

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009
REGULATION 5(2)(q)

PROPOSED PORT TERMINAL AT FORMER TILBURY POWER STATION

TILBURY2

TR030003

Section 55 Checklist

DOCUMENT REF: 1.3



Section 55 Application Checklist

Section 55(3) – the Secretary of State may only accept an application if the Secretary of State concludes that:		Port of Tilbury London Limited (“PoTLL”) comments
1. Section 55(3)(a) and s55)(c) It is an application for an order granting development consent		
1.1		
a	Is the development a nationally significant infrastructure project (NSIP) (or does it form part of an NSIP)?	<p>Yes.</p> <p>The development is a nationally significant infrastructure project ("NSIP"). Section 4 of the Application Form (Document Reference 1.2) confirms this and section 2.5 of the Explanatory Memorandum (Document Reference 3.2) states:</p> <p><i>"The proposed volumes of import/export of RoRo units for the Scheme exceed the threshold of 250,000 units stated in section 24 of the Planning Act 2008 ("the Act") for throughput per annum. The harbour facilities elements of the Scheme therefore constitute a Nationally Significant Infrastructure Project ("NSIP") for the purposes of sections 14(1)(j) and 24 of the Act and must be consented by way of a Development Consent Order ("DCO")."</i></p>
b	Does the application state on the face of it that it is an application for a development consent order (DCO) under the Planning Act 2008 (the PA2008), or equivalent words.	<p>Yes.</p> <p>The covering letter that accompanies the application (Document Reference 1.1) and section 4 of the Application Form (Document Reference 1.2) state that the application is for a development consent order under the PA 2008.</p>
c	Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the	<p>Yes.</p>

	application scheme fall)?	Please see the response to 1.1a above.
2. Section 55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (preapplication procedure)		
2.1		
a	Did the applicant before carrying out the s42 consultation 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?	Yes. Notification under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that Port of Tilbury London Limited ("PoTLL") proposed to provide an environmental statement in respect of the development was sent to the Planning Inspectorate (on behalf of the Secretary of State) on 24 March 2017. A copy of the notification is included at Appendix 4.14 of the Consultation Report (Document Reference 5.2). As stated in chapter 6 of the Consultation Report (Document Reference 5.1) the statutory consultation under section 42 took place between 19 June 2017 and 28 July 2017.
2.2		
a	Have any adequacy of consultation representations been received from "A", "B", "C" and "D" authorities.	Following submission of the application for development consent, the Planning Inspectorate will invite these authorities to provide an adequacy of consultation representation.
b	and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	As above
S.42 Duty to Consult		
2.3		
a	Did the applicant consult the following about the proposed application: s42(1)(a) persons prescribed?	Yes. PoTLL consulted the statutory consultees prescribed under

		<p>Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The prescribed consultees that were consulted under section 42(1)(a)-(c) about the proposed application are listed in Appendix 4.2 of the Consultation Report Appendices (Document Reference 5.2).</p> <p>Aside from the non-statutory consultation process and targeted on-going engagement, consultation with these consultees took place between 19 June 2017 and 28 July 2017.</p> <p>Chapter 6 of the Consultation Report (Document Reference 5.1) and Appendix 6 (Document Reference 5.2) sets out the approach to consultation with the prescribed consultees and compliance with legislation and associated guidance. A description of the 'non-statutory' engagement and consultation undertaken with these parties is set out in chapter 4 of the Consultation Report and Appendix 3.</p> <p>Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2) includes sample letters sent to the prescribed consultees during the statutory consultation, which detailed the materials available and set a deadline of 28 July 2017 by which responses needed to be received (which is beyond the statutory minimum of 28 days).</p>
b	Did the applicant consult the following about the proposed application: s42(1)(aa) the Marine Management Organisation?	<p>Yes.</p> <p>PoTLL consulted the Marine Management Organisation ("MMO") in the same way as the prescribed consultees.</p>

		<p>Aside from the non-statutory consultation process and targeted on-going engagement, consultation with the MMO took place between 19 June 2017 and 28 July 2017.</p> <p>Chapter 6 of the Consultation Report (Document Reference 5.1) and Appendix 6 (Document Reference 5.2) sets out the approach to consultation with the section 42 consultees and compliance with legislation and associated guidance. A description of the 'non-statutory' engagement and consultation undertaken with the MMO is set out in chapter 4 of the Consultation Report and Appendix 3.</p> <p>Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2) includes sample letters sent to the section 42 consultees during the statutory consultation, which detailed the materials available and set a deadline of 28 July 2017 by which responses needed to be received (which is beyond the statutory minimum of 28 days).</p> <p>The parties that were consulted about the proposed application under section 42(1)(a) to (c) are listed in Appendix 4.2 of the Consultation Report Appendices (Document Reference 5.2).</p>
C	Did the applicant consult the following about the proposed application: s42(1)(b) each local authority within s43?	<p>Yes.</p> <p>PoTLL consulted each local authority defined by section 43 of the Planning Act 2008 in the same was the prescribed consultees.</p>

		<p>A list of the local authorities consulted by the applicant under s. 42(1)(b) (and whether they were an A or B authority) is included at para 6.4.12 of the Consultation Report (Document Reference 5.1). They are as follows:</p> <ul style="list-style-type: none">• Thurrock Council• Brentwood District Council• Basildon District Council• Gravesham District Council• Dartford District Council• Castlepoint District Council• London Borough of Havering• London Borough of Bexley• Medway Council• Essex County Council• Kent County Council <p>Aside from the non-statutory consultation process and targeted on-going engagement, consultation with these authorities took place between 19 June 2017 and 28 July 2017.</p> <p>Chapter 6 of the Consultation Report (Document Reference 5.1) and Appendix 6 (Document Reference 5.2) sets out the approach to consultation with the section 42 consultees and compliance with legislation and associated guidance.</p> <p>Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2) includes sample letters sent to the section 42 consultees during the statutory consultation, which detailed the materials available and set a</p>
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		<p>deadline of 28 July 2017 by which responses needed to be received (which is beyond the statutory minimum of 28 days).</p> <p>The parties that were consulted about the proposed application under section 42(1)(a) to (c) are listed in Appendix 4.2 of the Consultation Report Appendices (Document Reference 5.2).</p>
d	<p>Did the applicant consult the following about the proposed application: s42(1)(c) the Greater London Authority (if in Greater London area)?</p>	<p>Whilst the land is not in Greater London so there was no requirement to consult the Greater London Authority, given the scheme's proximity to London, PoTLL opted to consult the GLA. PoTLL consulted with the GLA in the same way as the prescribed consultees, as described above.</p> <p>Consultation with the GLA took place between 19 June 2017 and 28 July 2017.</p> <p>Chapter 6 of the Consultation Report (Document Reference 5.1) and Appendix 6 (Document Reference 5.2) sets out the approach to consultation with the section 42 consultees and compliance with legislation and associated guidance.</p> <p>Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2) includes sample letters sent to the section 42 consultees during the statutory consultation, which detailed the materials available and set a deadline of 28 July 2017 by which responses needed to be received (which is beyond the statutory minimum of 28 days).</p> <p>The parties that were consulted about the proposed</p>

		application under section 42(1)(a) to (c) are listed in Appendix 4.2 of the Consultation Report Appendices (Document Reference 5.2).
e	Did the applicant consult the following about the proposed application 42(1)(d) each person in one or more of s44 categories?	<p>Yes.</p> <p>PoTLL consulted with persons with an interest in the land as defined by section 44 of the Act. The parties that were consulted about the proposed application are listed in Appendix 4.9 of the Consultation Report Appendices (Document Reference 5.2).</p> <p>Chapter 6 of the Consultation Report (Document Reference 5.1) sets out how PoTLL undertook diligent inquiry to identify those consultees.</p> <p>Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2) includes sample letters sent to the section 42 consultees during the statutory consultation, which detailed the materials available and set a deadline of 28 July 2017 by which responses needed to be received (which is beyond the statutory minimum of 28 days).</p> <p>Chapter 6 of the Consultation Report (Document reference 5.1) also describes how PoTLL dealt with additional parties identified following the statutory consultation process as part of diligent inquiries.</p>
S.45 Timetable for s42 consultation		
2.4		
a	Did the applicant notify s42 consultees of the deadline for	Yes.

	<p>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>PoTLL wrote to all s42 consultees on 16 June 2017 enclosing the consultation documents. The letter stated that consultation period commenced on 19 June 2017 and that the deadline for responses was 23.59 on 28 July 2017. Letters were either sent by special delivery or first class post.</p> <p>The s42 consultees therefore had 42 days to comment, in excess of the 28 day minimum period.</p> <p>Sample letters are provided at Appendices 4.10 and 4.11 of the Consultation Report Appendices (Document Reference 5.2). A copy of the consultation documents is included at Appendix 2 of the Consultation Report Appendices (Document Reference 5.2).</p> <p>Chapter 6 of the Consultation Report (Document reference 5.1) provides further information on the statutory consultation undertaken by PoTLL. This includes commentary on how those persons with interests in land identified after the statutory consultation exercise ended were consulted.</p>
2.5		
a	<p>Did the applicant supply information to notify the Secretary of State of the proposed application</p>	<p>Yes.</p> <p>The applicant notified the Secretary of State of the proposed application, by letter to the Planning Inspectorate, dated 16 June 2017. This letter is included at Appendix 4.8 of the Consultation Report Appendices (Document Reference 5.2).</p>
b	<p>and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42</p>	<p>Yes.</p>

	consultees?	The Consultation Report (Document Reference 5.1) notes at paragraph 6.4.22 that the letters to section 42 consultees were sent by first class post on 16 June 2017. The consultation period commenced on 19 June 2017. The letter to the Secretary of State was sent on the same date as the letters sent to the s42 consultees. Enclosed with this letter was a copy of the consultation materials and sample s42 letters.
c	Was this done on or before commencing consultation under s42?	See above
S.47 Duty to consult local community		
2.6		
a	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. PoTLL prepared two draft SoCCs. The first was dated March 2017 and is included at Appendix 2.5 of the Consultation Report Appendices (Document Reference 5.2). It was sent to Thurrock Council on 8 March 2017 with a request for comments by 20 March 2017. The second draft of the SoCC was sent on 25 April 2017 with a request for comments by 23 May 2017. It is included at Appendix 2.6 of the Consultation Report Appendices (Document Reference 5.2). The finalised SoCC was sent to the Local Authorities on 20 May 2017. It is attached included at Appendix 2.7 of the Consultation Report Appendices (Document Reference 5.2).
2.7		
a	Were “B” and (where relevant) “C” authorities consulted about the content of the SOCC	Yes. PoTLL consulted Thurrock Council about the content of the SoCC.

		<p>As Thurrock Council is a unitary authority there are no 'C' Authorities</p> <p>However, PoTLL also consulted 'D' authorities, namely, Gravesham Borough Council, Essex County Council and Kent County Council</p>
b	and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?	<p>Yes.</p> <p>At the second 'statutory' consultation on the SoCC with the local authorities the deadline for receipt of responses met the 28 days specified in section 47 of the PA2008.</p> <p>The second consultation commenced on 25 April 2017 and the deadline for responses was 23 May 2017 (28 days).</p> <p>Copies of the letters to the local authorities which specified the deadline for comments are included at Appendix 4.12 of the Consultation Report Appendices (Document Reference 5.2). They were sent by first class mail and email.</p>
2.8		
a	Has the applicant had regard to any responses received when preparing the SOCC?	<p>Yes.</p> <p>Chapter 5 of the Consultation Report (Document Reference 5.1) explains how the applicant had regard to the local authorities' comments when finalising the SoCC. Please refer to tables at 5.3. Kent County Council did not send any comments on the SoCC.</p>
2.9		

a	Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land	<p>Yes.</p> <p>The Consultation Report (Document Reference 5.1) at paragraph 5.4 explains that the SoCC was made available for inspection at the deposit points advertised in the local press. The SoCC was also available on the Tilbury2 website. These deposit points were selected as being convenient locations for the local populations to inspect the SoCC, including the Tilbury Hub and Thurrock Council Civic Offices. The SoCC was deposited at these locations from 1 June to 28 July 2017.</p>
b	and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?	<p>Yes.</p> <p>A notice was published in three local newspapers in the week commencing 29 May 2017 notifying where and when the SoCC could be inspected. These newspapers were as follows:</p> <ul style="list-style-type: none"> • <i>Thurrock Gazette</i> • <i>Thurrock Enquirer</i> • <i>Gravesend Messenger Extra</i> <p>Copies of the notices are included at Appendix 1.3, Part 5 of the Consultation Report Appendices (Document Reference 5.2).</p>
2.10		
a	Does the SOCC set out whether the development is EIA development	<p>Yes.</p> <p>The SOCC states at para. 2.20 that the DCO application for Tilbury2 will be supported by an ES produced in accordance</p>

		<p>with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012</p> <p>A copy of the finalised SoCC is included at Appendix 2.7 of the Consultation Report (Document Reference 5.1).</p>
b	and does it set out how the applicant intends to publicise and consult on the preliminary environmental information (PEI)?	<p>Yes.</p> <p>The SoCC states at para. 2.2.3 that:</p> <p><i>“prior to the submission of the ES that will form part of the application, PoTLL will publish a “Preliminary Environmental Information Report” (PEIR). This will be published on the project website on 19 June 2017 and will be available as part of the second formal statutory stage of consultation.”</i></p> <p>Table 1 of the SoCC sets out deposit locations where the PEIR could be inspected and it was also available at the consultation venues.</p> <p>A copy of the finalised SoCC is included at Appendix 2.7 of the Consultation Report (Document Reference 5.1).</p>
2.11		
a	Has the applicant carried out the consultation in accordance with the SOCC?	<p>Yes.</p> <p>The Consultation Report (Document Reference 5.1) explains at Chapter 6 (6.7.10) how the consultation was undertaken in accordance with the SoCC. It also explains those additional activities undertaken which were not included in</p>

		the SoCC.
2.12		
a	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations): 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>Yes.</p> <p>PoTLL publicised the proposed application in accordance with section 48 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>The Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6 includes dated copies of all statutory notices published in local newspapers. The local newspapers in question, and publication dates, are listed below:</p> <ul style="list-style-type: none"> • <i>Gravesend Messenger Extra</i> – 13 and 20 June 2017 • <i>Thurrock Enquirer</i> - 15 and 22 June 2017 • <i>Thurrock Gazette</i> - 15 and 22 June 2017
b	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations): once in a national newspaper;	<p>Yes.</p> <p>PoTLL published the notice once in <i>The Times</i> on 14 June 2017. The Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6 includes a dated copy of this notice.</p>
c	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations): once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette	<p>Yes.</p> <p>PoTLL published a notice once in <i>The London Gazette</i> on 14 June 2017. The Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6 includes a dated copy of this notice. No land in Scotland is affected by the</p>

		proposed Scheme.
d (i)	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations): where the proposed application relates to offshore development – (i) once in Lloyds List	<p>Yes.</p> <p>PoTLL published a notice in <i>Lloyd's List</i> on 14 June 2017. The Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6 includes a dated copy of this notice.</p> <p>Whilst PoTLL considers there is some doubt as to whether the proposed scheme could be classed as 'offshore development', a precautionary approach was taken (taking into account previous comments from the Planning Inspectorate in respect of similar projects).</p>
d (ii)	Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations): where the proposed application relates to offshore development – once in an appropriate fishing trade journal?	<p>Yes.</p> <p>PoTLL published a notice in <i>Fishing News</i> on 22 June 2017. The Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6 includes a dated copy of this notice.</p> <p>Whilst PoTLL considers there is some doubt as to whether the proposed scheme could be classed as 'offshore development', a precautionary approach was taken (taking into account previous comments from the Planning Inspectorate in respect of similar projects).</p>
2.13		
a	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (a)the name and address of the applicant	<p>Yes.</p> <p>The notice gave the applicant's name and address as</p>

		<p>follows:</p> <p>Port of Tilbury London Limited (“PoTLL”) of Leslie Ford House, Tilbury Essex, RM18 7EH</p> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
b	<p>Did the notice include, as required by Regulation 4(3) of APFP Regulations: (b)a statement that the applicant intends to make an application for development consent to the Secretary of State</p>	<p>Yes.</p> <p>The notice stated that PoTLL :</p> <p><i>“...intends to make an application to the Secretary of State for Communities and Local Government under Section 37 of the Planning Act 2008 for a DCO to authorise the construction, operation and maintenance of a new port terminal and associated facilities near to the existing Port of Tilbury, known as Tilbury2.”</i></p> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
c	<p>Did the notice include, as required by Regulation 4(3) of APFP Regulations: (c) a statement as to whether the application is EIA development</p>	<p>Yes.</p> <p>The notice stated:</p> <p><i>“The project is “EIA Development” for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009...”</i></p>

		Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.
d	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (d) a summary of the main proposals, specifying the location or route of the proposed development;	<p>Yes.</p> <p>The notice included the following summary of the main elements of the proposals:</p> <ul style="list-style-type: none"> • <i>a new roll-on roll-off (“RoRo”) terminal;</i> • <i>a facility for importing and processing bulk construction materials</i> • <i>improvement of and extension to the existing in the river Thames</i> • <i>dredging of berth pockets and immediate approaches</i> • <i>a new road link</i> • <i>a new rail spur and sidings to provide rail access to the Tilbury2 site</i> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
e	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (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	<p>Yes.</p> <p>The notice stated that:</p> <p><i>“Documents, plans and maps detailing the nature and location of the proposed application, including a consultation booklet, together with the information compiled so far about the project’s likely significant environmental effects in the form of a Preliminary Environmental Information Report (the</i></p>

		<p><i>“PEIR” and together the “consultation materials” may be inspected from 19 June 2017 to 28 July 2017 on the Tilbury2 website at http://tilbury2.co.uk/docs and free of charge at the following locations and times set out below.”</i></p> <p>The notice listed six deposit locations in the vicinity of the proposed development, namely:</p> <ul style="list-style-type: none"> • Tilbury Hub, Tilbury • Thurrock Council Civic Offices, Grays • Gravesend Library, Gravesend • The offices of PoTLL, Tilbury • Grays Library, Grays • Gravesham Borough Council, Gravesend <p>All the locations are situated in settlements in close proximity to the proposed scheme, so are considered to be in the 'vicinity'.</p> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
f	<p>Did the notice include, as required by Regulation 4(3) of APFP Regulations: (f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i))</p>	<p>Yes.</p> <p>The notice stated that the documents, plans and maps would be available from 19 June 2017 until 28 July 2017. The deadline for responses was 28 July 2017 (i.e. the deadline for the purposes of sub-paragraph (i)), so the documents were on display until this deadline.</p> <p>Copies of the published notices are included in the</p>

		Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.
g	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (g)whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	<p>Yes.</p> <p>The notice stated:</p> <p><i>"Copies of the consultation materials can also be made available on request.....A reasonable copying charge will apply for hard copies (up to a maximum of £350 for the full suite of documents) and the consultation materials can be requested in electronic form free of charge."</i></p> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
h	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (h)details of how to respond to the publicity	<p>Yes.</p> <p>The notice stated:</p> <p><i>"Responses can be made in writing in the following ways :</i></p> <ul style="list-style-type: none"> <i>• by completing the questionnaire which can be found on the Tilbury2 website</i> <i>• by email to T2consultation@potll.com; or</i> <i>• in writing to Tilbury2 Project Team, Port of Tilbury London Limited, Leslie Ford House, Tilbury Essex, RM18 7EH"</i> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>

i	Did the notice include, as required by Regulation 4(3) of APFP Regulations: (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?	<p>Yes.</p> <p>The notice stated:</p> <p><i>"The deadline for receiving responses is 23:59 hrs on 28 July 2017."</i></p> <p>The notice was last published on 22 June 2017, so the deadline for responses was more than 28 days following this.</p> <p>Copies of the published notices are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 1.3, Part 6.</p>
2.14		
a	Has a copy of the s48 notice been sent to the EIA consultation bodies in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)?	<p>Yes.</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies (and to persons notified to PoTLL in accordance with regulation 9(1)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 on 16 June 2017. The deadline for responses was 28 July 2017.</p> <p>Details are provided in chapter 6 of the Consultation Report (Document Reference 5.1). Sample letters are included in the Consultation Report Appendices (Document Reference 5.2) at Appendix 4.10.</p>
2.15		
a	Has the applicant had regard to any relevant responses to	Yes.

	the s42 consultation?	<p>Chapters 9 – 26 of the Consultation Report (Document Reference 5.1) explain how PoTLL has had regard to the responses it received during the statutory consultation.</p> <p>The relevant chapters also include PoTLL's response to comments received (grouped by theme) during the statutory consultation and an explanation as to whether changes have been made to the proposals as a result of the consultation responses received.</p> <p>Where changes have been requested but not made PoTLL has explained the reasons for this.</p>
b	Has the applicant had regard to any relevant responses to the s47 consultation?	<p>Yes.</p> <p>Chapters 9 – 26 of the Consultation Report (Document Reference 5.1) explain how PoTLL has had regard to the responses it received during the statutory consultation.</p> <p>The relevant chapters also include PoTLL's response to comments received (grouped by theme) during the statutory consultation and an explanation as to whether changes have been made to the proposals as a result of the consultation responses received.</p> <p>Where changes have been requested but not made PoTLL has explained the reasons for this.</p>
c	Has the applicant had regard to any relevant responses to The s48 consultation?	<p>Yes.</p> <p>Chapters 9 – 26 of the Consultation Report (Document Reference 5.1) explain how PoTLL has had regard to the</p>

		<p>responses it received during the statutory consultation.</p> <p>The relevant chapters also include PoTLL's response to comments received (grouped by theme) during the statutory consultation and an explanation as to whether changes have been made to the proposals as a result of the consultation responses received.</p> <p>Where changes have been requested but not made PoTLL has explained the reasons for this.</p>
Guidance about pre-application procedure		
2.16		
a	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the preapplication process' ¹² ?	PoTLL has had regard to the DCLG Guidance. Appendix 6 of the Consultation Report Appendices (Document Reference 5.2) explains how, by way of a 'compliance checklist'.
s.55 (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)		
3.1		
a	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations	<p>Yes.</p> <p>The application form (Document Reference 1.2) has been obtained from the Planning Inspectorate and has duly been completed.</p>
b	<p>and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State 	<p>Yes.</p> <p>Section 4 of the application form (Document Reference 1.2) explains how the application falls within the remit of the</p>

		Secretary of State, along with section 2 of the Explanatory Memorandum (Document Reference 3.2).
c	and does it include: • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?	Yes. Section 6 of the application form (Document Reference 1.2) provides a brief statement that describes the location of the scheme. More detail of the location is provided in Chapter 5 of the Environmental Statement (Document Reference 6.1) and is shown on the Location Plan (Document Reference 2.1).
3.2		
a	Is it accompanied by a consultation report?	Yes. The application is accompanied by a Consultation Report (Document Reference 5.1) and Consultation Report Appendices (Document Reference 5.2).
3.3		
a	Is it accompanied by the documents and information set out In APFP Regulation 5(2) and listed below: (a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	Yes. An Environmental Statement and supporting documentation, as well as related document (Volume 6 of the DCO application) has been submitted. The Environmental Statement has been prepared in accordance with EIA Regulation and the Scoping Opinion received from the Secretary of State (included in the Environmental Statement Appendices (Document Reference 6.2) as Appendix 2.A.

		PoTLL acknowledges that The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 are in force but the 2009 EIA Regulations continue to apply to this DCO application as a result of transitional provisions due to PoTLL requesting a Scoping Opinion prior to the 2017 EIA Regulations coming into force.
b	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (b) the draft proposed order	Yes. The draft proposed Development Consent Order has been provided in the statutory instrument template (Document Reference 3.1).
c	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order	Yes. The Explanatory Memorandum (document reference 3.2) has been submitted with the DCO application, which explains the purpose and effect of the provisions of the draft Development Consent Order (Document Reference 3.1). PoTLL has also submitted a Consents and Agreements Position Statement (Document Reference 7.2) which sets out the approach in respect of obtaining other consents and agreements with complement the DCO.
d	Is it accompanied by the documents and information set out In APFP Regulation 5(2) and listed below: (d)where applicable, a book of reference (where the application involves any compulsory acquisition)	Yes. The Book of Reference (document reference 4.3) has been submitted with the DCO application.
e	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (e)a copy of any flood risk assessment	Yes. Level 2 and Level 3 Flood Risk Assessments have been

		provided with the DCO application (Appendices 16.A and 16.B of the Environmental Statement Appendices (Document Reference 6.2))
f	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (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	Yes. A Statement in Respect of Statutory Nuisance (Document Reference 6.5) has been provided with the DCO application.
g	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (g)any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 13 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)	There are European Sites within range of potential effects but no likely significant effect on these is predicted. . The Environmental Statement provides at Appendix 10.O of the Environmental Statement Appendices (Document Reference 6.2) a Habitat Regulations Assessment Report.
h	Is it accompanied by the documents and information set out In APFP Regulation 5(2) and listed below: (h)a statement of reasons and a funding statement (where the application involves any compulsory acquisition);	Yes. The Statement of Reasons (Document Reference 4.1) and the Funding Statement (Document Reference 4.2) have been submitted with the DCO application.
i	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (i) a land plan identifying:- (i) the land required for, or affected by, the proposed development;	Yes. The Land, Special Category Land and Crown Land Plans (Document Reference 2.3) have been submitted with the DCO application. The Land, Special Category Land and Crown Land Plans consist of Sheets 1 to 7 and a covering

		key plan and comply with Regulation 5(2)(i)(i) by identifying the land required for, or affected by, the proposed development.
j	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (i) a land plan identifying:- (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;	Yes. The Land, Special Category Land and Crown Land Plans (document reference 2.3) have been submitted with the DCO application. The Land, Special Category Land and Crown Land Plans consist of Sheets 1 to 7 and a covering key plan and comply with Regulation 5(2)(i)(ii) by identifying the land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land.
k	Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below: (i) a land plan identifying:- (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights;	Yes. The Land, Special Category Land and Crown Land Plans (document reference 2.3) have been submitted with the DCO application. The Land, Special Category Land and Crown Land Plans consist of Sheets 1 to 7 and a covering key plan and comply with Regulation 5(2)(i)(iii) by identifying the land in relation to which it is proposed to extinguish easements, servitudes and other private rights.
l	Is it accompanied by the documents and information set out In APFP Regulation 5(2) and listed below: (i) a land plan identifying:- (iv) any special category land and replacement land	Yes. The Land, Special Category Land and Crown Land Plans (document reference 2.3) have been submitted with the DCO application. The Land, Special Category Land and Crown Land Plans consist of Sheets 1 to 7 and a covering key plan and comply with Regulation 5(2)(i)(iv) by identifying special category land (i.e. affected registered common land) and replacement land which is to be provided so as not to

		trigger special parliamentary procedure under section 131 of the Planning Act 2008.
m	j) a works plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works	Yes. Works Plans (document reference 2.4) have been submitted with the DCO application. The Works Plans consist of 3 sheets and a covering key plan and comply with Regulation 5(2)(j)(i) by showing the proposed location and (for linear elements) the proposed route and alignment of the development and works.
n	(j) a works plan showing, in relation to existing features:- (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;	Yes. Works Plans (document reference 2.4) have been submitted with the DCO application. The Works Plans consist of 3 sheets and a covering key plan and comply with Regulation 5(2)(j)(ii) by showing the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order.
o	(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;	Yes. Rights of Way and Access Plans (document reference 2.5) have been submitted with the DCO application. The Rights of Way and Access Plans consist of 3 sheets and include the information required by Regulation 5(2)(k).
p	(l) where applicable, a plan with accompanying information identifying:- (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;	As part of the DCO application submission, the Environmental Statement Figures and Drawings (Document Reference 6.3) include the following information in accordance with Regulation 5(2)(l)(i):

		<ul style="list-style-type: none"> • Figure 10.1 - Site location and relevant ecological designations • Figure 9.6 - Landscape Value (Sheet 1 of 2) • Figure 9.7 - Landscape Value (Sheet 2 of 2)
q	<p>(i) where applicable, a plan with accompanying information identifying:-</p> <p>(ii) habitats of protected species, important habitats or other diversity features</p>	<p>As part of the DCO application submission, the Environmental Statement Figures and Drawings (Document Reference 6.3) include the following information in accordance with Regulation 5(2)(i)(ii):</p> <ul style="list-style-type: none"> • Figure 10.2a - Phase 1 habitat survey plan - West of Fort Road • Figure 10.2b - Phase 1 habitat survey plan - East of Fort Road • Figure 10.2c - Extent of lichen habitat & survey areas • Figure 10.3 - Badger survey results (2016-17) • Figure 10.4 - Bat survey results - building and tree inspections (2016-17) • Figure 10.8a - Water vole survey results (2016) • Figure 10.8b - Water vole survey results (2017) • Figure 10.10a - Reptile survey - results (2016) • Figure 10.10b - Reptile survey - results (2017) • Figure 10.11 - Breeding bird survey results - territory mapping (2017)
r	<p>(i) where applicable, a plan with accompanying information identifying:-</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<p>As part of the DCO application submission, the Environmental Statement Figures and Drawings (Document Reference 6.3) include the following information in accordance with Regulation 5(2)(i)(iii):</p> <ul style="list-style-type: none"> • Figure 16.2 Stream Network

s	(m)where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. 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>As part of the DCO application submission, the Environmental Statement Figures and Drawings (Document Reference 6.3) include the following information in accordance with Regulation 5(2)(m):</p> <ul style="list-style-type: none"> • Figure 12.1 Designated Built Heritage Assets • Figure 12.2 Sensitive Built Heritage Assets <p>There are no non-designated heritage assets (for example “locally listed” buildings) in either Thurrock or Gravesham Borough Council areas.</p> <p>Chapter 12 of the Environmental Statement (Document Reference 6.1) includes an assessment of the effects of the proposed Scheme on these features.</p>
t	(n)where applicable, a plan with any accompanying information identifying any Crown land;	<p>Yes.</p> <p>The Land, Special Category Land and Crown Land Plans (document reference 2.3) have been submitted with the DCO application. The Land, Special Category Land and Crown Land Plans consist of Sheets 1 to 7 and a covering key plan and comply with Regulation 5(2)(n) by identifying Crown land.</p>
u	(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;	<p>The following plans and drawings are provided under Regulation 5(2)(o) in addition to those mentioned above:</p> <ul style="list-style-type: none"> • Location Plan (Document Reference 2.1) • General Arrangement Plans (Document Reference 2.2)

		<ul style="list-style-type: none"> • Classification of Roads Plan (Document Reference 2.6) • Traffic Regulation Measures Plan (Document Reference 2.7) • Harbour Limits Plan (Document Reference 2.8) • Engineering Section Drawings and Plans (document reference 2.9)
v	<p>p)any of the documents prescribed by Regulation 6 of the APFP Regulations; Relevant project-specific provisions of Regulation 6 of the APFP Regulations: (3) If the application is for the construction or alteration of harbour facilities, it must be accompanied by a statement setting out why the making of the order is desirable in the interests of :</p> <p>(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or (b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.</p>	<p>The proposed development is for the construction or alteration of harbour facilities. The application is therefore required under Regulation 6(3) to be accompanied by a statement setting out why the making of the order is desirable in the interests of :</p> <p>(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or (b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.</p> <p>The Outline Business Case (document reference 7.1) includes this required information.</p>
w	<p>(q)any other documents considered necessary to support the application;</p>	<p>The following comprise documents included with the DCO application which PoTLL considers support the application, as listed in section 23 of the application form (Document Reference 1.2) which are not mentioned above (e.g. are not included within Volume 6 of the DCO application):</p> <ul style="list-style-type: none"> • Guide to the Application (Document Reference 1.4) • Heads of Terms for Section 106 Agreement with Thurrock Council (Document Reference 5.3)

		<ul style="list-style-type: none"> Operational Community Engagement Plan (Document Reference 5.4) Mitigation Route Map (Document Reference 7.3)
x	(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.	PoTLL has confirmed with the Planning Inspectorate, on behalf of the Secretary of State, that only two paper copies of the DCO application are required.
3.4		
a	Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of plans, show the direction of north?	<p>Yes.</p> <p>All plans drawings and sections meet these requirements.</p> <p>The only exceptions are the following plans, all of which use a scale smaller than 1:2500 (which is the scale prescribed by APFP Regulation 5(3), in order to show a wider geographical area which provides contextual information.</p> <ul style="list-style-type: none"> The Location Plan (Document Reference 2.1); <p>The following relevant figures from the Environmental Statement (Document Reference 6.2)</p> <ul style="list-style-type: none"> Figure 10.2a - Phase 1 habitat survey plan - West of Fort Road Figure 10.2b - Phase 1 habitat survey plan - East of Fort Road Figure 10.2c - Extent of lichen habitat & survey areas Figure 10.3 - Badger survey results (2016-17) Figure 10.4 - Bat survey results - building and tree inspections (2016-17)

		<ul style="list-style-type: none"> • Figure 10.8a - Water vole survey results (2016) • Figure 10.8b - Water vole survey results (2017) • Figure 10.10a - Reptile survey - results (2016) • Figure 10.10b - Reptile survey - results (2017) • Figure 10.11 - Breeding bird survey results - territory mapping (2017) • Figure 10.12d – Section 41 priority habitats • Figure 12.1 – Designated Built Heritage Assets within 2km of the Site Boundary • Figure 12.2 - Sensitive built heritage assets beyond 2km search radius • Figure 16.2 Stream Network
3.5		
a	<p>Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets?</p>	<p>Key plans are provided for all plans provided in Volume 2 Plans, Drawings and Sections of the DCO application which contain more than three sheets and are listed below:</p> <ul style="list-style-type: none"> • General Arrangement Plans (Document Reference 2.2) • Land, Special Category and Crown Plans (Document Reference 2.3) • Works Plans (document reference 2.4) • Rights of Way and Access Plans (Document Reference 2.5) • Classification of Roads Plan (Document Reference 2.6) • Traffic Regulation Measures Plans (2.7) • Engineering Section Drawings and Plans (document reference 2.9)