

The Planning Act 2008

Section 55: Acceptance of Applications

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

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

(5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –

- a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
- b) any applicable guidance given under section 37(4) has been followed in relation to the application.

(6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

(7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -

- (a) notify that view to the applicant, and
- (b) notify the applicant of the Secretary of State’s reasons for that view.

(8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

DISCLAIMER: This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage.

NB: See government’s [Planning Act 2008: Application form guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55: Acceptance of Applications

Manston Airport Section 55: Application Checklist¹

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		17 July 2018	14 August 2018	14 August 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(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 ² (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 ³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)? If the development does not fall within the categories in	<p>Box 4 of the Application Form (Doc 1.2) states that the application is for the alteration of an airport against the criteria in s23 of the PA2008.</p> <p>The Planning Inspectorate considers that the current capability of the airport is zero as development requiring planning permission would be required for the airport to recommence operation. The project is considered to be airport-related development falling within s23(4) as it is expected to have the effect of increasing by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services in accordance with s23(5).</p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	ss14-30, 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 – s55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft Development Consent Order (Doc 2.1) includes development for which development consent is required.
s55(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 ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>On 19 February 2016 the Applicant notified the Planning Inspectorate in accordance of Regulation 6(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of its 2017 consultation on 12 June 2017.</p> <p>A copy of the letter is provided at Appendix 55 of Consultation Report Appendices (Doc 6.2).</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Paragraph 13.5 of the Consultation Report (Doc 6.1) states that, for the 2018 consultation, the Applicant carried out its consultation under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations).</p> <p>The Applicant notified the Planning Inspectorate under s46 of the PA2008 on 12</p>

⁴ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies)

		<p>January 2018; the day the 2018 consultation commenced. The notice does not specifically state that the Applicant proposed to provide an Environmental Statement in respect of the Proposed Development under the 2017 EIA Regulations, but a copy of the combined s42 and s48 notice, included as part of the suite of documents with the s46 notification, did include that information:</p> <p><i>“The proposed project is an Environmental Impact Assessment development (“EIA development”), as defined by the 2017 Regulations.”</i></p> <p>A copy of the s46 notification letter is provided at Appendix 30 of Consultation Report Appendices (Doc 6.2). A copy of the combined s47(6)(a) and s48 notice text is provided at Appendix 33 of Consultation Report Appendices (Doc 6.2). Evidence of its publication is provided at Appendix 47 of the Consultation Report Appendices (Doc 6.2).</p>
5	<p>Have any adequacy of consultation representations⁵ been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?</p>	<p>Yes.</p> <p>There are ten host and neighbouring local authorities, of which seven responded to the Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) by the deadline of 31 July 2018.</p> <p>Of the seven responding local authorities, five confirmed in their AoCR that either the Applicant has complied with its duties under s42, s47 and s48 of the PA2008, and/ or that the local authority had no comments to make. These local authorities were:</p> <ul style="list-style-type: none"> • London Borough of Bexley Council (‘D’ authority) • Dover District Council (DDC) (‘A’ authority) • Medway Council (‘D’ authority) • Surrey County Council (‘D’ authority) • Kent County Council (KCC) (‘C’ authority)

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

Notwithstanding confirmation that the Applicant has complied with its duties under s42, s47 and s48 of the PA2008, both KCC and DDC include additional comments in their AoCR.

KCC acknowledge that since the withdrawal of the previous application, KCC officers have constructively engaged in further discussions with the Applicant on such matters as the local highway network and the historic environment. KCC emphasise that the strategic transport modelling, which the Applicant states will take place after the acceptance of the application, will have significant resource and timing implications if undertaken during this period.

DCC acknowledge Pre-application engagement in March 2018 in relation to the preparation of the Construction Environmental Management Plan (CEMP) and note that it welcomes the Applicant's commitment set out in the **Consultation Report (Doc 5.1)** to further engage with the Council on matters identified throughout Pre-application consultation.

One local authority has not specifically stated in its AoCR whether the Applicant has complied fully with its duties under s42, s47 and s48 of the PA2008:

- Canterbury City Council (CCC) ('A' authority).

Although CCC does not state that the Applicant has failed to comply with any of its Pre-application consultation duties, the following comments are provided:

- CCC did not receive the suite of consultation documents for the Applicant's 2018 consultation until a later date, but CCC was able to respond before the end of the consultation period.
- CCC was consulted on the content of the draft SoCC, to which CCC provided a response.
- CCC understands that the Applicant has outlined to the Planning Inspectorate how it consulted the local community, under s47 of the PA2008, and publicised the application, under s48 of PA2008.

One local authority has stated in its AoCR that the Applicant has failed to comply fully with its duties under s42, s47 and s48 of the PA2008:

- Thanet District Council (TDC) ('B' authority).

TDC's AoCR sets out where it feels the Applicant has either complied with, or failed to meet, each of the specific duties under s42, s47 and s48 of the PA2008 for both the 2017 and 2018 consultations. TDC also identifies where in its opinion insufficient evidence has been provided within the **Consultation Report (Doc 6.1)** to confirm compliance.

TDC confirms that the Applicant has complied with the following duties under the PA2008:

- Section 42(b) for both the 2017 and 2018 consultations.
- Section 47(1) to 47(3) for both the 2017 and 2018 consultations.
- Section 47(6) for both the 2017 and 2018 consultations.
- Section 48(1) for both the 2017 and 2018 consultations.

TDC states that the Applicant has provided insufficient evidence to enable TDC to confirm that the following duties under the PA2008 are satisfied:

- Section 47(5) for the 2018 consultation.
- Section 47(7) for both the 2017 and 2018 consultations.

TDC include the following examples within its AoCR by way of explanation as to why it cannot confirm whether the Applicant has complied with the above duties:

- In its response to the draft SoCC for the 2018 consultation, TDC requested for an additional consultation event to serve villages in Thanet. This request was not reflected in the final SoCC and TDC states there is insufficient justification in the **Consultation Report (Doc 6.1)** as to why this request was not upheld.
- TDC consider that there was a lack of detail on the procedure for the leaflet

		<p>drop and on address list of those notified during the 2017 consultation. TDC also note discrepancies between the commitments in the SoCC regarding newspaper adverts and when the newspaper adverts occurred.</p> <ul style="list-style-type: none"> • TDC express concern that some residences within Ramsgate and Herne Bay did not receive a postcard notifying them of the 2018 consultation. TDC believes that the Applicant has provided insufficient evidence within the Consultation Report (Doc 6.1) to alleviate these concerns. <p>TDC states that the Applicant has failed to meet the following duty under the PA2008:</p> <ul style="list-style-type: none"> • Section 47(5) for the 2017 consultation. <p>TDC states that the Applicant did not have sufficient regard to its comments on the draft SoCC for the 2017 consultation to ensure that the area of consultation and methods are appropriate for the scale and nature of the Proposed Development.</p> <p>In consideration of TDC's comments in respect of compliance with s47(5) for both the 2017 and 2018 consultations, the Planning Inspectorate notes that the Applicant applied to its final SoCCs a number of the suggested changes promoted by TDC, for example:</p> <ul style="list-style-type: none"> • 2017 consultation: inclusion of Thanet Business Forum and Coastal Community Teams for Ramsgate, Broadstairs and Margate as consultees (Doc 5.2, Table 8.1). • 2017 consultation: partial increase in consultation zone from 1km of airport boundary to 2km (Doc 5.2, Table 8.1). • 2017 consultation: offered individual presentations to Birchington Parish Council and Minster Parish Council (Doc 5.2, Table 8.1). • 2018 consultation: full increase from 2km of airport boundary to 3km plus the whole of Ramsgate and Herne Bay, and other properties under sections of the proposed flight path swathes (Doc 5.2, Table 11.1). • 2018 consultation: extension of duration of consultation event at Comfort
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		<p>Inn, Ramsgate until 8pm (Doc 5.2, Table 11.1).</p> <p>In consideration of TDC's comments regarding postcard distribution, the Inspectorate notes that in paragraph 11.38 of the Consultation Report (Doc 5.2) the Applicant reports that it instructed its distributor to redeliver to the whole of the streets where it had been made aware of residents not receiving a postcard to ensure all relevant consultees received the postcards.</p> <p>All AoCR received have been carefully considered and are available to view on the project page of the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/?ipcsection=docs</p> <p>The Planning Inspectorate is satisfied that the Applicant has acted reasonably in seeking to comply with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p>
s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>A sample of the letter sent to s42(1)(a) consultees for the 2017 consultation is provided at Appendix 4 of the Consultation Report Appendices (Doc 6.2).</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 9 June 2017 at Appendix 15 of the Consultation Report (Doc 6.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the APFP Regulations that were not consulted by the Applicant under s42:</p>

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

- Energetics Gas Ltd.
- Energy Assets Networks Ltd.
- Energy Assets Power Networks.
- Fulcrum Electricity Assets Limited.
- G2 Energy INDO Ltd.
- Murphy Power Distribution Ltd.
- Vattenfall Networks Ltd.

The Applicant's **Consultation Report (Doc 6.1)** 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 and the operational areas of each are not clear from information in the public domain.

None of the bodies listed above have been identified by the Applicant as being interested in the Order lands and are not listed in the **Book of Reference (Doc 3.3)**.

2018 consultation

Yes.

A sample of the letter sent to s42(1)(a) consultees for the 2018 consultation is provided at **Appendix 32** of the **Consultation Report Appendices (Doc 6.2)**.

The Applicant has provided a list of persons consulted under s42(1)(a) on 12 June 2018 at **Appendix 42** of the **Consultation Report (Doc 6.1)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the APFP Regulations that were not consulted by the Applicant under s42:

- Energy Assets Networks Ltd.
- Vattenfall Networks Ltd.

		<p>The Applicant's Consultation Report (Doc 6.1) 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 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 being interested in the Order lands and are not listed in the Book of Reference (Doc 3.3).</p> <p>Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p> <p>It is noted that Table 7.4 in the Consultation Report (Doc 6.1) provides the following in response to a s44 consultation response regarding the Proposed Development's relationship to operational and proposed Vattenfall assets:</p> <p><i>"RiverOak has had two meetings with Vattenfall and the parties have jointly agreed to develop a statement of common ground with regard to the Vattenfall project and Manston Proposed Development."</i></p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	n/a
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p><u>2017 consultation</u></p>

⁷ 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 Definition of "local authority" in s43(3): 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 where such an authority shares a boundary with a "C" authority

Paragraphs 7.15 and 7.16 of the **Consultation Report (Doc 6.1)** list the relevant local authorities that were identified and consulted under s43 and s42(1)(b) of the PA2008.

The host “B” authority was consulted:

- Thanet District Council.

The host “C” authority was consulted:

- Kent County Council.

The boundary “A” authorities were consulted:

- Dover District Council.
- Canterbury City Council.

The boundary “D” authorities were consulted:

- East Sussex County Council.
- London Borough of Bromley Council.
- London Borough of Bexley Council.
- Medway Council.
- Surrey County Council.
- Thurrock Council.

A sample of the letter sent to s42(1)(b) relevant authorities is provided at **Appendix 4** of the **Consultation Report Appendices (Doc 6.2)**.

2018 Consultation

Paragraphs 10.16 and 10.17 of the **Consultation Report (Doc 6.1)** list the relevant local authorities that were identified and consulted under s43 and s42(1)(b) of the PA2008.

		<p>The host “B” authority was consulted:</p> <ul style="list-style-type: none"> • Thanet District Council. <p>The host “ C” authority was consulted:</p> <ul style="list-style-type: none"> • Kent County Council. <p>The boundary “A” authorities were consulted:</p> <ul style="list-style-type: none"> • Dover District Council. • Canterbury City Council. <p>The boundary “D” authorities were consulted:</p> <ul style="list-style-type: none"> • East Sussex County Council. • London Borough of Bromley Council. • London Borough of Bexley Council. • Medway Council. • Surrey County Council. • Thurrock Council. <p>A sample of the letter sent to s43 relevant authorities is provided at Appendix 32 of the Consultation Report Appendices (Doc 6.2).</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<u>2017 consultation</u>

⁹ 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: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

Yes.

Paragraph 7.20 of the **Consultation Report (Doc 6.1)** explains how the Applicant made diligent inquiry to identify and consult persons with an interest in the Order lands.

Paragraph 7.23 of the **Consultation Report (Doc 6.1)** states that there were 806 identified persons with an interest in the land (PILs) who were consulted on 9 June 2017.

Table 5.1 of the **Consultation Report (Doc 6.1)** states that all identified PILs were consulted at the commencement of the 2017 consultation in June 2017.

Appendix 20 of the **Consultation Report Appendices (Doc 6.2)** provides further information on WSP's Land Referencing Diligent Inquiry Methodology.

A list of the addresses of the s42(1)(d) PILs consulted is provided at **Appendix 15** of the **Consultation Report Appendices (Doc 6.2)**.

A sample of the letter sent to s42(1)(d) consultees for is provided at **Appendix 4** of the **Consultation Report Appendices (Doc 6.2)**.

2018 consultation

Yes.

Paragraph 10.24 of the **Consultation Report (Doc 6.1)** states that 1189 PILs were identified using WSP's Land Referencing Diligent Inquiry Methodology (provided at **Appendix 20** of the **Consultation Report Appendices (Doc 6.2)**) and consulted on 12 January 2018.

Table 5.1 of the **Consultation Report (Doc 6.1)** explains why the list of PILs was revised between the 2017 and 2018 consultations:

"The list of PILs was revised between the Stage 2 and Stage 3 Consultations to take into account changes to the red line boundary, additional landowner information received and changes to ownership in the period between the Stage 2 and Stage 3 Consultation.

		<p><i>Further PILs were identified due to changes to the noise contours at the Stage 3 Consultation which increased the number of PILs.”</i></p> <p>Table 5.1 of the Consultation Report (Doc 6.1) states that further PILs were identified in the course of the 2018 consultation. The newly identified PILs were subsequently consulted on 5 February 2018 and were provided an extended deadline of 9 March 2018 to respond. A sample of the letter sent to these persons has not been provided.</p> <p>A list of the addresses of the s42(1)(d) persons consulted as part of the 2018 consultation is provided at Appendix 42 of the Consultation Report Appendices (Doc 6.2).</p> <p>A sample of the letter sent to s42(1)(d) consultees for the 2018 consultation is provided at Appendix 32 of the Consultation Report Appendices (Doc 6.2).</p> <p>The Planning Inspectorate is therefore satisfied that the Applicant has sought to consult each person within one or more of the categories in s44 of the PA2008.</p>
<p>s45: Timetable for s42 Consultation</p>		
<p>11</p>	<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 4 of the Consultation Report Appendices (Doc 6.2).</p> <p>The sample letter dated 9 June 2017 confirmed that consultation commenced on 12 June 2017 and closed on 23 July 2017, providing 42 days for receipt of responses.</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 32 of the Consultation Report Appendices (Doc 6.2).</p>

		<p>The sample letter dated 12 January 2018, assuming it was received on 13 January 2018, confirms that consultation commenced on 12 January 2018 and closed on 16 February 2018, providing 35 days for receipt of responses.</p> <p>Both the 2017 and 2018 consultation deadlines provided more than the statutory 28 days for receipt of responses.</p>
<p>s46: Duty to notify Secretary of State of proposed application</p>		
<p>12</p>	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><u>2017 consultation</u></p> <p>The Applicant gave notice under s46 on 15 June 2017, three days after consultation commenced.</p> <p>Paragraph 7.5 of the Consultation Report (Doc 6.1) explains that: <i>“Due to an error with the postal service, the copy of the letter sent on 9 June was returned to sender despite the letter being correctly addressed and sent. However, a further copy of the letter was hand-delivered to PINS on 15 June 2017”.</i></p> <p>A copy of the s46 notification letter is provided at Appendix 2 of the Consultation Report Appendices (Doc 6.2) and a copy of s46 notification acknowledgement letter from the Inspectorate, noting receipt on the 15 June 2017, is provided at Appendix 3 of the Consultation Report Appendices (Doc 6.2).</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>The Applicant gave notice under s46 on 12 January 2018, which was the day the consultation commenced.</p> <p>A copy of the s46 notification letter is provided at Appendix 30 of the Consultation Report Appendices (Doc 6.2) and a copy of s46 notification acknowledgement letter from the Inspectorate is provided at Appendix 31 of the Consultation Report Appendices (Doc 6.2).</p>

s47: 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><u>2017 consultation</u></p> <p>Yes.</p> <p>Chapter 8 of the Consultation Report (Doc 6.1) outlines the Applicant’s approach to developing the draft SoCC in consultation with the host authorities and summarises the activities carried out by the Applicant in accordance with s47 of the PA2008.</p> <p>A copy of the finalised SoCC is provided at Appendix 12 of the Consultation Report Appendices (Doc 6.2).</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Chapter 11 of the Consultation Report (Doc 6.1) outlines the Applicant’s approach to developing the draft SoCC in consultation with the host authorities and summarises the activities carried out by the Applicant in accordance with s47 of the PA2008.</p> <p>A copy of the finalised SoCC is provided at Appendix 40 of the Consultation Report Appendices (Doc 6.2).</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><u>2017 consultation</u></p> <p>Yes.</p> <p>The Applicant confirms in paragraph 8.5 and paragraph 8.8 of the Consultation Report (Doc 6.1) that Kent County Council (KCC) (“C” authority) and Thanet District Council (TDC) (“B” authority), along with neighbouring councils (“B” and “D” authorities) and parish councils, were consulted on the content of the draft SoCC on 10 February 2017. A deadline of 10 March 2017 provided 28 days for responses to be received.</p> <p>A copy of the notification email sent to the relevant local authorities is provided in Appendix 18 of the Consultation Report Appendices (Doc 6.2).</p>

		<p>The Applicant records that responses were received from KCC, TDC, Dover District Council (DDC) and Cliffsend Parish Council.</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>It is confirmed in paragraph 11.5 of the Consultation Report (Doc 6.1) that the same local authorities consulted on the draft 2017 SoCC (above) were consulted on the draft 2018 SoCC.</p> <p>Paragraph 11.6 of the Consultation Report (Doc 6.1) states that the draft 2018 SoCC was emailed to the relevant local authorities on 24 November 2017. A deadline of 22 December 2017 provided 28 days for responses to be received.</p> <p>A copy of the notification email sent to the relevant local authorities is provided in Appendix 45 of the Consultation Report Appendices (Doc 6.2).</p> <p>The Applicant records that responses were received from KCC, TDC and DDC.</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>Table 8.1 of the Consultation Report (Doc 6.1) provides a summary of the consultation responses from Kent County Council (KCC), Thanet District Council (TDC), Dover District Council (DDC) and Cliffsend Parish Council (CPC) in respect of the draft SoCC, and demonstrates how regard was had to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • Sandwich Town Council was added to the list of community groups and organisations, at Appendix 1 of the SoCC, who would be contacted directly regarding consultation (KCC); • Updated information to include appropriate bus route information for all consultation events (TDC); and

		<ul style="list-style-type: none"> • An additional consultation event to be held in Cliffsend (CPC). <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Table 11.1 of the Consultation Report (Doc 6.1) provides a summary of the consultation responses from KCC, TDC and DDC in respect of the draft SoCC, and demonstrates how regard was had to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • Postcards advertising the consultation will be sent to all properties within 3km of the airport boundary and all properties in Ramsgate and Hernes Bay (KCC and TDC); • The consultation event at Comfort Inn, Ramsgate will to be extended until 8pm (TDC); and • Preston, Wingham and Ash Parish Councils were added to the list of community groups and organisations, at Appendix 1 of the SoCC, who would be contacted directly regarding consultation (DDC). <p>The Planning Inspectorate is therefore satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><u>2017 consultation</u></p> <p>Table 8.2 of the Consultation Report (Doc 6.1) lists of the following publication within which the SoCC notice was published:</p> <ul style="list-style-type: none"> • Thanet Gazette – Friday 26 May 2017. <p>However, this has not been evidenced through the clippings provided at Appendix 22 of the Consultation Report Appendices (Doc 6.2).</p> <p>Table 8.3 of the Consultation Report (Doc 6.1) lists the following public libraries in which printed copies of the SoCC were placed in for inspection throughout the</p>

consultation period:

Birchington Library; Broadstairs Library; Cliftonville Library; Deal Library; Herne Bay Library; Margate Library; Minster-in-Thamet Library; Newington Library; Ramsgate Library; Sandwich Library; and Westgate Library.

A log of when deposited consultation materials were checked is provided at **Appendix 24** of the **Consultation Report Appendices (Doc 6.2)**.

Paragraph 8.16 of the **Consultation Report (Doc 6.1)** states that the SoCC was made available for public inspection on the Applicant's website (www.rsp.co.uk) as well as at the consultation events.

The published SoCC notice at **Appendix 21** of the **Consultation Report Appendices (Doc 6.2)** states where the full SoCC was available to inspect and how paper copies could be requested free of charge.

2018 consultation

Yes.

Table 11.2 of the **Consultation Report (Doc 6.1)** lists of the following publications within which the SoCC notice was published:

- East Kent Mercury Series – Wednesday 3 and 10 January 2018.
- Kentish Gazette Series – Thursday 4 and 11 January 2018.
- Isle of Thanet Gazette – Friday 5 and 12 January 2018.
- The Times - Thursday 4 January 2018.
- London Gazette – Thursday 4 January 2018 (online); Friday 5 January 2018 (hard copy).

Clippings of the published advertisements are provided at **Appendix 47** of the **Consultation Report Appendices (Doc 6.2)**.

Table 11.3 of the **Consultation Report (Doc 6.1)** lists the following public libraries that

		<p>printed copies of the SoCC were placed for inspection throughout the 2017 Consultation:</p> <p>Birchington Library; Broadstairs Library; Cliftonville Library; Deal Library; Herne Bay Library; Margate Library; Minster-in-Thanel Library; Newington Library; Ramsgate Library; Sandwich Library; and Westgate Library.</p> <p>A log of when deposited consultation materials were checked is provided at Appendix 54 of the Consultation Report Appendices (Doc 6.2).</p> <p>Paragraph 11.13 of the Consultation Report (Doc 6.1) states that the SoCC was made available for public inspection on the Applicant's website (www.rsp.co.uk) as well as at the consultation events.</p> <p>The published combined notice, under s47(6)(a) and s48, at Appendix 47 of the Consultation Report Appendices (Doc 6.2) states where the full SoCC was available to inspect and how paper copies could be requested free of charge.</p>
17	<p>Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>Section 4.5 of the published SoCC at Appendix 12 of the Consultation Report Appendices (Doc 6.2) sets out that the development is EIA development.</p> <p>Section 6.1 of the published SoCC at Appendix 12 of the Consultation Report Appendices (Doc 6.2) sets out what will be included in the Preliminary Environmental Information Report (PEIR), as a consultation document, and Section 7.1 of the published SoCC explains how the consultation documents will be made available.</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Paragraph 4.5 of the published SoCC at Appendix 40 of the Consultation Report</p>

¹⁰ Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

		<p>Appendices (Doc 6.2) sets out that the development is EIA development.</p> <p>Paragraph 1.3.2 of the published SoCC at Appendix 40 of the Consultation Report Appendices (Doc 6.2) sets out what will be included in the Preliminary Environmental Information Report (PEIR), as a consultation document, and Section 5 and Section 6 of the published SoCC explain how the consultation documents will be made available.</p>
18	<p>Has the applicant carried out the consultation in accordance with the SoCC?</p>	<p><u>2017 consultation</u></p> <p>Paragraphs 8.18 to 8.42 of the Consultation Report (Doc 6.1) set out how the 2017 consultation was carried out in line with the finalised SoCC.</p> <p>The Applicant has provided a table of compliance with the 2017 SoCC at Appendix 23 of the Consultation Report Appendices (Doc 6.2).</p> <p>Appendices 24 to 28 and 56 to 59 of the Consultation Report Appendices (Doc 6.2) provide evidence of how the Applicant consulted in line with the 2017 SoCC.</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Paragraphs 11.15 to 11.38 of the Consultation Report (Doc 6.1) set out how the 2018 consultation was carried out in line with the finalised SoCC.</p> <p>The Applicant has provided a table of compliance with the 2018 SoCC at Appendix 49 of the Consultation Report Appendices (Doc 6.2).</p> <p>The SoCC states that the consultation and events would be advertised in the following publications two weeks before and during the first week of consultation:</p> <ul style="list-style-type: none"> • East Kent Mercury. • Dover Mercury. • Canterbury Gazette. • Herne Bay Gazette.

		<ul style="list-style-type: none"> • Whitstable Gazette. • Faversham News. • Thanet Gazette. <p>Paragraph 11.36 of the Consultation Report (Doc 6.1) states:</p> <p><i>“RiverOak placed advertising in the East Kent Mercury, Dover Mercury, Canterbury Gazette, Herne Bay Gazette, Whitstable Gazette, Faversham News, and Thanet Gazette during the two weeks before and during the first week of the consultation.”</i></p> <p>However, the Local Media and Publicity Report provided at Appendix 52 of the Consultation Report Appendices (Doc 6.2) states that the consultation was only advertised in the following newspapers:</p> <ul style="list-style-type: none"> • Dover Express (11 and 18 January 2018). • Kentish Gazette (11 and 18 January 2018). • Thanet Gazette (12 and 19 January 2018). <p>It is noted that the clippings of the published advertisements at Appendix 47 of the Consultation Report Appendices (Doc 6.2), provided to satisfy the Applicant’s duty to advertise where and when the SoCC can be inspected, also advertise the consultation and events for the timescales/ publications set out in the SoCC. Therefore, this commitment has been met.</p>
<p>s48: Duty to publicise the proposed application</p>		
19	<p>Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?</p>	<p><u>2017 consultation</u></p> <p>Yes.</p> <p>Paragraph 9.1 of the Consultation Report (Doc 6.1) states:</p> <p><i>“A notice advertising RiverOak’s intention to apply for a DCO in respect of the Proposed Development was published in accordance with Section 48 of the PA2008</i></p>

	<p><i>and Regulation 4 of the Application Regulations.”</i></p> <p>Table 9.1 of Consultation Report (Doc 6.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix 5 of Consultation Report Appendices (Doc 6.2).</p> <p>Clippings of the published notices set out below are provided at Appendix 29 of the Consultation Report Appendices (Doc 6.2).</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>Paragraph 12.1 of the Consultation Report (Doc 6.1) states:</p> <p><i>“A second notice advertising RiverOak’s intention to apply for a DCO in respect of the Proposed Development was published in accordance with Section 48 of the PA2008 and Regulation 4 of the Application Regulations.”</i></p> <p>Table 12.1 of the Consultation Report (Doc 6.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>It is noted that the Applicant issued a combined s47(6)(a)/ s48 notice. A copy of the combined notice text is provided at Appendix 33 of Consultation Report Appendices (Doc 6.2).</p> <p>Clippings of the published combined notices are provided at Appendix 47 of the Consultation Report Appendices (Doc 6.2).</p>	
	<p><i>Newspaper(s)</i></p>	<p><i>Date</i></p>
<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>2017 consultation</u></p> <p>Yes.</p>	

	<ul style="list-style-type: none"> • Thanet Gazette <p><u>2018 consultation</u></p> <p>Yes.</p> <ul style="list-style-type: none"> • East Kent Mercury Series (Deal, Sandwich and Dover Mercury) • Kentish Gazette Series (Canterbury and District, Herne Bay Gazette, Whistable Gazette and Faversham News) • Isle of Thanet Gazette 	<p>2 and 9 June 2017</p> <p>3 and 10 January 2018</p> <p>4 and 11 January 2018</p> <p>5 and 12 January 2018</p>
once in a national newspaper;	<p><u>2017 consultation</u></p> <p>Yes.</p> <ul style="list-style-type: none"> • The Times <p><u>2018 consultation</u></p> <p>Yes.</p> <ul style="list-style-type: none"> • The Times 	<p>2 June 2017</p> <p>4 January 2018</p>
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><u>2017 consultation</u></p> <p>Yes.</p> <ul style="list-style-type: none"> • London Gazette 	<p>2 June 2017</p>

		<u>2018 consultation</u> Yes. <ul style="list-style-type: none"> London Gazette 			4 January 2018 (online) and 5 January 2018 (hard copy)
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a			n/a
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<u>2017 consultation</u> Yes. The published s48 notice is supplied at Appendix 5 of the Consultation Report Appendices (Doc 6.2) and contains the required information as set out below. <u>2018 consultation</u> Yes. The published combined s47(6)(a)/ s48 notice text is supplied at Appendix 33 of the Consultation Report Appendices (Doc 6.2) and contains the required information as set out below.			
	Information	Paragraph		Information	Paragraph
a)	The name and address of the applicant.	<u>2017 consultation</u> Paragraph one	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	<u>2017 consultation</u> Paragraph one

		<u>2018 consultation</u> Paragraph one			<u>2018 consultation</u> Paragraph one
c)	a statement as to whether the application is EIA development	<u>2017 consultation</u> Paragraph two <u>2018 consultation</u> Paragraph six	d)	a summary of the main proposals, specifying the location or route of the proposed development	<u>2017 consultation</u> Paragraph two <u>2018 consultation</u> Paragraph five
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	<u>2017 consultation</u> Paragraph three and four <u>2018 consultation</u> Paragraph eight	f)	the latest date on which those documents, plans and maps will be available for inspection	<u>2017 consultation</u> Paragraph three <u>2018 consultation</u> Paragraph eight
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	<u>2017 consultation</u> Paragraph four <u>2018 consultation</u> Paragraph ten	h)	details of how to respond to the publicity	<u>2017 consultation</u> Paragraph five <u>2018 consultation</u> Paragraph eleven
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	<u>2017 consultation</u> Paragraph six <u>2018 consultation</u> Paragraph twelve			

21	Are there any observations in respect of the s48 notice provided above?	
	No observations.	
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 ¹¹ ?	<p><u>2017 consultation</u></p> <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 9.4 of the Consultation Report (Doc 6.1):</p> <p><i>“In accordance with Regulation 11 of the EIA Regulations 2009, RiverOak sent a copy of the Section 48 notice to the prescribed consultation bodies (as defined under the EIA Regulations) on 2 June 2017[sic].”</i></p> <p>A stock copy of the s42 consultation letter is provided at Appendix 4 of the Consultation Report Appendices (Doc 6.2), which confirms a copy of the s48 notice was enclosed.</p> <p><u>2018 consultation</u></p> <p>Yes.</p> <p>The combined s47(6)(a)/ s48 notice was sent to the EIA consultation bodies as part of the s42 consultation letter, as confirmed in paragraph 12.5 of the Consultation Report (Doc 6.1):</p> <p><i>“In accordance with Regulation 13 of the EIA Regulations 2017, RiverOak sent a copy of the Section 48 notice to the prescribed consultation bodies (as defined under the EIA Regulations) on 12 January 2018.”</i></p> <p>A stock copy of the s42 consultation letter is provided at Appendix 32 of the Consultation Report Appendices (Doc 6.2), which confirms a copy of the combined notice was enclosed.</p>

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

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?

2017 consultation

Yes.

The Applicant has set out in **Table 7.2** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s42 consultation.

The Applicant has set out in **Table 7.3** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s43 consultation, inclusive of any parish council response.

The Applicant has set out in **Table 7.4** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s44 consultation, and notes that if a s44 person's status was not identifiable; their response was grouped under s47 consultation responses below.

Paragraph 7.28 of the **Consultation Report (Doc 6.1)** provides a brief summary of how the s42, s43 and s44 consultation influenced the Proposed Development.

The Applicant has set out in **Table 8.10** to **Table 8.15** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s47 consultation. The tables are themed by the questions that formed the feedback form provided during the 2017 consultation.

Paragraphs 8.52 to **8.54** of the **Consultation Report (Doc 6.1)** provides a brief summary of how the s47 consultation influenced the Proposed Development.

The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.

2018 consultation

Yes.

The Applicant has set out in **Table 10.2** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s42 consultation.

The Applicant has set out in **Table 10.3** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s43 consultation, inclusive of any Parish Council response.

The Applicant has set out in **Table 10.4** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s44 consultation, and notes that if a s44 person's status was not identifiable; their response was grouped under s47 consultation responses below.

The Applicant has set out in **Table 10.5** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses from other organisations.

Paragraph 10.29 of the **Consultation Report (Doc 6.1)** provides a brief summary of how the s42, s43 and s44 consultation influenced the Proposed Development.

The Applicant has set out in **Table 11.9 to 11.13** of the **Consultation Report (Doc 6.1)** how the Applicant took account of responses following s47 consultation. The tables are themed by the questions that formed the feedback form provided during the 2018 consultation.

Paragraph 11.48 of the **Consultation Report (Doc 6.1)** provides a brief summary of how the s47 consultation influenced the Proposed Development.

The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.

Guidance about pre-application procedure

24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	<p>Paragraph 5.11 of the Consultation Report (Doc 6.1) states that the Applicant considers it has complied with all relevant statutory and other guidance.</p> <p>Table 5.2 of the Consultation Report (Doc 6.1) sets out how the Applicant has had regard to MHCLG guidance (previously DCLG) on the Pre-application process.</p> <p>Table 5.3 of the Consultation Report (Doc 6.1) sets out how the Applicant has had regard to the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report.</p> <p>Having reviewed the application, it appears that the Applicant has had regard to the relevant MHCLG guidance.</p>
25	Summary - s55(3)(e)	<p>The Planning Inspectorate is satisfied that the Applicant has acted reasonably in seeking to comply with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. The discrepancies identified in the Consultation Report (and appendices) submitted with the application are not so great as to diminish the Planning Inspectorate's general satisfaction in this regard.</p> <p>It is noted that in reaching this conclusion the Planning Inspectorate has considered all requisite matters, including the provisions of the Human Rights Act 1998.</p> <p>In reaching this conclusion under s55 of PA2008, the Planning Inspectorate has had regard to correspondence received from various persons, and published on the National Infrastructure Planning website, relating to the Applicant's Pre-application consultation.</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)		
26	Is it made in the prescribed form as set out in Schedule	Yes.

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Secretary of State; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Box 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the Proposed Development, and Box 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 4.1) 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 6.1) and Consultation Report Appendices (Doc 6.2).</p>			
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	Yes.			
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes.</p> <p>The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:</p>			
Information		Document	Information		Document
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening	<p>Environmental Statement (Doc 5.2)</p> <p>Non-technical Summary (Doc 5.1)</p> <p>Appendix 1.2 of the Environmental Statement comprises the Scoping Opinion (Doc 5.2-5)</p>	b)	The draft proposed order	Draft Development Consent Order (Doc 2.1)

¹³ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁴ The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

	opinions or directions			
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		Is this of a satisfactory standard? Yes.
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Draft Explanatory Memorandum (Doc 2.2)	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition) Book of Reference (Doc 3.3)
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard? Yes.
e)	A copy of any flood risk assessment	Environmental Statement Volume 8-1, Appendix 8.2: Flood Risk Assessment (Doc 5.2-8)	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 Environmental Statement Volume 14: Statement of Statutory Nuisance (Doc 5.2-14)
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard? Yes.
h)	A statement of reasons and a funding statement	Statement of Reasons (Doc 3.1)	i)	A land plan Land Plans (Doc 4.2)

	(where the application involves any compulsory acquisition)	Funding Statement (Doc 3.2)		identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	See comments in Box 30 .		Is this of a satisfactory standard?	Yes . Special category land is identified in Special Category Land Plan (Doc 4.5) ; see (q) below.

j)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</p>	<p>Works Plans (Doc 4.4)</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Access and Rights of Way Plans (Doc 4.6)</p> <p>Stopping Up of Streets/Roads and Diversions Plans (Doc 4.7)</p>
	<p>Is this of a satisfactory standard?</p>	<p>Yes.</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes.</p>
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/</p>	<p>Environmental Statement Volume 4: Figures (Doc 5.2-4)</p> <p>(i) Figure 7.1 Statutory designated nature conservation sites; Figure 7.6 Location of ecological receptors/SSSI units; and Environmental Features Plans (Doc 4.10) identify statutory sites/features. Doc 4.10 also identifies one</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled</p>	<p>The Heritage Designation Plans (Doc 4.12); and Environmental Statement Volume 4: Figure 9.1 Designated heritage assets within study area; Figure 9.2a to Figure 9.2h Non-designated heritage assets (HER) within the study area; Figure 9.3 Designated heritage assets beyond the study area; and Figure 9.4 Built heritage assets within the site</p>

<p>landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<p>non-statutory site.</p> <p>Figure 11.34 to Figure 11.37 (Doc 5.2-4) and figures highlighted in relation to heritage under section (m) show landscape related designations.</p> <p>Environmental Statement Volume 10: Appendix 10.1 Phase 1 Geoenvironmental Desk Study (Doc 5.2-10) identifies features of geological importance.</p> <p>(ii) Habitats and diversity features are identified in Figure 7.2 to Figure 7.5 (Doc 5.2-4);</p> <p>(iii) Water bodies are identified in Figure 8.1 (Doc 5.2-4).</p> <p>The Environmental Features Plans (Doc 4.10) and Habitats of Protected Species, Important Habitats or Other Diversity Features and Waterbodies in a River Basin Management Plans (Doc 4.11) also provide relevant figures.</p> <p>Environmental Statement Volume 1 Main Text - Chapter 7 Biodiversity (Doc 5.2-1) and associated appendices provide the assessment of effects on habitats and species. Chapter 8 Freshwater Environment; Chapter 10 Land quality (both Doc 5.2-1); and Environmental Statement Volume 8A:</p>	<p>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>boundary (all Doc 5.2-4) comprise the relevant plans and Environmental Statement Volume 1 Main Text - Chapter 9 Historic Environment (Doc 5.2-1) and associated appendices provide the assessment of effects.</p>
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		Appendix 8.3 - WFD Assessment (Doc 5.2-8) provide the assessment of effects on waterbodies.			
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	Yes.
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc 4.3)	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	See (q) below.
	Is this of a satisfactory standard?	Yes.		Are they of a satisfactory standard?	See (q) below.
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	n/a	q)	Any other documents considered necessary to support the application.	Application letter and schedule of compliance with s55 of the Planning Act 2008 (Doc 1.1) Planning Inspectorate Electronic

					<p>Application Index (Doc 1.3) Navigation Document with Glossary (Doc 1.4) Application Document Tracker (Doc 1.5) NSIP Justification (Doc 2.3) Noise Mitigation Plan (Doc 2.4) Register of Environmental Action Commitments (Doc 2.5) Construction Environmental Management Plan (Doc 2.6) Special Category Land Plan (Doc 4.5) Traffic Regulation Plans (Doc 4.8) Traffic Regulation Measures Plans (Doc 4.9) Engineering Drawings and Sections (Doc 4.13) Design Drawings (Doc 4.14) Masterplan (Doc 7.1) Planning Statement (Doc 7.2) Design and Access Statement (Doc 7.3) Azimuth Report (Doc 7.4) CAA Interface Document (Doc 7.5)</p>
	Are they of a	n/a		Are they of a	Yes.

satisfactory standard?		satisfactory standard?	
30	Are there any observations in respect of the documents provided above?		
<p>The Environmental Statement (Doc 5.2) etc</p> <p>The Applicant recognises in paragraph 7.3.12 of the Environmental Statement (Doc 5.2) that it was not possible to complete Pre-application surveys. The Applicant also states that a ‘worst case scenario approach’ has been used as the basis for the assessment, which draws on available desk study and survey data. The Applicant argues that the worst case scenario “<i>has been reflected in the proposed levels of mitigation to be provided</i>” and that “<i>further surveys will be undertaken to confirm the ‘worst case scenario’ assessment</i>”. The Applicant proposes to secure such surveys through Requirement 12 in the Draft Development Consent Order (Doc 2.1) and its mitigation/ compensation proposals are set out in the Mitigation and Habitat Creation Plan in Appendix 7.13 of the Environmental Statement (Doc 5.2-6). No direct reference is made to the Mitigation and Habitat Creation Plan in the Draft DCO. The Environmental Statement reports that consultation is ongoing with Natural England regarding the surveys but does not present the detail of any consultation responses within Chapter 7 (Doc 5.2-1).</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 Environmental Statement. 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> <p>The ecological impact assessment presented in the Environmental Statement (Doc 5.2) incorporates baseline survey data prepared by the Applicant and by the landowner; as well as detailed species specific surveys prepared by the Applicant. The baseline survey data that is outstanding is:</p> <ul style="list-style-type: none"> • A breeding bird survey; • Day/ night/ maternity bat roost surveys; • Detailed invertebrate survey; • Reptile survey for 4ha of the sites; and • Detailed botanical surveys for habitats of greater ecological value. <p>No intrusive archaeological survey data is provided in respect of the Northern Grass Area and no intrusive geotechnical data is supplied. The Applicant reports that at a meeting on 1 June 2018, the Environment Agency requested that no intrusive ground investigation surveys are undertaken at the Proposed Development site prior to granting of an Order, due to the potential risk of mobilising groundwater contaminants in SPZ1. With respect to archaeological investigations, the Applicant also states that “<i>the archaeological potential within the Northern Grass is</i></p>			

considered on a likely worst-case basis” and that Kent County Council and Highways England have agreed to this approach subject to securing further archaeological investigation through Requirements. Requirement 16 of the **Draft DCO (Doc 2.1)** secures archaeological investigations within the site and Requirement 11 secures control measures in respect of contamination, although a specific programme of contamination investigation is not secured in the **Draft DCO** as currently worded.

The Funding Statement (Doc 3.2)

The application is accompanied by a statement indicating how the order is proposed to be funded, as required by Regulation 5(2)(h) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

On 22 June 2018 the Planning Inspectorate issued the following advice in respect of the draft Funding Statement provided by the Applicant for review at the Pre-application stage: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-Advice-00351-1-180622_TR020002_Meeting_note_Final_.pdf

Having considered the **Funding Statement (Doc 3.2)** submitted with the application dated 17 July 2018, the Inspectorate considers that, for the reasons set out in the above advice, substantial risk to the examination of the application remains extant. The Inspectorate notes the assurance provided by the Applicant in **paragraph 14** of the **Funding Statement (Doc 3.2)** which states “*If further evidence of funds is required for the satisfaction of the Examining Authority as to their availability then RiverOak would be happy to supply it.*”

Section 51 advice has been issued to the Applicant regarding these matters: <https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002549>

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)? ¹⁵	<p>Yes.</p> <p>A Report to Inform the Appropriate Assessment is provided in Environmental Statement Volume 6, Appendix 7.1 (Doc 5.2-6).</p> <p>The report identifies relevant European sites and the likely effects on those sites. The Applicant has omitted the figures from the Report. The information addressed in the figures is largely available in other biodiversity appendices, except for Figure 4.1a; Figure 4.2a and Figure 4.6. The data such as bird counts is contained within tables in the Report. It is considered that the information provided in the Report is adequate for acceptance but may be subject to further investigation during the Examination.</p>
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¹⁵ Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		<p>Following a request for a ruling, the European Court of Justice issued a judgement on 12 April 2018 about the interpretation of Article 6(3) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive'). The reference of the case is C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta.</p> <p>The judgement concerns the stage at which mitigation measures should be taken into account when undertaking an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Applicant has taken the judgement into account in the preparation of its Report to Inform the Appropriate Assessment.</p>
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	Yes.
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	The Planning Inspectorate is generally satisfied that the Applicant has demonstrated regard to the guidance principles.
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>The Planning Inspectorate's decision to accept the application is accompanied by s51 advice about how the Applicant should address the issues set out in Box 30 of this checklist to help facilitate an efficient and effective examination of the application: https://infrastructure.planninginspectorate.gov.uk/document/TR020002-002549</p>

¹⁶ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁷ ?	The fee was received on 16 July 2018; the day before the application was received.
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Electronic Signature	Name	Date
Case Leader	<i>Richard Price</i>	14 August 2018
Acceptance Inspector	<i>Kelvin MacDonald</i>	14 August 2018

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made