

## **The Planning Act 2008**

### **Section 55 Acceptance of Applications\***

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
- (a) that it is an application for an order granting development consent,
  - (b) deleted
  - (c) that development consent is required for any of the development to which the application relates,
  - (d) deleted
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
- (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -
- “local authority consultee” means -

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

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

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

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

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

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

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

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

\* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure Directorate) to complete. Completion or self assessment by the applicant does not hold weight at the acceptance stage.

**NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with**

## Section 55 Acceptance of Applications

### Section 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		31 October 2017	28 November 2017	21 November 2017
	Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a nationally significant infrastructure project <sup>2</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>3</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 ss14-30 does the application scheme fall)?  If the development does not fall within the categories in	<b>Yes,</b>  The proposed development set out in Schedule 1 of the <b>Draft DCO (Document 3.1)</b> is a harbour facility, which is a development falling within the categories in Section (s)14 of the PA2008, with an estimated throughput of 500,000 ro-ro units per annum which is greater than the threshold of 250,000 units in s 24(3)(b) of the PA2008.  This is consistent with the summary provided in the <b>Application Form (Document 1.2)</b> at section 4 which concludes that the application is for an NSIP		

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

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

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

	ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
<b>s55(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>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p><b>Yes</b></p> <p>The Applicant provided a Regulation 6(1)(b) notification on 24 March 2017 (<b>Appendix 4.14</b> of the Consultation Report (<b>Consultation Report Appendices, Document Reference 5.2</b>), before the start of s42 consultation on 19 June 2017.</p>
5	Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p><b>Yes</b></p> <p>There are 12 host and neighbouring authorities, (including the Greater London Authority) of which eight provided adequacy of consultation representations confirming either that the Applicant had complied with their duties under s42, s47 and/or s48 of the PA2008 and/or that they had “no comments”, these were:</p> <p>Host (‘B’) Authority</p> <ul style="list-style-type: none"> <li>Thurrock Council</li> </ul>

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

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

		<p>Neighbouring ('A') Authorities</p> <ul style="list-style-type: none"> <li>• Castle Point Borough Council</li> <li>• Gravesham Borough Council</li> <li>• London Borough of Bexley</li> <li>• Greater London Authority</li> <li>• Basildon Borough Council</li> <li>• Kent County Council</li> </ul> <p>Responses were invited but were not received from the following authorities:</p> <ul style="list-style-type: none"> <li>• Brentwood Borough Council</li> <li>• Dartford Borough Council</li> <li>• London Borough of Havering</li> <li>• Medway Council</li> </ul> <p>Essex County Council responded and were concerned that their position on several issues had been misunderstood by the applicant and misreported in the <b>Consultation Report (Document 5.1)</b>. Essex County Council have provided a detailed summary of their response/views in Annex 1 of their Adequacy of Consultation response.</p> <p>These responses have been carefully considered and are published on the project website.</p>
<b>s42: Duty to Consult</b>		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	

6	s42(1)(a) persons prescribed <sup>6</sup> ?	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) at <b>Appendix 4.2</b> of the Consultation Report (<b>Consultation Report Appendices, Document 5.2</b>). The Planning Inspectorate has not identified any omissions.</p> <p>Section 6.4 of the <b>Consultation Report (Document 5.1)</b> sets out how the Applicant identified the s42(1)(a) parties and consulted them.</p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<p><b>Yes</b></p> <p>See List of s42 consultees (<b>Appendix 4.2</b> of Consultation Report (<b>Consultation Report Appendices, Document 5.2</b>))</p>
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<p><b>Yes</b></p> <p>The Applicant has consulted each local authority within s43 as described in Section 6.4.12 of the <b>Consultation Report (Document 5.1)</b> and confirmed in Appendix 4.2 of Consultation Report (<b>Consultation Report Appendices, Document 5.2</b>)). These are:</p> <p>Host ('B') Authority</p> <ul style="list-style-type: none"> <li>• Thurrock Council</li> </ul> <p>Neighbouring ('A') Authorities</p> <ul style="list-style-type: none"> <li>• Brentwood Borough Council</li> <li>• Basildon Borough Council</li> <li>• Gravesham Borough Council</li> </ul>

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

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

		<ul style="list-style-type: none"> <li>• Dartford Borough Council</li> <li>• Castle Point Borough Council</li> <li>• London Borough of Havering</li> <li>• London Borough of Bexley</li> <li>• Medway Council</li> <li>• Essex County Council</li> <li>• Kent County Council</li> </ul>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	<p><b>Yes</b></p> <p>The Applicant has consulted with the Greater London Authority as 42(1)(c) consultee, see list of s42 consultees (<b>Appendix 4.2 of Consultation Report (Document 5.1)</b>).</p> <p><b>Paragraph 6.4.11 of the Consultation Report (Document 5.1):</b></p> <p><i>‘Whilst not strictly required, as the Scheme sits outside of Greater London, PoTLL considered it appropriate to consult the Greater London Authority under Section 42(1)(c) given the potential impacts of the Scheme on Greater London.’</i></p>
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Paragraphs 6.4.13 – 6.4.20 of the Consultation Report (Document 5.1)</b> ‘sets out how the Applicant identified persons with an interest in the land.</p> <p>The following parties appear in the s42(1)(d) list of consultees (<b>Appendix 4.9 to the Consultation Report (Doc Ref 5.1)</b>) but not in the <b>BoR (Doc Ref 4.3)</b>:</p> <ul style="list-style-type: none"> <li>• British Gas Limited</li> <li>• ESP Electricity Limited</li> </ul>

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

		<ul style="list-style-type: none"> <li>• Francis Bruce Whateley</li> <li>• Hyundai Motor UK Limited</li> <li>• Mountview Estates Plc</li> <li>• National Power Limited</li> <li>• Stobart Biomass Products Ltd</li> </ul> <p>The following parties are listed under different addresses in the <b>BoR (Doc Ref 4.3)</b> and s42(1)(d) list of consultees (<b>Appendix 4.9</b> to the Consultation Report (<b>Doc Ref 5.1</b>)):</p> <ul style="list-style-type: none"> <li>• Diana Cole</li> <li>• The Environment Agency</li> <li>• Highways England</li> <li>• John and Amanda Walsham</li> <li>• Kathryn Finnis</li> <li>• Steven and Frances Austin</li> <li>• Port of Tilbury London Limited</li> <li>• Alexander Glenny</li> </ul> <p>The following parties with potential land interests were not consulted through the statutory consultation process by the Applicant due to 'administrative error' (see section 6.9 of the <b>Consultation Report (Doc Ref 5.1)</b>) and have subsequently been contacted by the Applicant via letter on 16 October 2017 (<b>Appendix 4.19</b> to the Consultation Report (<b>Doc Ref 5.1</b>)):</p> <ul style="list-style-type: none"> <li>• Plancast Limited</li> <li>• KPN International</li> <li>• Level 3 Communications Limited</li> </ul>
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		<ul style="list-style-type: none"> <li>• Openreach Limited</li> <li>• Zayo Group Limited</li> </ul> <p><b>Paragraphs 6.4.13 to 6.4.20 of the Consultation Report (Document 5.1)</b> explain how the Applicant made diligent inquiry to identify and consult persons with Category 1, 2, and/or 3 interests in preparation for the consultation.</p> <p><b>Paragraph 6.4.23 of the Consultation Report (Document 5.1)</b> confirms all persons with interests in the land identified within the BoR were sent a copy of the s42 consultation material.</p>
<b>s45: Timetable for s42 Consultation</b>		
11	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><b>Yes</b></p> <p>The letter sent to s42 consultees on 16 June 2017 set a deadline of 28 July 2017, which is more than 28 days after the date of the letter, which is provided at. Some consultees with an interest in land were sent a letter on 15 September 2017 with a deadline of 6 October 2017. This is less than 28 days from the date of the letter. <b>Consultation Report Appendices, Document 5.2, Appendix 4.10 Appendix 4.11, and Appendix 4.21</b></p> <p>Five consultees were not consulted under S42(1)(d) as a result of an administrative error (<b>Consultation Report, Document 5.1, paragraph 6.9.7</b>) and were sent a letter on 16 October 2017 which is less than 28 days from the date of the submission of the application. The letter explained how to register as an Interested Party. (<b>Consultation Report Appendices, Document 5.2, Appendix 4.19</b>)</p>
<b>s46: Duty to notify Secretary of State of proposed application</b>		
12	Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 16 June 2017, which was on or before the beginning of s42 consultation on 19 June 2017. (<b>Section 6.5, Consultation Report,</b></p>

	State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<b>Document 5.1)</b>
<b>s47: Duty to consult local community</b>		
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?	<b>Yes</b> The Applicant produced a statement of community consultation on 30 May 2017 which is supplied with the application ( <b>Consultation Report Appendices, Document 5.2, Appendix 2.7</b> )
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?	<b>Yes</b> The Applicant sent the draft SoCC to Thurrock Council on 25 April 2017 and set a deadline of 23 May 2017 for responses. ( <b>Consultation Report Appendices, Document 5.2, Appendix 4.12</b> )
15	Has the applicant had regard to any responses received when preparing the SoCC?	<b>Yes</b> The Applicant has explained at <b>Sections 5.2 and 5.3</b> of the <b>Consultation Report (Document 5.1)</b> how the responses that were received as a result of consultation on the SoCC have been taken into consideration. These include amending the SoCC to reflect the independence of the Tilbury Forum and the use of the Thurrock Enquirer as well as the Thurrock Gazette to publicise the statutory consultation.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can	<b>Yes</b> The SoCC was made available at the Tilbury Hub, Thurrock Borough Council Civic Offices, the Gravesend Library and Gravesham Borough Council Offices, which are reasonably convenient having regard to the location of the scheme. Notices stating

	be inspected?	<p>when and where it could be inspected were published in:</p> <ul style="list-style-type: none"> <li>• The Thurrock Gazette</li> <li>• The Thurrock Enquirer</li> <li>• The Kent Messenger Extra Gravesend and Dartford</li> </ul> <p><b>(Section 5.4, Consultation Report, Document 5.1)</b></p> <p>Copies of the advertisements are provided at <b>Consultation Report Appendices, Document 5.2, Appendix 1.3, Part 5</b></p>
17	Does the SoCC set out whether the development is EIA development <sup>10</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>The SoCC sets out at <b>paragraphs 12.19 to 12.24</b> that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information. <b>(Consultation Report Appendices, Document 5.2, Appendix 2.7)</b></p>
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p>The Applicant has set out at <b>Paragraph 6.7.10 of the Consultation Report (Document 5.1)</b> the activities that have been carried out and how the commitments in the SoCC have been met.</p>
<b>s48: Duty to publicise the proposed application</b>		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p><b>Yes</b></p> <p>The Applicant has described the newspapers and dates of s48 publicity in <b>paragraph 6.8.7 of the Consultation Report (Document 5.1)</b> and as set out below:</p>

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

	<p><b>Newspaper(s)</b></p> <p><b>Date</b></p>	
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	<p>Kent Messenger Extra Gravesend and Dartford 13 June 2017</p> <p>Thurrock Enquirer 20 June 2017</p> <p>Thurrock Gazette 15 June 2017</p> <p>Thurrock Gazette 22 June 2017</p> <p>Thurrock Gazette 15 June 2017</p> <p>Thurrock Gazette 22 June 2017</p>
	once in a national newspaper;	<p>The Times 14 June 2017</p>
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p>London Gazette 14 June 2017</p>
	<p>where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p>Lloyds list 14 June 2017</p> <p>Fishing News 22 June 2017</p>
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p><b>Yes</b></p> <p>The s48 notice is supplied at <b>Appendix 1.3 part 6 (Consultation Report Appendices, Document 5.2)</b> and contains the required information as set out below:</p>

Information		Paragraph	Information		Paragraph
a)	The name and address of the applicant.	Paragraph 1	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	Paragraph 1
c)	a statement as to whether the application is EIA development	Paragraph 4	d)	a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 2
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	Paragraph 5	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph 5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 7	h)	details of how to respond to the publicity	Paragraph 8
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	Paragraph 10			
21	Are there any observations in respect of the s48 notice provided above?				
	None				

22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ?	<p><b>Yes</b></p> <p>The notice was sent to the EIA consultation bodies on 16 June 2017. (<b>Paragraph 6.11.16, Consultation Report, Document 5.1</b> and <b>Consultation Report Appendices, Document 5.2, Appendix 4.10, 4.11</b>)</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p>The Applicant has set out at Consultation Report <b>Appendix 5.3 (Consultation Report Appendices, Document 5.2)</b> the actions that have been taken having regard to the consultation responses received, in the form of a schedule connecting responses and the related chapters of the consultation report.</p> <p>Consultation activities under S47 and S48 were undertaken simultaneously. (<b>Para 6.7.4, Consultation Report, Document 5.1</b>). The Consultation Report therefore does not distinguish between S47 and S48 responses.</p> <p>The <b>Consultation Report (Document 5.1)</b> contains topic chapters (<b>9.0 to 26.0</b>) that set out the applicant's responses to each theme and the consideration given to responses that did not lead to a change.</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Yes,</b></p> <p>Paragraphs 2.3.3 to 2.3.5 of the <b>Consultation Report (Document 5.1)</b> and <b>Appendix 6</b> to the consultation report (<b>Consultation Report Appendices, Document 5.2</b>)</p>

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		explain how the applicant has had regard to DCLG guidance on the pre-application process. The application appears to be in general conformity with the guidance.
25	<b>Summary - s55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure). Whilst there are some consultation discrepancies, s51 advice has been provided to the Applicant to remedy these.
<b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Secretary of State; 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>The application is made in the prescribed form as set out in Schedule 2 of the APFP Regs.</p> <p><b>Section 4</b> of the <b>Application Form (Document 1.2)</b> sets out why the application falls within the remit of the Secretary of State.</p> <p>A description of the location of the application site has been provided at Section 6 of the <b>Application Form (Document 1.2)</b>:</p> <p><b>Section 6</b> of the <b>Application Form (Document 1.2)</b> also confirms that the site is single, not linear.</p>
27	Is it accompanied by a consultation report?	<p><b>Yes</b></p> <p>A Consultation Report and Appendices accompanies the application (<b>Docs 5.1 – 5.2</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>13</sup>	<p><b>Yes</b></p> <p>A key plan has been provided where a plan comprised three or more sheets.</p>

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

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

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<b>Yes</b> The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:			
<b>Information</b>		<b>Document</b>	<b>Information</b>		<b>Document</b>
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	Environment al Statement ( <b>Document 6.1 – 6.4</b> ).  Scoping Opinion ( <b>Document 6.2 2.A</b> ).	b)	The draft proposed order	Yes.  <b>Document 3.1</b>
	Is this of a satisfactory standard?	Yes, with minor discrepancies as noted in Box 30		Is this of a satisfactory standard?	Yes
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Yes <b>Document 3.2</b>	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Yes <b>Document 4.3</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes

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



e)	A copy of any flood risk assessment	<b>Document 6.2 16.A and Document 6.2 16.B.</b>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them	<b>Document 6.5.</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Yes <b>Documents 4.1 and 4.2</b>	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Yes <b>Document 2.3</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
j)	A works plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and	Yes <b>Document 2.4</b>	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 <b>Document 2.5</b>

	works may be carried out and any limits of deviation provided for in the draft order				
	Is this of a satisfactory standard?	Yes, with minor discrepancy as noted in Box 30		Is this of a satisfactory standard?	Yes
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<p>(i) Figure 10.1 of <b>Document 6.3</b>. Figures 9.2 and 9.7 of <b>Document 6.3</b>.</p> <p>(ii) Figures 10.2-10.11 of <b>Document 6.3</b>.</p> <p>(iv) Figures 11.1 to 11.7 of Doc Ref 6.3</p> <p>(iv) Figure 1-1 of Appendix 16.C of <b>Document 6.2 16.C</b>. Assessment</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled 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>Figures 9.6, 12.1 and 12.2 of <b>Document 6.3</b>.</p> <p>Assessment in Chapter 12 of <b>Document 6.1</b>.</p>

		in Chapters 9, 10, 11 and 16 of <b>Document 6.1</b> and <b>Document 6.2 16.C.</b>			
	Is this of a satisfactory standard?	Yes, with minor discrepancy as noted in Box 30		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Yes <b>Document 2.3</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	Yes
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes, with minor discrepancies as noted in Box 30
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations: <i>(3) If the application is for the construction or alteration of harbour facilities, it must be accompanied by a statement setting out why</i>	Yes (Reg 6(3) of APFP Regs) <b>Outline</b>	q)	Any other documents considered necessary to support the application.	Yes

	<p><i>the making of the order is desirable in the interests of—</i></p> <p>(a)</p> <p><i>securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or</i></p> <p>(b)</p> <p><i>facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.</i></p>	<p><b>Business Case (Document 7.1)</b></p>			
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided above?</p> <p><b>Yes</b></p> <p><i>Reg 5(2)(a)</i> – The non-technical summary (NTS) of the Environmental Statement (ES) states that the Proposed Development would be located “on the north bank of the River Thames at Tilbury”. There is only a very brief description of the application site at paragraph 1.1, which states that the “proposed port terminal will be constructed on land that formed the western part of the now redundant Tilbury Power Station”. No figures are provided within the NTS.</p> <p>The description of the development in paragraph 2.2 of the NTS is very high level and lacks detail relative to individual elements of the development as a whole (except for the reference to a 10,200m<sup>2</sup> warehouse). Paragraph 3.6 of the NTS refers to parameters being set out in a masterplan, which is not included but does explain that each topic chapter of the ES sets out the parameters.</p> <p>The main ES text (<b>Document 6.1</b>) has limited detail regarding the marine elements and the proposed bridge over Fort Road but these elements are depicted on the illustrative Engineering Plans and Drawings (which do not form part of the ES). The ES does not make it explicitly clear where the works to the existing flood defence would take place although it can be broadly understood. Some details relevant to the Proposed Development are not specifically identified within the ES e.g. the radial conveyer which is shown on the General Arrangement Plan as being located within the Construction Materials and Aggregates Terminal (CMAT).</p>				

	<p><i>Reg 5(2)(l) (including (i), (ii) &amp; (iii))</i>: Figure 1-1 (WFD water bodies) of Appendix 16.C of the <b>Environmental Statement (Document 6.2 16.C)</b> is provided at smaller than 1:2500 scale; however it is sufficient to identify water bodies in a river basin management plan.</p> <p>There are also some other issues arising in respect of the quality and content of some of the other plans and drawings and some aspects of the ES. Whilst the submitted documents were considered to be acceptable for the formal application acceptance process, the matters that have been identified by PINS to date are described in the s51 advice letter to the Applicant accompanying this s55 checklist.</p>	
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>15</sup>	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Appendix 10.O of the Environmental Statement (<b>Document 6.2 10.O</b>).</p> <p>The 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><i>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.</i></p>
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<p><b>Yes</b></p> <p>Two paper copies of the application were submitted.</p>
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p>The Applicant has had regard to relevant application form guidance, and the overall standard of the application is broadly satisfactory.</p>

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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

34	<b>Summary - s55(3)(f) and s55(5A)</b>	The application as submitted is of a broadly satisfactory standard. A number of minor discrepancies, inconsistencies and omissions have become apparent upon inspection of the application documents and will need to be remedied in due course. However none of the discrepancies, inconsistencies and omissions are considered to significantly reduce the ability of prospective participants in the Examination from appreciating the extent and effects of the application. Section 51 advice has been provided to the Applicant to remedy these matters.
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	£6750.00 has been received from Port of Tilbury London Limited on the 27/10/17

Electronic Signature	Name	Date
<b>Case Leader</b>	<i>Robert Ranger</i>	21/11/2017
<b>Acceptance Inspector</b>	<i>Lillian Harrison</i>	21/11/2017

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