade Chronicle</li> <li>• Bucks Free Press</li> <li>• Watford Observer</li> </ul>	<ul style="list-style-type: none"> <li>• 9 and 16 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 10 and 17 February 2022</li> <li>• 11 and 18 February 2022</li> <li>• 11 and 18 February 2022</li> <li>• 11 and 18 February 2022</li> </ul>
b)	once in a national newspaper;	<u>2019 consultation</u> <ul style="list-style-type: none"> <li>• The Times</li> </ul> <u>2022 consultation</u> <ul style="list-style-type: none"> <li>• The Times</li> </ul>	8 October 2019  8 February 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<u>2019 consultation</u> <ul style="list-style-type: none"> <li>• London Gazette</li> </ul> <u>2022 consultation</u> <ul style="list-style-type: none"> <li>• London Gazette</li> </ul>	8 October 2019  8 February 2022
d)	where the proposed application relates to offshore development –	N/A	N/A



	<ul style="list-style-type: none"> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>				
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) 11 (2022)	h)	details of how to respond to the publicity	11 (2019) 13 (2022)
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	12 (2019) 14 (2022)			
21	Are there any observations in respect of the s48 notice provided above?				
	<p><b>Yes</b></p> <p>As noted above, whilst stated in the <b>Consultation Report (Doc 6.01)</b> that a s48 notice was published in The Times and the London Gazette on 8 October 2019, there does not appear to be any evidence of this within the application. It is noted that the Applicant has provided evidence that the s48 notice was published in the Times and London Gazette on 8 February 2022, as required by Regulation 4(3)(b) and (c) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>				
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 <sup>10</sup> ?	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 4.9.1</b> of the <b>Consultation Report (Doc 6.01)</b>.</p>			

<sup>10</sup> 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>A sample of the s42 consultation letter provided at <b>Appendix C2</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> confirms a copy of the s48 notice was enclosed.</p> <p><u>2022 consultation</u></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 6.8.2</b> of the <b>Consultation Report (Doc 6.01)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix H3</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> confirms a copy of the s48 notice was enclosed.</p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>		
23	<p>Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p><b>Yes</b></p> <p><u>2019 consultation</u></p> <p><b>Chapter 11</b> of the <b>Consultation Report (Doc 6.01)</b> and <b>Appendix L</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> 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> <p><u>2022 consultation</u></p> <p><b>Chapter 12</b> of the <b>Consultation Report (Doc 6.01)</b> and <b>Appendix M</b> of the <b>Consultation Report Appendices (Doc 6.02)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</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.
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.  In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895">https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895</a>
<b>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)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<b>Yes</b>  <b>Section 4</b> of the <b>Application Form (Doc 1.02)</b> explains why the development falls within the remit of the Planning Inspectorate.  <b>Section 5</b> of the <b>Application Form (Doc 1.02)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.  A <b>Location Plan (Doc 4.01)</b> has been provided.

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

27	Is it accompanied by a Consultation Report?	<b>Yes</b> The application is accompanied by a <b>Consultation Report (Doc 6.01)</b> and <b>Consultation Report Appendices (Doc 6.02)</b> .			
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes</b>			
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:			
<b>Information                      Document                      Information                      Document</b>					
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Volume 5 Environmental Statement (ES) and Related Documents:</b> <ul style="list-style-type: none"><li>• <b>ES Main Report (Doc 5.01)</b></li><li>• <b>ES Appendices (Doc 5.02)</b></li><li>• <b>ES Figures (Doc 5.03)</b></li><li>• <b>ES Non-Technical Summary (Doc 5.04)</b></li></ul> <b>Scoping Opinion: ES Appendix 1.3 (Doc 5.05)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 2.01)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>

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

<sup>13</sup> 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	<b>Explanatory Memorandum (Doc 2.02)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 3.02)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
e)	A copy of any Flood Risk Assessment	<b>Volume 5 Environmental Statement and Related Documents: ES Appendix 20.1 Flood Risk Assessment (Doc 5.07)</b>	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	<b>Volume 5 Environmental Statement and Related Documents: Statement of Statutory Nuisance (Doc 5.06)</b>
	Is this of a satisfactory standard?	<b>Yes (with minor discrepancies as noted in Box 30)</b>		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 3.01) Funding Statement (Doc 3.03)</b>	i)	A Land Plan identifying:-  (i) the land required for, or affected by, the Proposed Development;  (ii) where applicable, any land over	<b>Land Plans and Crown Land Plans (Doc 4.03) Special Category Land Plans (Doc 4.10)</b>

				<p>which it is proposed to exercise powers of 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?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as 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</p>	<b>Works Plans (Doc 4.04)</b>		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>	<b>Streets, Rights of Way, and Access Plans (Doc 4.08)</b>

	<p>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>				
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>
<b>l)</b>	<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</p>	<p><b>(i) Volume 5 Environmental Statement and Related Documents</b></p> <p><b>ES Figure 8.1 Ecological Statutory Designated Sites (Doc 5.03)</b></p> <p><b>Figure 8.2 Ecological Non-Statutory Designated Sites (Doc 5.03)</b></p> <p><b>ES Figure 8.3 Ecological Constraints Plan (Doc 5.03)</b></p> <p><b>ES Figure 14.7 Landscape and Visual</b></p>	<b>m)</b>	<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</p>	<p><b>Volume 5 Environmental Statement and Related Documents</b></p> <p><b>ES Figure 10.1 Location of Designated Cultural Heritage Assets (Plan 1 of 2) (Doc 5.03)</b></p> <p><b>ES Figure 10.2 Location of Designated Cultural Heritage Assets (Plan 2 of 2) (Doc 5.03).</b></p> <p><b>Assessment:</b></p> <p><b>Volume 5 Environmental Statement and Related Documents</b></p> <p><b>ES Chapter 10: Cultural Heritage (Doc 5.01)</b></p>

<p>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><b>Impact Assessment (LVIA) Constraints Plan (Doc 5.03)</b></p> <p><b>(ii) Volume 5 Environmental Statement and Related Documents</b></p> <p><b>ES Figure 8.3 Ecological Constraints Plan (Doc 5.03)</b></p> <p><b>ES Appendix 8.1 Ecology Baseline Report - Part A (Doc 5.02)</b></p> <p><b>(iii) Volume 5 Environmental Statement and Related Documents</b></p> <p><b>Figure 20.4 Water Framework Directive Waterbodies (Doc 5.03)</b></p> <p><b>Assessment:</b></p> <p><b>Volume 5 Environmental Statement and Related Documents</b></p> <p><b>ES Chapter 8: Biodiversity (Doc 5.01)</b></p> <p><b>ES Chapter 14: Landscape and Visual</b></p> <p><b>ES Chapter 20: Water Resources and Flood Risk (Doc 5.01)</b></p>		<p>structures likely to be caused by the Proposed Development</p>	
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	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Land Plans and Crown Land Plans (Doc 4.03)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>General Arrangement Drawings (Doc 4.09)</b> <b>Scheme Layout Plans (Doc 4.02)</b> <b>Airport Access Road and DART Long Section Drawings (Doc 4.11)</b> <b>Airport Boundary Plan (Doc 4.12)</b> <b>Strategic Landscape Masterplan (Doc 5.10)</b>
	Is this of a satisfactory standard?	<b>Yes (with minor discrepancies as noted in Box 30)</b>		Are they of a satisfactory standard?	<b>Yes (with minor discrepancies as noted in Box 30)</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>N/A.</b>	q)	Any other documents considered necessary to support the application	<b>Application Form (Doc 1.02)</b> <b>Introduction to the Application (Doc 1.03)</b> <b>Consents and Agreements Position (Doc 2.03)</b> <b>Mitigation Route Map (Doc 5.09)</b>

				<b>Planning Statement (Doc 7.01)</b> <b>Transport Assessment (Doc 7.02)</b> <b>Design and Access Statement (Doc 7.03)</b> <b>Need Case (Doc 7.04)</b> <b>Employment and Training Strategy (Doc 7.05)</b> <b>Sustainability Statement (Doc 7.06)</b> <b>Green Controlled Growth Explanatory Note (Doc 7.07)</b> <b>Green Controlled Growth Framework (Doc 7.08)</b> <b>Design Principles (Doc 7.09)</b> <b>Draft Compensation Policies, Measures and Community First (Doc 7.10)</b> <b>Equality Impact Assessment (Doc 7.11)</b> <b>Surface Access Strategy (Doc 7.12)</b> <b>Framework Travel Plan (Doc 7.13)</b>
	Are they of a satisfactory standard?	<b>N/A</b>	Are they of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	<b>Volume 5 Environmental Statement (ES) and Related Documents</b> Visual representations are provided in ES Figure 14.7 (Doc ref: 5.02) but are noted to be difficult to view due to line weight and colour.			

An odour assessment has been provided at ES Appendix 7.3, and the proposed Water Treatment Plant includes odour mitigation; however, some minor discrepancies have been noted related to how the conclusions have been reached.

#### **ES Appendix 20.1 Flood Risk Assessment (Doc 5.07)**

The extent of interaction between the Off-Site Highways Interventions and the flood risk zones, whilst small, are not particularly clear, together with the delineation of what areas are FRZ 3a and 3b. It is recommended this be clarified to understand the application of the exception test in these areas.

#### **Land Plans and Crown Land Plans (Doc 4.03)**

Plot numbers 1-07, 1-08, 1-09, 2-92, 2-93, 2-97, 2-99, 2-116 and 5-26 cannot be found on the Land Plans.

Areas of land coloured yellow are within airport boundary. If the yellow demarcation is removed then it needs to be clarified whether this is operational airport land (grey) and so remains within the airport boundary or the RLB needs reducing (airport boundary plan and RLB don't necessarily correlate).

Insets are not consistent in where their label points are placed. Some are placed on the line not inside the inset. Also thickness of lines used could be thinner to allow clearer marking of small plots.

It would assist all parties if Crown land was shown on a separate plan.

#### **Works Plans (Doc 4.04)**

Unidentified Work adjoining Work No. 3(a)(01) on Sheet 2 of 4 of Part 3 of the Works Plans.

Work No. 6e(b) appears to be incorrectly labelled as Work No. 6e(f) on Sheet 2 of 14 of Part 6 of the Works Plans. Work No. 6e(b) is also not listed in the Works Plans Drawing List.

It would assist all parties if roads and other features were labelled on the Works Plans.

#### **General Arrangement Drawings (Doc 4.09)**

Some text on the 'Indicative General Arrangement Terminal 1 Baggage Hall Extensions Plans & Section' is not legible.

#### **Design and Access Statement (Doc 7.03)**

Some figures are not legible.

Section 51 advice has been issued to the Applicant in respect of these and a number of other matters:

<https://infrastructure.planninginspectorate.gov.uk/document/TR0200001-000895>

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 assessment of the implications for the site if required by Regulation 48(1)? <sup>14</sup>	<p><b>Yes</b></p> <p>A Habitats Regulations Assessment (HRA) No Likely Significant Effects Report (NSER) is provided at Appendix 8.3 of the Environmental Statement (<b>Doc 5.08</b>).</p> <p>The HRA NSER 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 <sup>15</sup>	<p><b>No hard copies requested.</b></p>
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><b>Yes</b></p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<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.</p>

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations



		That advice is published on the National Infrastructure Planning website, here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895">https://infrastructure.planninginspectorate.gov.uk/document/TR020001-000895</a>
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 24 February 2023, before the application was made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Siân Evans</i>	27 March 2023
Acceptance Inspector	<i>Jo Dowling</i>	27 March 2023

<sup>16</sup> 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

