



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

## Section 55 Acceptance of Applications Checklist

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

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for 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
		6 July 2023	3 August 2023	3 August 2023
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <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 (ss) 14 to 30 does the Proposed	<p><b>Yes.</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 2.1)</b> includes development falling within the categories in s14 of the PA2008.</p> <p>The development is for airport-related development and satisfies s23 of the PA2008; including subsections (1)(b), (4), (5) and (6). The development also includes the alteration of a highway, and satisfies s22 of the PA2008; including subsections (1)(b), (3) and (4)(b).</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)

	Development fall)? If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under section (s) 35 of the PA2008 for the development to be treated as development for which development consent is required?	This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</b> which states that the application is for an NSIP.
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 2.1)</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 16 August 2019 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations) of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 9 September 2021.  A copy of the notification letter is provided at <b>Appendix B.1</b> of the <b>Consultation Report (Doc 6.2)</b> .
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities and (where applicable)	<b>Yes.</b> There are 29 host and neighbouring authorities, of which 22 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation

<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>the Greater London Authority; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>Representation (AoCR) dated 7 July 2023. The Greater London Authority was invited to make an AoCR. Due to a clerical error, Horsham District Council and the Greater London Authority were issued their invitations on 11 July 2023.</p> <p>Eleven 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>• Bracknell Forest Council ('D' authority).</li> <li>• Brighton and Hove City Council ('D' authority).</li> <li>• Elmbridge Borough Council ('A' authority).</li> <li>• London Borough of Croydon ('A' and 'D' authority).</li> <li>• London Borough of Hounslow ('D' authority)*.</li> <li>• London Borough of Richmond-upon-Thames ('D' authority)*.</li> <li>• London Borough of Sutton ('A' and 'D' authority).</li> <li>• Royal Borough of Kingston-upon-Thames ('A' and 'D' authority).</li> <li>• Royal Borough of Windsor and Maidenhead ('D' authority).</li> <li>• South Downs National Park Authority ('D' authority)*.</li> <li>• Waverley Borough Council ('A' authority)*.</li> </ul> <p><i>*These authorities made additional comments within their AoCR that do not affect their overall position on the Applicant's compliance with its duties under the PA2008.</i></p> <p>Eleven responding authorities confirmed in their AoCRs that although they considered that the Applicant had complied with its duties under s42, s47 and s48 of the PA2008, they did not consider that the Applicant had fully complied with its statutory pre-application duties under s49 and/ or s50 of the PA2008. These local authorities were:</p>
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- Crawley Borough Council ('B' authority)<sup>▲</sup>.
- East Sussex County Council ('D' authority)<sup>▲</sup>.
- Horsham District Council ('A' authority)<sup>▲</sup>.
- Kent County Council ('D' authority)<sup>▲</sup>.
- Mid Sussex District Council ('A' authority)<sup>▲</sup>.
- Mole Valley District Council ('B' authority)<sup>▲</sup>.
- Reigate and Banstead Borough Council ('B' authority)<sup>▲</sup>.
- Surrey County Council ('C' authority)<sup>▲</sup>.
- Tandridge District Council ('B' authority)<sup>Δ</sup>.
- Wealden District Council ('A' authority).
- West Sussex County Council ('C' authority)<sup>▲</sup>.

<sup>▲</sup> *These authorities submitted a joint AoCR together, in addition to individual AoCRs.*

<sup>Δ</sup> *This authority was signatory to the joint AoCR but did not submit an individual AoCR.*

The Planning Inspectorate has carefully considered the issues raised in the AoCRs received from the above authorities, as part of its full review of the Applicant's **Consultation Report (Doc 6.1)** and **Consultation Report Appendices (Doc 6.2)**, and makes the following comments:

- Many of the issues raised relate to the Applicant's duty to take account of responses to consultation and publicity under s49 of the PA2008. The Planning Inspectorate considers that there is proportionate demonstration in the **Consultation Report (Doc 6.1)** and **Appendices (Doc 6.2)** that regard was had by the Applicant to comments received as part of its statutory consultation. Additionally, there is evidence that changes were made to the scheme in response to consultation responses, as well as

explanations as to when changes were not made.

- The Planning Inspectorate notes the concerns raised in various AoCRs regarding the Applicant's compliance with the Gunning Principles; in particular regarding conscientious consideration of responses to consultation. The Planning Inspectorate considers that sufficient consideration has been demonstrated in the application.
- Many of the issues raised relate to the Applicant's duty to have regard to guidance issued in accordance with s50 of the PA2008; in particular '*Planning Act 2008: Guidance on the pre-application process*'. **Appendix B.8** of the **Consultation Report (Doc 6.2)** sets out how the Applicant has complied with this particular guidance. The Planning Inspectorate considers that there is proportionate demonstration in the **Consultation Report (Doc 6.1)** and **Appendices (Doc 6.2)** that regard was had by the Applicant to the statutory guidance.
- The Planning Inspectorate notes the concerns of Mole Valley District Council regarding the Applicant's compliance with Planning Inspectorate Advice Notes, however the Planning Inspectorate is content that the relevant guidance has been followed. For example, **Table 4.1** of the **Consultation Report (Doc 6.1)** indicates that the Applicant had regard to '*Advice Note 8: Overview of the nationally significant infrastructure planning process for members of the public and others*' and '*Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping*' when designing the consultation strategy, and '*Advice Note 14: Compiling the consultation report*' when compiling the Consultation Report. **Appendix B.8** of the **Consultation Report (Doc 6.2)** also demonstrates how the Applicant has complied with the Planning Inspectorate's Advice Note 14.
- The Planning Inspectorate considers that the information made available for consultation was sufficient and that there was a reasonable prospect that the scheme was able to be understood by the wide variety of consultees.

- The Planning Inspectorate agrees with the view of several local authorities that a document for tracking progress on issues raised as part of the statutory consultation would be helpful, and s51 advice has been issued to the Applicant separately in respect of this matter:  
<https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111>.

The following authorities did not respond to the invitation to submit an AoCR:

- Epsom and Ewell Borough Council ('A' authority).
- Guildford Borough Council ('A' authority).
- Hampshire County Council ('D' authority).
- London Borough of Bromley ('A' and 'D' authority).
- London Borough of Hillingdon ('D' authority).
- Sevenoaks District Council ('A' authority).
- Slough Borough Council ('D' authority).
- Greater London Authority.

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/gatwick-airport-northern-runway/>

Additionally, the Planning Inspectorate and Department for Transport received other submissions on the Applicant's consultation from local authorities and members of the public during the Pre-application and Acceptance stages.

These have been published here:

<https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001107><sup>†</sup>

<sup>†</sup>*The submission from Mr Spencer also comprised an Excel spreadsheet of technical data which, given the size and format of the document, it was not possible to include in the publication. The Planning Inspectorate does not consider that the omission of this document, which also addresses the merits of*

*the application, detracts from the points raised regarding adequacy of consultation.*

The Planning Inspectorate has considered all submitted representations, in relation to concerns bearing directly on adequacy of consultation. The Planning Inspectorate is satisfied that the Applicant has complied with its statutory obligations. To the extent that other matters have been raised in responses, the Planning 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. Where appropriate, other issues will be addressed during the Examination.

## Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6 Section 42(1)(a) persons prescribed<sup>5</sup>?

**Yes.**

**Paragraphs 5.2.1 and 6.2.1** of the **Consultation Report (Doc 6.1)** confirm that the Applicant undertook two rounds of statutory consultation between:

- 9 September 2021 and 1 December 2021 (“Autumn 2021 Consultation”); and
- 14 June 2022 and 27 July 2022 (“Summer 2022 Consultation”).

The Applicant has provided a list of persons consulted under s42(1)(a) as part of the Autumn 2021 Consultation at **Appendix B.18** of the **Consultation Report (Doc 6.2)**, and a list of persons consulted under s42(1)(a) as part of the Summer 2022 Consultation at **Appendix C.5** of the **Consultation Report (Doc 6.2)**.

A sample of the letter sent to s42(1)(a) consultees as part of the Autumn 2021 Consultation is provided at **Appendix B.7** of the **Consultation Report (Doc 6.2)**, and a sample of the letter sent to s42(1)(a) consultees as part of the Summer

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



2022 Consultation is provided at **Appendix C.4** of the **Consultation Report (Doc 6.2)**.

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 do not appear to have been consulted by the Applicant under s42:

- Indigo Power Limited.
- Leep Gas Networks Limited.
- Mua Electricity Limited.
- Mua Gas Limited.
- National Grid Electricity System Operator Limited.
- Northern Gas Networks Limited.
- Optimal Power Networks Limited.
- Squire Energy Limited.
- Wales and West Utilities Limited.

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 they hold cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain. None of the bodies listed above has been identified by the Applicant as having an interest in the Order lands, and none of the bodies is listed in the **Book of Reference (Doc 3.3)**.

The Planning Inspectorate has also identified the following parties based on a precautionary interpretation of the APFP Regulations which appear to have been omitted from the Summer 2022 Consultation:

- Royal Mail Group.

		<ul style="list-style-type: none"> <li>• The Secretary of State for Defence.</li> </ul> <p><b>Paragraph 6.5.5</b> of the Applicant's <b>Consultation Report (Doc 6.1)</b> explains that the Secretary of State for Defence was omitted from the Summer 2022 Consultation due to the consultation being targeted at parties to which the Applicant deemed highways improvement proposals to be most relevant. The reason for the omission of Royal Mail Group from the Summer 2022 Consultation is not specified, and it is noted that Royal Mail Group has an interest in the Order lands and is listed in Part 1 of the <b>Book of Reference (Doc 3.3)</b> as a Category 2 party.</p> <p><b>Footnote 9</b> in the <b>Consultation Report (Doc 6.1)</b> states that, in respect of the Summer 2022 Consultation, Public Health England was initially consulted in error instead of the UK Health Security Agency (UKHSA). The Applicant confirms that a revised letter was sent to the UKHSA on 1 July 2022 and it was given an extended deadline of 12 August 2022 to respond to the consultation.</p> <p><b>Paragraphs 6.1.2</b> and <b>6.5.2</b> of the <b>Consultation Report (Doc 6.1)</b> confirm that the statutory element of the Summer 2022 Consultation was not full-scale statutory consultation, but rather it was targeted at specific consultees.</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/TR020005-001111">https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	The Planning Inspectorate does not consider the Marine Management Organisation (MMO) to be a statutory consultee in respect of the Proposed Development, however <b>Table 4.1</b> of the <b>Consultation Report (Doc 6.1)</b> states that the MMO was consulted as part of the Autumn 2021 Consultation.
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<b>Yes.</b>

<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

**Table 5.1** of the **Consultation Report (Doc 6.1)** lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) as part of the Autumn 2021 Consultation and Summer 2022 Consultation.

The host 'B' authorities were consulted:

- Crawley Borough Council.
- Mole Valley District Council.
- Reigate and Banstead Borough Council.
- Tandridge District Council.

The host 'C' authorities were consulted:

- Surrey County Council.
- West Sussex County Council.

The boundary 'A' authorities were consulted:

- Elmbridge Borough Council.
- Epsom and Ewell Borough Council.
- Guildford Borough Council.
- Horsham District Council.
- London Borough of Bromley ('A' and 'D' authority).
- London Borough of Croydon ('A' and 'D' authority).
- London Borough of Sutton ('A' and 'D' authority).
- Mid Sussex District Council.

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<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

- Royal Borough of Kingston-upon-Thames ('A' and 'D' authority)
- Sevenoaks District Council.
- Waverley Borough Council.
- Wealden District Council.

The boundary 'D' authorities were consulted:

- Bracknell Forest Council.
- Brighton and Hove City Council.
- East Sussex County Council.
- Hampshire County Council.
- Kent County Council.
- London Borough of Bromley ('A' and 'D' authority).
- London Borough of Croydon ('A' and 'D' authority).
- London Borough of Hillingdon.
- London Borough of Hounslow.
- London Borough of Richmond-upon-Thames.
- London Borough of Sutton ('A' and 'D' authority).
- Royal Borough of Kingston-upon-Thames ('A' and 'D' authority).
- Royal Borough of Windsor and Maidenhead.
- Slough Borough Council.
- South Downs National Park Authority.

A sample of the letter sent to s42(1)(b) relevant authorities as part of the Autumn 2021 Consultation is provided at **Appendix B.7** of the **Consultation Report (Doc 6.2)**, and a sample of letter sent to s42(1)(b) relevant authorities as part of the Summer 2022 Consultation is provided at **Appendix C.4** of the **Consultation**

		<b>Report (Doc 6.2).</b>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Yes.</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes.</b></p> <p><b>Paragraph 5.5.15</b> of the <b>Consultation Report (Doc 6.1)</b> indicates that all persons identified under s42(1)(d) were consulted as part of the Autumn 2021 Consultation. <b>Paragraph 6.5.14</b> of the <b>Consultation Report (Doc 6.1)</b> indicates that a reduced number of s42(1)(d) consultees were consulted as part of the Summer 2022 Consultation; this is consistent with <b>paragraph 6.5.2</b> of the <b>Consultation Report (Doc 6.1)</b> which states that the Summer 2022 Consultation was targeted.</p> <p><b>Paragraph 5.5.16</b> of the <b>Consultation Report (Doc 6.1)</b> summarises 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 2.1)</b> as part of the Autumn 2021 Consultation, and <b>paragraph 6.5.15</b> of the <b>Consultation Report (Doc 6.1)</b> summarises 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 2.1)</b> as part of the Summer 2022 Consultation. The full methodology undertaken by the Applicant is provided in <b>paragraphs 5.5.16</b> and <b>6.5.15</b> of the <b>Consultation Report (Doc 6.1)</b>, supplemented by <b>Appendices B.19, B.20</b> and <b>B.21 (Doc 6.2)</b>.</p> <p>The persons consulted under s42(1)(d) as part of the Autumn 2021 Consultation and Summer 2022 Consultation are listed in the <b>Book of Reference (Doc 3.3)</b>, rather than in an appendix to the <b>Consultation Report (Doc 6.1)</b>.</p> <p>Samples of the letters sent to s42(1)(d) consultees as part of the Autumn 2021 Consultation are provided at <b>Appendix B.7</b> of the <b>Consultation Report (Doc 6.2)</b>, and samples of the letters sent to s42(1)(d) consultees as part of the</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.

Summer 2022 Consultation are provided at **Appendix C.4** of the **Consultation Report (Doc 6.2)**.

**Section 45: Timetable for s42 consultation**

11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><b>Yes.</b></p> <p>Samples of the letters sent to s42 consultees as part of the Autumn 2021 Consultation are provided at <b>Appendix B.7</b> of the <b>Consultation Report (Doc 6.2)</b>, and samples of the letters sent to s42 consultees as part of the Summer 2022 Consultation are provided at <b>Appendix C.4</b> of the <b>Consultation Report (Doc 6.2)</b>.</p> <p>Regarding the Autumn 2021 Consultation, the sample letters dated 8 September 2021 confirmed that consultation commenced on 9 September 2021 and closed on 1 December 2021, providing more than the required minimum time for receipt of responses. Regarding the Summer 2022 Consultation, the sample letters dated 13 June 2022 confirmed that consultation commenced on 14 June 2022 and closed on 27 July 2022, providing more than the required minimum time for receipt of responses.</p>
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**Section 46: Duty to notify the Planning Inspectorate of proposed application**

12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><b>Yes.</b></p> <p>The Applicant gave notice under s46 on 6 September 2021, which was before the beginning of its s42 consultation. The Applicant provided a further notice under s46 on 14 June 2022, which was concurrent with the beginning of the Summer 2022 Consultation. The notice dated 14 June 2022 was an amended version of a previous notice issued on 9 June 2022 ahead of the Summer 2022 Consultation.</p> <p>Copies of the s46 notification letter dated 6 September 2021 and the s46 notification acknowledgement letter from the Planning Inspectorate are provided at <b>Appendix B.1</b> of the <b>Consultation Report (Doc 6.2)</b>.</p> <p>A copy of the s46 notification letter dated 14 June 2022 has not been provided;</p>
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however copies of the earlier iteration dated 9 June 2022 and the s46 notification acknowledgement letter from the Planning Inspectorate are provided at **Appendix C.6** of the **Consultation Report (Doc 6.2)**.

**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?

**Yes.**  
 A copy of the final SoCC is provided at **Appendix B.2** of the **Consultation Report (Doc 6.2)**.  
**Paragraph 6.1.5** of the **Consultation Report (Doc 6.1)** states that, regarding the Summer 2022 Consultation: *“The Applicant considered that the SoCC appropriately identified the possibility of additional consultation and explained the approach that would be taken should such consultation be undertaken. Therefore, it was not considered necessary for any revisions to be made to the SoCC.”*

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?

**Yes.**  
 The Applicant sent the initial draft SoCC (“2020 draft SoCC”) to:

- Crawley Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council and Tandridge District Council (‘B’ authorities);
- Surrey County Council and West Sussex County Council (‘C’ authorities); and additionally to
- East Sussex County Council, Horsham District Council, Kent County Council and Mid Sussex District Council (selected ‘A’ and ‘D’ authorities)

on 21 February 2020, and set a deadline of 24 March 2020 for responses; providing more than the required minimum time for responses to be received.  
**Paragraph 4.5.5** of the **Consultation Report (Doc 6.1)** explains that the 2020 draft SoCC was never finalised as the project was put on hold in March 2020 due to the COVID-19 pandemic. **Paragraph 4.5.6** of the **Consultation Report**

		<p>(<b>Doc 6.1</b>) states that the 2020 draft SoCC was reviewed and updated following the project restart in 2021. The Applicant sent the updated draft SoCC (“2021 draft SoCC”) to the ‘B’ authorities, ‘C’ authorities and selected ‘A’ and ‘D’ authorities on 4 May 2021 and set a deadline of 2 June 2021 for responses; providing the required minimum time for responses to be received.</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p><b>Yes.</b></p> <p><b>Appendix B.3</b> of the <b>Consultation Report (Doc 6.2)</b> provides a summary of the consultation responses from the ‘B’ authorities, ‘C’ authorities and selected ‘A’ and ‘D’ authorities in respect of the 2020 draft SoCC and demonstrates how the Applicant had regard to their content. <b>Appendix B.4</b> of the <b>Consultation Report (Doc 6.2)</b> provides a summary of the consultation responses from the same local authorities in respect of the 2021 draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the 2020 draft SoCC and the 2021 draft SoCC to the final SoCC include the following:</p> <ul style="list-style-type: none"> <li>• Paragraph 3.1.1 of the 2020 draft SoCC contained a sentence that was considered not to make sense, and the consulted local authorities suggested rewording it in their combined response. The Applicant amended the relevant wording in its final SoCC.</li> <li>• The 2021 draft SoCC proposed a minimum nine-week consultation. In response to feedback received from Crawley Borough Council (and others) that suggested the consultation should be at least 12 weeks, the final SoCC set out a 12-week (less one day) consultation period.</li> <li>• The 2021 draft SoCC proposed that the Mobile Project Office (MPO) would visit local communities over a period of at least six weeks during the consultation. In response to feedback received from Mole Valley District Council (and others) that suggested the MPO should be used throughout the consultation, the final SoCC set out that the MPO would indeed be used throughout the consultation period.</li> <li>• In response to feedback received from Mid-Sussex District Council (and</li> </ul>



others) that diagram 2.1.1 in the 2021 draft SoCC included too much jargon and should include more detail on the DCO process, the final SoCC included an updated diagram.

Examples of where feedback on the 2020 draft SoCC/ 2021 draft SoCC did not lead to a change in the final SoCC, but where regard was had nonetheless, include the following:

- Point 25 in the feedback table in **Appendix B.3** of the **Consultation Report (Doc 6.2)** sets out that the consulted local authorities stated the following in their combined response as part of the feedback on the 2020 draft SoCC: *“Although not exclusive it is considered that the SoCC needs to identify business groups, community services, parish Councils and resident groups that it will consult - we would expect the SoCC to identify these, rather than contain vague phrases.”* The Applicant responded: *“The role of the SoCC is to outline the Applicant’s approach to consultation rather than to identify specific consultees.”*
- Point 50 in the feedback table in **Appendix B.3** of the **Consultation Report (Doc 6.2)** sets out that the consulted local authorities stated the following in their combined response as part of the feedback on the 2020 draft SoCC: *“there is no indication that there will be any unmanned exhibitions in public areas which would enable those without internet access to view the consultation information and complete paper surveys. We recommend this is included.”* The Applicant responded: *“The Applicant considered the use of pop-up events as an additional method of consultation. However, the Applicant’s approach changed in light of the pandemic, with a virtual-only exhibition included in a revised SoCC. The Applicant also offered several different ways for the community to engage with the consultation and is confident it reached all those with an interest, while also providing certainty regardless of any COVID-19-related restrictions.”*
- Point 43 in the feedback table in **Appendix B.4** of the **Consultation Report (Doc 6.2)** sets out that Crawley Borough Council (in addition to others) stated the following as part of the feedback on the 2021 draft

		<p>SoCC: “SoCC to include section on how GAL manages personal information, including what will be collected and how used.” The Applicant responded: “The Applicant published a privacy notice specific to the DCO process on its website and included reference to it in consultation materials. Any personal information provided as part of the consultation is being used in line with the privacy policy and GDPR.”</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to 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>The final SoCC was made available on a website maintained by the Applicant; and was also made available at the following locations, as set out in <b>Table 4.2</b> of the <b>Consultation Report (Doc 6.1)</b>, which were reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Billingshurst Library, Mill Lane, Billingshurst, RH14 9JZ.</li> <li>• Broadfield Library, 46 Broadfield Place, Crawley, RH11 9BA.</li> <li>• Caterham Valley Library, Stafford Road, Caterham, Surrey, CR3 6JG.</li> <li>• Crawley Library, Southgate Avenue, Crawley, RH10 6HG.</li> <li>• Crowborough Community Centre, Pine Grove, Crowborough, TN6 1FE.</li> <li>• Dorking Library, St Martin's Walk, Dorking, RH4 1UT.</li> <li>• East Grinstead Library, 32-40 West Street, East Grinstead, RH19 4SR.</li> <li>• Edenbridge Library, The Eden Centre, Four Elms Road, Edenbridge, Kent, TN8 6BY.</li> <li>• Horley Library, 55-57 Russell Square, Victoria Road, Horley, Surrey, RH6 7QH.</li> <li>• Horsham Library, Lower Tanbridge Way, Horsham, RH12 1PJ.</li> <li>• Jubilee Library, Jubilee Street, Brighton, BN1 1GE.</li> </ul>

- Leatherhead Library, The Mansion, 68 Church St, Leatherhead, KT22 8DP.
- Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS.
- Oxted Library, 12 Gresham Road, Oxted, RH8 0BQ.
- Reigate and Banstead Town Hall, Castlefield Road, Reigate, Surrey, RH2 0SH.
- Tunbridge Wells Library, Level 1, Royal Victoria Place Shopping Centre, Tunbridge Wells, TN1 2SS.
- Uckfield Library, Library Way, High St, Uckfield, TN22 1AR.
- Westdene Library, 24 Bankside, Brighton, BN1 5GN.

**Table 4.3** of the **Consultation Report (Doc 6.1)** sets out that a notice stating when and where the final SoCC could be inspected was published in:

- Crawley Observer (Wednesday 25 August 2021).
- Kent and Sussex Courier (Friday 27 August 2021).
- Surrey Mirror (Thursday 26 August 2021).
- West Sussex County Times (Thursday 26 August 2021).

The published SoCC notice, provided at **Appendix B.5** of the **Consultation Report (Doc 6.2)**, states where and when the final SoCC was available to inspect.

Clippings of the published advertisements are provided at **Appendix B.5** of the **Consultation Report (Doc 6.2)**.

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><b>Paragraph 4.1.1</b> of the final SoCC at <b>Appendix B.2</b> of the <b>Consultation Report (Doc 6.2)</b> sets out that the development is EIA development, and <b>paragraphs 4.1.2 and 5.3.3 – 5.3.6</b> of the final SoCC at <b>Appendix B.2</b> of the <b>Consultation Report (Doc 6.2)</b> set 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><b>Section 5.6</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how the community consultation was carried out in line with the final SoCC as part of the Autumn 2021 Consultation, and <b>section 6.6</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how the community consultation was carried out in line with the final SoCC as part of the Summer 2022 Consultation.</p> <p><b>Table 4.4</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>The Planning Inspectorate notes the following observations with regard to certain commitments:</p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Paragraph 5.3.2 of the SoCC sets out that several consultation documents would be available in different languages and formats on request, however it is unclear from the newsletters or consultation documents that this was the case. <b>Paragraph 5.6.13</b> of the <b>Consultation Report (Doc 6.1)</b>, for example, states: “<i>The Consultation Summary Document was available in alternative formats and languages upon request</i>”, however it is not clear from the document itself that it was possible to request this.</li> <li>• Paragraph 5.3.6 of the SoCC sets out that the Applicant would loan out</li> </ul>

<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

tablets on request that were loaded with consultation information to community members unable to access the documents via other means; however, the availability of this service is not clear from the newsletters or the Autumn 2021 Consultation Summary Document.

#### **Autumn 2021 Consultation**

- Table 5.3.2 of the SoCC sets out the MPO locations that the Applicant planned to use, however **paragraph 5.6.21** of the **Consultation Report (Doc 6.1)** states that it was not possible to use all these locations for the Autumn 2021 Consultation due to certain venues withdrawing their agreement. Paragraph 5.3.13 of the SoCC accounts for possible changes to the MPO locations in any case.

#### **Summer 2022 Consultation**

- Paragraphs 5.1.8 and 5.3.21 of the SoCC state that the proposed application would be publicised under s48 of the PA2008, however **paragraph 6.7.1** of the **Consultation Report (Doc 6.1)** states that this was not done for the Summer 2022 Consultation as it was not considered necessary.
- Paragraphs 5.2.5, 5.3.11, 5.3.12 and 5.3.13 of the SoCC set out that a Mobile Project Office (MPO) would be used as part of the consultation, however **Table 4.4** of the **Consultation Report (Doc 6.1)** confirms that the Summer 2022 Consultation did not utilise the MPO consultation method.
- Paragraphs 5.3.7 and 5.3.8 of the SoCC set out that the Applicant would use a virtual exhibition as part of its consultation material. Although this was done as part of the Autumn 2021 Consultation, **Table 4.4** of the **Consultation Report (Doc 6.1)** indicates that this was not done as part of the Summer 2022 Consultation.
- Paragraph 5.3.17 of the SoCC states that virtual workplace events would be held for staff at Gatwick, however **Table 4.4** of the **Consultation Report (Doc 6.1)** confirms that no such event was carried out for the

		<p>Summer 2022 Consultation.</p> <p>The observations regarding the targeted Summer 2022 Consultation have primarily arisen as a result of it being presented by the Applicant as a statutory consultation. A strict interpretation of the PA2008 would require it to be assessed against all commitments in the SoCC, notwithstanding paragraph 5.3.1 of the SoCC which provides for the possibility of excluding certain unspecified commitments for any targeted consultations, and notwithstanding the fact that a separate non-statutory ‘<i>Gatwick Northern Runway Project: Further Consultation</i>’ document was prepared ahead of the Summer 2022 Consultation. The Applicant has justified its approach to the Summer 2022 Consultation as being both statutory and non-statutory in <b>paragraph 6.1.2</b> of the <b>Consultation Report (Doc 6.1)</b>.</p> <p>Notwithstanding the observations noted above, <b>Appendix B</b> of the <b>Consultation Report (Doc 6.2)</b> provides evidence that the commitments within the final SoCC have been carried out in respect of the Autumn 2021 Consultation. <b>Appendix C</b> of the <b>Consultation Report (Doc 6.2)</b> provides evidence that the commitments within the final SoCC have been carried out in respect of the Summer 2022 Consultation. The Planning Inspectorate is satisfied overall that the Applicant has carried out the consultation in line with the final SoCC.</p>
<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><b>Yes.</b></p> <p><b>Paragraph 5.7.3</b> of the <b>Consultation Report (Doc 6.1)</b> states:</p> <p><i>“The Applicant published notices containing the prescribed details in the newspapers and on the dates as set out in Table 5.6 pursuant to section 48 of the 2008 Act.”</i></p> <p>Although the Applicant undertook s48 publicity ahead of the Autumn 2021 Consultation, <b>paragraph 6.7.1</b> of the <b>Consultation Report (Doc 6.1)</b> states that the Applicant did not consider it necessary to undertake a second round of</p>

		<p>s48 publicity ahead of the Summer 2022 Consultation given the targeted nature of that consultation.</p> <p><b>Table 5.6</b> of the <b>Consultation Report (Doc 6.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix B.7</b> of the <b>Consultation Report (Doc 6.2)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix B.6</b> of the <b>Consultation Report (Doc 6.2)</b>:</p>															
		<table border="1"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 60%;">Newspaper(s)</th> <th style="width: 30%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> <li>• Crawley Observer. Wednesday 8 and 15 September 2021.</li> <li>• Kent and Sussex Courier. Friday 10 and 17 September 2021.</li> <li>• Surrey Mirror. Thursday 9 and 16 September 2021.</li> <li>• West Sussex County Times. Thursday 9 and 16 September 2021.</li> </ul> </td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> <li>• The Times. Thursday 9 September 2021.</li> </ul> </td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> <li>• London Gazette. Thursday 9 September 2021.</li> </ul> </td> </tr> <tr> <td>d)</td> <td>where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?</td> <td>N/A.</td> </tr> </tbody> </table>		Newspaper(s)	Date	a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• Crawley Observer. Wednesday 8 and 15 September 2021.</li> <li>• Kent and Sussex Courier. Friday 10 and 17 September 2021.</li> <li>• Surrey Mirror. Thursday 9 and 16 September 2021.</li> <li>• West Sussex County Times. Thursday 9 and 16 September 2021.</li> </ul>	b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times. Thursday 9 September 2021.</li> </ul>	c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• London Gazette. Thursday 9 September 2021.</li> </ul>	d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A.
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d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A.															
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations, which may encompass changes made by the Infrastructure Planning (Publication and	<p><b>Yes.</b></p> <p>The published s48 notice, supplied at <b>Appendix B.7</b> of the <b>Consultation Report (Doc 6.2)</b>, contains the required information as set out below:</p>															

Notification of Applications etc.) (Amendment) Regulations 2020?			
Information	Paragraph	Information	Paragraph
a) the name and address of the Applicant.	1	b) a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c) a statement as to whether the application is EIA development	6	d) a summary of the main proposals, specifying the location or route of the Proposed Development	2 and 3
e) a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>• The nature and location of the Proposed Development</li> <li>• The address of the website</li> <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>	7 and 13	f) the latest date on which those documents, plans and maps will be available for inspection	4 and 9
g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	10	h) details of how to respond to the publicity	11 and 12



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	
21	<p>Are there any observations in respect of the s48 notice provided above?</p> <p><b>Yes.</b></p> <p>The notice does not explain the cost for copies of individual consultation documents; paragraph 10 only confirms that there is a maximum charge of £500 for a full set of consultation materials.</p>		
22	<p>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>	<p><b>Yes.</b></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 5.7.5</b> of the <b>Consultation Report (Doc 6.1)</b>.</p> <p>The Planning Inspectorate did not identify to the Applicant any persons under Regulation 11(1)(c) of the 2017 EIA Regulations who may be affected by the Proposed Development.</p> <p>The relevant samples of the s42 consultation letters provided at <b>Appendix B.7</b> of the <b>Consultation Report (Doc 6.2)</b> confirm a copy of the s48 notice was enclosed.</p>	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
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><b>Annex A</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how the Applicant had regard to the consultation responses received following the Autumn 2021 Consultation, and <b>Annex C</b> of the <b>Consultation Report (Doc 6.1)</b> sets out how</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>the Applicant had regard to the consultation responses received following the Summer 2022 Consultation; 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>Whilst noting the concerns raised by some local authorities in AoCRs about this matter, the Planning Inspectorate is satisfied overall that the Applicant has demonstrated a proportionate regard to responses in light of the significant number of examples provided at <b>Annexes A and C</b> of the <b>Consultation Report (Doc 6.1)</b>.</p>
<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> ?	<p><b>Paragraph 7.1.5</b> of the <b>Consultation Report (Doc 6.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, and whilst noting the concerns raised by some local authorities in AoCRs about this matter, the Planning Inspectorate is satisfied that the Applicant has identified relevant statutory guidance and that the level of regard demonstrated by the Applicant to statutory guidance is proportionate.</p>
25	<b>Summary: Section 55(3)(e)</b>	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111">https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111</a></p>

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

**s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)**

26	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>	<p><b>Yes.</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 4.1)</b> has been provided.</p>									
27	Is it accompanied by a Consultation Report?	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 6.1)</b> and <b>Consultation Report Appendices (Doc 6.2)</b>.</p>									
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>	<p><b>Yes.</b></p>									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental</td> <td><b>Volume 1 Environmental Statement Main Text (Doc 5.1)</b></td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental	<b>Volume 1 Environmental Statement Main Text (Doc 5.1)</b>	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td><b>Draft DCO (Doc 2.1)</b></td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	<b>Draft DCO (Doc 2.1)</b>
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<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Volume 2 Environmental Statement – Figures (Doc 5.2)</b> <b>Volume 3 Environmental Statement - Appendices (Doc 5.3)</b> <b>Environmental Statement Appendix 6.2.1 - Scoping Report (Doc 5.3)</b> <b>Environmental Statement Appendix 6.2.2 - Scoping Opinion (Doc 5.3)</b> <b>Environmental Statement Appendix 6.2.3 - Scoping Opinion Responses and Location in ES (Doc 5.3)</b> <b>Volume 4 Non-Technical Summary (Doc 5.4)</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> (with minor discrepancies as noted in Box 30).
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 2.2)</b>	d)	Where applicable, a Book of Reference
	Is this of a satisfactory	<b>Yes</b> (with minor discrepancies as	Is this of a satisfactory	<b>Yes</b> (with minor discrepancies as

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	standard?	noted in Box 30).		standard?	noted in Box 30).
e)	A copy of any Flood Risk Assessment	<p><b>Environmental Statement Appendix 11.9.6 - Flood Risk Assessment (Doc 5.3)</b></p> <p><b>Environmental Statement Appendix 11.9.6 - Flood Risk Assessment – Annexes 1-2 (Doc 5.3)</b></p> <p><b>Environmental Statement Appendix 11.9.6 - Flood Risk Assessment – Annexes 3-6 (Doc 5.3)</b></p>	f)	A statement whether the proposal engages one or more of the matters set out in s79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<b>Statement of Statutory Nuisance (Doc 7.6)</b>
	Is this of a satisfactory standard?	<b>Yes.</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)	<p><b>Funding Statement (Doc 3.1)</b></p> <p><b>Statement of Reasons (Doc 3.2)</b></p>	i)	A Land Plan identifying:- <ul style="list-style-type: none"> <li>(i) the land required for, or affected by, the Proposed Development;</li> <li>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</li> <li>(iii) any land in relation to which it is proposed to</li> </ul>	<p><b>Land Plans (Doc 4.2)</b></p> <p><b>Special Category Land Plans (Doc 4.4)</b></p>

			<p>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> (with minor discrepancies as noted in Box 30).	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 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>	<b>Works Plans (Doc 4.5)</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>Rights of Way and Access Plans (Doc 4.6)</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>	

l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> <li>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</li> <li>(ii) habitats of protected species, important habitats or other diversity features; and</li> <li>(iii) water bodies in a river basin management plan,</li> </ul> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<ul style="list-style-type: none"> <li>(i) <b>ES Ecology and Nature Conservation Figures (Doc 5.2)</b> <ul style="list-style-type: none"> <li>Figure 9.6.1 Statutory Designated Sites</li> <li>Figure 9.6.2 Non Statutory Designated Sites</li> <li>Figure 9.6.3 Phase 1 Habitat Survey</li> </ul> </li> <li>ES Chapter 9 – Ecology and Nature Conservation (<b>Doc 5.1</b>)</li> <li>ES Appendices 9.6.1 – 9.6.4 (<b>Doc 5.3</b>)</li> <li>ES Appendix 9.9.1 (Habitats Regulation Assessment Report) (<b>Doc 5.3</b>)</li> <li>(ii) <b>ES Ecology and Nature Conservation Figures (Doc 5.2)</b> <ul style="list-style-type: none"> <li>As i) above</li> </ul> </li> <li>(iii) <b>ES Water Environment Figures (Doc 5.2)</b> <ul style="list-style-type: none"> <li>ES Figure 11.4.1 Water Environment Study Area</li> <li>ES Figure 11.6.1 General Water Features</li> <li>ES Chapter 11 – Water</li> </ul> </li> </ul>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>ES Chapter 7 – Historic Environment Figures (Doc 5.2)</b></p> <ul style="list-style-type: none"> <li>Figure 7.6.1 – Non-designated Heritage Assets within 1km of the Project Site Boundary</li> <li>Figure 7.6.2 – Designated Heritage Assets within 3km of the Project Site Boundary</li> <li>Figure 7.6.3 – Designated Heritage Assets within 3km of the Project site boundary and within the ZTV</li> <li>Figure 7.6.4 – Designated Heritage Assets at Charlwood in relation to the ZTV</li> <li>ES Chapter 7 – Historic Environment (<b>Doc 5.1</b>)</li> </ul>
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	Environment ( <b>Doc 5.1</b> ) ES Appendix 11.9.2 Water Framework Directive Compliance Assessment ( <b>Doc 5.3</b> )		
	Is this of a satisfactory standard?	<b>Yes.</b>	Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plans (Doc 4.3)</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
	Is this of a satisfactory standard?	<b>Yes.</b>	Are they of a satisfactory standard?
			<b>Parameter Plans (Doc 4.7)</b> <b>Surface Access Highways Plans – General Arrangements (Doc 4.8.1)</b> <b>Surface Access Highways Plans – Structure Section Drawings (Doc 4.8.3)</b> <b>Traffic Regulation Plans – Speed Limits (Doc 4.9.1)</b> <b>Traffic Regulation Plans – Classification of Roads (Doc 4.9.2)</b> <b>Traffic Regulation Plans – Clearways and Prohibitions (Doc 4.9.3)</b>
			<b>Yes</b> (with minor discrepancies as noted in Box 30).



p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Surface Access Highways Plans – Engineering Section Drawings (Doc 4.8.2)</b>	q)	Any other documents considered necessary to support the application	<b>Covering Letter (Doc 1.1)</b> <b>Application Form (Doc 1.2)</b> <b>Navigation Document (Doc 1.3)</b> <b>Glossary (Doc 1.4)</b> <b>Electronic Application Index (Doc 1.5)</b> <b>Draft DCO Template Verification Report (Doc 2.3)</b> <b>Planning Statement (Doc 7.1)</b> <b>Needs Case (Doc 7.2)</b> <b>Design and Access Statement (Doc 7.3)</b> <b>Transport Assessment (Doc 7.4)</b> <b>List of Other Consents and Licences (Doc 7.5)</b>
	Are they of a satisfactory standard?	<b>Yes.</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>Navigation Document (Doc 1.3)</b> The following document is omitted: <b>Consultation Report Appendices – Part B – Volume 19 (Doc 6.2)</b> . <b>Draft Development Consent Order (Doc 2.1)</b> <b>Environmental Statement Chapter 5: Project Description (Doc 5.1)</b> includes reference to Work No. 21, however this work is omitted from Schedule 1 of the <b>Draft DCO (Doc 2.1)</b> and the <b>Works Plans (Doc 4.5)</b> . Moreover, the <b>Parameter Plans (Doc 4.7)</b> reference Work Nos. 35(m) to 35(z), 36(r) to 36(z), and 37(h) to 37(n), however none of these are included in Schedule 1 of the <b>Draft</b>				

### **DCO (Doc 2.1).**

Other typographical inconsistencies have been noted. For example, Schedule 12 refers to “*ES Appendix 19.8.2: Public Rights of Way Management Strategy (Doc Ref. 5.3)*”, whereas the correct document reference is 19.8.1.

### **Explanatory Memorandum (Doc 2.2)**

Typographical inconsistencies have been noted. For example, article number referencing is incorrect from Article 18 to Article 20.

### **Statement of Reasons (Doc 3.2)**

‘Table A: Permanent Acquisition’ (on page 14) refers to Work Nos. 46 and 49, however there are no corresponding works in the **Draft DCO (Doc 2.1)** or **Works Plans (Doc 4.5)**. Table A also refers to a work entitled “*TBR*”; it is unclear what this refers to.

### **Book of Reference (Doc 3.3)**

Cross-references are not included for the relevant articles of the **Draft DCO (Doc 2.1)** that enforce the different types of Compulsory Acquisition/ Temporary Possession powers sought.

Some plots descriptions appear to be inaccurate. For example, Plot 1/308 is described as “*160 square metres of woodland (north of London Road, A23)*” which does not appear to match the location of the plot on Sheet 1 of the **Land Plans (Doc 4.2)**.

### **Land Plans (Doc 4.2)**

There appear to be several unlabelled plots, the details of which are set out in the separate s51 advice to the Applicant.

The plans are unclear in places due to a lack of plan inserts and drawing anomalies. For example, the extents of the plots in the vicinity of Plot 6/690 on Sheet 6 are difficult to make out; and Plot 1/152 does not have a line marker.

### **Special Category Land Plans (Doc 4.4)**

The plans are unclear in places due to a lack of plan inserts; for example, the area surrounding Plots 1/039, 1/038, and 1/020.

### **Works Plans (Doc 4.5)**

Limits of deviation are not clearly depicted, as it is unclear whether the item on the key named “*Works Area Extent*” is intended to correspond with limits of deviation.

### **Parameter Plans (Doc 4.7)**

Article 6(3) of the **Draft DCO (Doc 2.1)** states “*In constructing Work Nos. 3, 6, 9, 10, 11, 12, 15, 16, 22, 23, 26, 27, 28, 29, 30 and 31 the undertaker may not deviate vertically from the levels shown or noted on the approved plans*”. There do not appear to be any parameter plans for Work Nos. 3 or 29.

**Traffic Regulation Plans (Doc 4.9.1 – 4.9.3)**

On Sheet 1A of the **Classification of Roads (Doc 4.9.2)** plans there are two separate plots labelled 28A, and there are no plots labelled 28B.

**Environmental Statement (Doc 5.1 – 5.3)**

There are referencing inconsistencies. For example, in Chapter 10 the referencing starts at 10.6 and omits 10.1 to 10.5.

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

<https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111>

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 Habitat Regulations Assessment (HRA) Report is provided at <b>Appendix 9.9.1</b> of the <b>Environmental Statement (Doc 5.3)</b>.</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for Acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>N/A.</b>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form	<b>Yes.</b>

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

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

	guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p><b>Paragraph 7 of the Covering Letter (Doc 1.1)</b> explains that the Applicant has had regard to statutory guidance on the form of the application ('<i>Planning Act 2008: Application form guidance</i>').</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. That advice is published on the National Infrastructure Planning website, here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111">https://infrastructure.planninginspectorate.gov.uk/document/TR020005-001111</a></p>

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

#### Fees to accompany an application

35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 23 June 2023; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>George Harrold</i>	3 August 2023
Acceptance Inspector	<i>Kevin Gleeson</i>	3 August 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

