

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 it.

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		21 May 2018	18 June 2018	15 June 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	<p>Is the development a nationally significant infrastructure project² (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 order³ (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)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of</p>	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the draft Development Consent Order (dDCO) (Doc 3.2) is a Nationally Significant Infrastructure Project (NSIP), which is a development falling within the categories in ss14 and 26 of the Planning Act 2008 (PA2008).</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.1) in Box 4 which concludes that the application is for an NSIP, stating:</p> <p><i>“The application is for a Development Consent Order (“DCO”) under the Planning Act 2008 (“the Act”) to enable the Applicant to construct a nationally significant</i></p>		

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

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

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

	State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	<i>infrastructure project (“NSIP”) (as defined in s14(1)(l) of the Act), being a Rail Freight Interchange under s.14(1)(l) and meeting the criteria contained in s.26.”</i>
3	Summary – s55(3)(a) and s55(3)(c)	Box 4 of the Application Form (Doc 1.1) confirms that the Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	(a) No , the Applicant did not request a screening opinion in respect of the development. (b) Yes , the Applicant notified the Secretary of State on 21 October 2016 under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that they intended to provide an environmental statement.
5	Have any adequacy of consultation representations ⁵ 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?	Yes There are 18 host and neighbouring authorities, of which five provided comments. The following four provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/ or that they had “no comments”, these were: Host (“ B, C”) Authorities <ul style="list-style-type: none"> • Northamptonshire County Council (C) • Northampton Borough Council (B)

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

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

Neighbouring (“A, D”) Authorities

- Stratford-on-Avon District Council (A)
- Milton Keynes Council (D)

Responses were invited but were not received from the following authorities:

Neighbouring (“A, D”) Authorities

- Leicestershire County Council (D)
- Cambridgeshire County Council (D)
- Buckinghamshire County Council (D)
- Oxfordshire County Council (D)
- Lincolnshire County Council (D)
- Warwickshire County Council (D)
- Bedford Borough Council (D)
- Rutland County Council (D)
- Peterborough City Council (D)
- Daventry District Council (A)
- Borough Council of Wellingborough (A)
- Aylesbury Vale District Council (A)
- Cherwell District Council (A)

One response with additional comments was received from the following

Host (“ B”) Authority

- South Northamptonshire District Council (SNDC) stated:

(...) The Council has therefore no reason to believe the statutory consultation undertaken prior to the submission of the application has not been otherwise than in accordance with the requirements within the Planning Act 2008.’

‘In conclusion whilst the legal requirements of consultation may have been followed the Council considers more should have been done to clarify the following elements of

the proposal to facilitate the consultation.'
'The rail infrastructure [...] and the cumulative impact of this proposal with other proposals.' *'The capacity of the local and national rail network to realise the capability of the on-site rail infrastructure.'*

The AoCR received can be read in full [here](#). It reflects the concerns that members of the public have expressed to SNDC; SNDC have also provided copies of these comments alongside their AoCR, however the Council has stated that these documents do not form part of their representation.

In respect of the concerns raised regarding the consultation material and *'the late emergence of new elements within the proposal e.g. inclusion of the bulk aggregates rail terminal facility and the limited detail made available.'* DCLG guidance PA2008: *Guidance on the pre-application process* recognises that schemes may change before submission and also advises applicants to consider the balance needed where there is a change and the detail of information provided at consultation.

The Applicant has had regard to the DCLG guidance and has demonstrated at **paragraph 1.3.6**, in **Sections 4, 6, 7 and 10** of the **Consultation Report (Doc 6.1)** and within the related **Appendices 9, 10, 19, 21 and 30** the regard they have had to responses received during consultation.

The Applicant has undertaken consultation in accordance with the requirements of the PA2008 and has had regard to representations.

Matters in respect of the detail of the scheme would rightly be considered through a subsequent examination process.

These AoCRs have been carefully considered and are available to view on the [Northampton Gateway Rail Freight Interchange](#) of the National Infrastructure Planning website.

s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>Section 7 of the Consultation Report (Doc 6.1) summarises s42 consultation undertaken by the Applicant. Following a non-statutory Stage 1 consultation, statutory s42 consultation took place at Stage 2; and a further targeted Stage 3 consultation took place where the s42 parties were re-consulted.</p> <p>Stage 2</p> <p>The Applicant has provided a list of persons consulted between 9 October - 24 November 2017 (Stage 2) under s42(1)(a) and set out in Schedule 1 of the APFP Regulations 2009 at Appendix 6 of the Consultation Report (Doc 6.1).</p> <p>Appendix 6 consists of the following:</p> <ul style="list-style-type: none"> • Appendix 6A – s42 Plus List October 2017 • Appendix 6B – s43 Local Authorities October 2017 • Appendix 6C – s42 Prescribed Bodies. <p>It is noted that Peel Electricity Networks Limited (PENL) are not listed as a s42 consultee. However, the Applicant consulted Leep Electricity Networks Limited which is part of the Leep Utilities Group of companies, and owned by The Peel Group.</p> <p>Stage 3</p> <p>Following Stage 2 consultation the Applicant took a view that a further, targeted stage of</p>

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

		<p>statutory consultation was appropriate. Stage 3 consultation took place between 19 December 2017 and 2 February 2018. In paragraphs 9.1 to 9.2.15 of the Consultation Report the Applicant provides an introduction to, reasons for and scope of, and the process and material consulted on, for the Stage 3 consultation.</p> <p>A small number of additional parties who had responded to the Stage 2 consultation were re-consulted at Stage 3. The “s42 Plus List” is provided at Appendix 29 which consists of the following:</p> <ul style="list-style-type: none"> • Appendix 29A – s42 Plus List December 2017 • Appendix 29B – s42 Prescribed Consultees December 2017. <p>Appendix 29A lists ten additional Parties consulted:</p> <ul style="list-style-type: none"> • Specific Parties suggested to consult by CAA during Stage 2: <ul style="list-style-type: none"> ○ Air Support Units – National Police Air Service, ○ Air Ambulance Service, and • Specific Parties who responded to Stage 2 Consultation: Eight individuals. <p>Appendix 6C lists two Parties, who were consulted at Stage 2, but not at Stage 3, in that they do not appear in the list at Appendix 29B. They are:</p> <ul style="list-style-type: none"> • Danske Commodities A/S, and • Esso Petroleum Company Limited. <p>There is no explanation provided in the Consultation Report.</p> <p>The Inspectorate suggests that the Applicant may wish to include the bodies listed above, amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008, unless there is a specific justification why this is not necessary. s51 advice has been issued regarding this matter.</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable

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

8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>Stage 2 of the consultation (9 October - 24 November 2017):</p> <p>The Applicant has consulted each local authority within s43 as described in paragraph 7.1.5 of the Consultation Report (Doc 6.1), issuing letters on 5 October 2017 (paragraph 7.1.15). These are:</p> <p>Host (“B, C”) Authorities</p> <ul style="list-style-type: none"> • South Northamptonshire District Council (B) • Northampton Borough Council (B) • Northamptonshire County Council (C) <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Daventry District Council (A) • Borough Council of Wellingborough (A) • Aylesbury Vale District Council (A) • Cherwell District Council (A) • Stratford-on-Avon District Council (A) • Leicestershire County Council (D) • Cambridgeshire County Council (D) • Buckinghamshire County Council (D) • Oxfordshire County Council (D) • Lincolnshire County Council (D) • Warwickshire County Council (D) • Bedford Borough Council (D) • Milton Keynes Council (D) • Rutland County Council (D)
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⁸ Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

		<ul style="list-style-type: none"> • Peterborough City Council (D) <p>An example of the s42 letter sent to all statutory consultees is provided at Appendix 20 (Doc 6.1).</p> <p>Stage 3 of the consultation (19 December 2017 – 2 February 2018):</p> <p>In paragraph 9.2.11 the Applicant states that the Stage 3 consultation followed the same basic procedure as that used for Stage 2.</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>The Applicant has consulted each person in one or more s44 categories as described in Section 7 of the Consultation Report (Doc 6.1) on 5 October 2017 (paragraph 7.1.15).</p> <p>Additionally, site notices were erected in locations around the Order Limits, to identify any unknown interests, and ‘addressed to those who might have an interest in the specific area of land to which that notice related’ (paragraph 7.1.18). An example notice, together with a list and plan showing the location of the relevant notices, is provided at Appendix 22.</p> <p>The locations of the Site Notices are provided in seven separate documents, named Plans A to G (Appendix 22). The list of locations is provided in Appendix 22A.</p>
s45: Timetable for s42 Consultation		
11	Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was	<p>Yes</p> <p>Paragraph 7.1.6 of the Consultation Report (Doc 6.1) states that the Applicant sent</p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

	the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	the s42 consultation letter on 5 October 2017. The letter was sent to s42 consultees and confirms a deadline for responses being 24 November 2017, which is more than 28 days after the date of the start of consultation. The copy of the letter is provided in Appendix 20 of the Consultation Report (Doc 6.1) .
s46: Duty to notify Secretary of State of proposed application		
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 State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	Yes The Applicant gave notice under s46 on 4 October 2017, which was before the beginning of the s42 consultation due to commence on 9 October 2017. A copy of the letter dated 4 October 2017 sent to the Secretary of State is included in Appendix 23 of the Consultation Report (Doc 6.1) .
s47: Duty to consult local community		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes The Applicant provided a quick reference guide to the consultation undertaken (Table 1, paragraph 2.3.2 of the Consultation Report (Doc 6.1)), and states when consultation with the local community under s47 was carried out. The Applicant produced a Statement of Community Consultation (SoCC) in September 2017 (Stage 2) which is supplied with the application (Appendix 12 to the Consultation Report, Doc 6.1). Consultation with the local community was undertaken at Stage 2 of the statutory consultation between 9 October and 24 November 2017 and was followed by Stage 3 between 19 December 2017 and 2 February 2018.
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	Yes The Applicant sent the draft SoCC to South Northamptonshire District Council and Northampton Borough Council (‘B’ authorities) and Northamptonshire County Council

	(where applicable) “C” authorities received the consultation documents?	(‘C’ authority) in July 2017 and set a deadline of 28 days for responses (paragraph 5.1.4 of the Consultation Report (Doc 6.1)).
15	Has the applicant had regard to any responses received when preparing the SoCC?	Yes The Applicant has explained at paragraph 5.1.5 of the Consultation Report (Doc 6.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. For example, South Northamptonshire District Council (SNDC) suggested an additional public exhibition in Towcester be added to the four locations proposed by the Applicant. This was taken into account by the Applicant. Appendix 13 provides a ‘SoCC Compliance Table’ detailing how the Applicant had regard to any responses received when preparing the SoCC.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	Yes Paragraph 5.1.17 of the Consultation Report (Doc 6.1) confirms that the SoCC was made available on the project’s website and for inspection at: <ul style="list-style-type: none"> • Roade Library, • Wootton Library, • East Hunsbury Library, • SNDC offices (Towcester Library), • Northampton Borough Council offices, and • Northamptonshire County Council offices. These are considered to be reasonably convenient having regard to the location of the scheme. A notice stating when and where it could be inspected was published in: Northampton Chronicle & Echo on 14 September 2017 (a copy has been enclosed in Appendix 14, Doc 6.1).
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the	Yes

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

	applicant intends to publicise and consult on the preliminary environmental information?	The SoCC (Appendix 12 of the Consultation Report, Doc 6.1) sets out at paragraph 1.23 (Environmental Impact Assessment section) that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.	
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant has set out at Appendix 13 of the Consultation Report (Doc 6.1) the activities that have been carried out and how the commitments in the SoCC have been met. For example, feedback from the local authorities suggested the following: <i>‘written contact with all County, District and Parish Councillors representing communities within the identified consultation area’</i> (paragraph 2.39 in the Table provided in the Appendix 13). The Applicant emailed letters to Councillors in SNDC and NBC (and the County Council), as well as via the Parish Councils. The example letters are provided in Appendix 2 of the Consultation Report (Doc 6.1).</p>	
s48: Duty to publicise the proposed application			
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>Yes</p> <p>The Applicant has described the newspapers and dates of s48 publicity in Section 8 of the Consultation Report (Doc 6.1), as set out below:</p>	
		Newspaper(s)	Date
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;		Northampton Chronicle & Echo	5 October and 12 October 2017
once in a national newspaper;		The Guardian	5 October 2017

	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	5 October 2017	
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not Applicable	Not Applicable	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes</p> <p>Copies of the published s48 notices are provided in Appendix 24 of the Consultation Report (Doc 6.1) and contain 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 2	d) a summary of the main proposals, specifying the location or route of the proposed development	Paragraph 3
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 4	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 5	h) details of how to respond to the publicity	Paragraph 6
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 6		
21	Are there any observations in respect of the s48 notice provided above?			
	Not Applicable			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations ¹¹ ?	<p>Yes</p> <p>The notice was sent to the EIA consultation bodies on 5 October 2017 as confirmed in paragraph 7.2.1 of the Consultation Report (Doc 6.1). Copies of the letters sent to s42 consultees stating that the s48 notice is included are provided in Appendix 20.</p>		
s49: Duty to take account of responses to consultation and publicity				
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>The Applicant has set out in brief at paragraph 1.3.6 and in full in Sections 4, 6, 7 and 10 of the Consultation Report (Doc 6.1) and within the related Appendices 9, 10, 19, 21 and 30 the actions that have been taken having regard to the consultation responses received, (in the form of a schedule of responses and the related actions). They have also described at Appendices 9, 10, 19, 21 and 30 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,</p>		

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

		where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.
Guidance about pre-application procedure		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Paragraph 2.3.3 of the Consultation Report (Doc 6.1) explains how the Applicant has had regard to DCLG guidance on the pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.
25	Summary - s55(3)(e)	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.
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"> a brief statement which explains why it falls within the remit of the Secretary of State; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	Yes Box 4 of the Application Form (Doc 1.1) explains why the development falls within the remit of the Secretary of State. Box 5 of the Application Form provides a brief non-technical description of the development proposal, whilst Box 6 provides the location of the proposal. A Location Plan (Doc 2.12) has been provided.
27	Is it accompanied by a consultation report?	Yes The application is accompanied by a Consultation Report (Doc 6.1) and Consultation Report Appendices (1 – 30) .

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

28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	Yes					
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes , the documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:					
Information		Document		Information		Document	
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Doc 5.2	b)	The draft proposed order	Doc 3.1		
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Doc 3.2	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Doc 4.3		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).		
e)	A copy of any flood risk assessment	Doc 5.2 Appendices 7.1 and	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	Doc 6.2		

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

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

		7.2		nuisances) and if so how the applicant proposes to mitigate or limit them	
	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)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.2)	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	Doc 2.1, 2.1A - 2.1F
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).
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 works may be	Doc 2.2, 2.2A - 2.2G	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	Doc 2.3, 2.3A - 2.3E

	carried out and any limits of deviation provided for in the draft order			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?
				Yes - with minor discrepancies (as noted in Box 30)
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; (ii) habitats of protected species, important habitats or other diversity features; and (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	i) Doc 5.2 - Figures 5.1 and Doc 6.3 – Figure 1 ii) Doc 5.3 – Figures 5.2 and 5.3 iii) Doc 5.2 – Figure 3.1 The assessment of effects on (i) and (ii) is contained in the Environmental Statement Chapter 5 (Doc 5.2) . The assessment of effects on (iii) is provided in the Environmental Statement Appendix 7.2 (Doc 5.2)	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
	Is this of a satisfactory standard?	Yes - with minor discrepancies (as		Is this of a satisfactory standard?
				Yes - with minor discrepancies (as

		noted in Box 30)			noted in Box 30)
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Not Applicable No Crown Land identified in Book of Reference	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	Doc 2.4, 2.4A - 2.4H, 2.4J - 2.4N, 2.4P - 2.4U, 2.5, 2.5A - 2.5D, 2.6, 2.6A - 2.6C, 2.7, 2.7A - 2.7D, 2.8, 2.9A - 2.9D, 2.10 - 2.14
	Is this of a satisfactory standard?			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:	Not Applicable	q)	Any other documents considered necessary to support the application.	Yes
	Are they of a satisfactory standard?	Not Applicable		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided above?				
	Environmental Statement (Doc 5.2) Regulation 5(2)(a) i) It is noted that, while the Applicant considers that the environmental statement could have been prepared under the 2009 EIA Regulations,				

under the transitional provisions, they have prepared the Environmental Statement so that it complies with the 2017 EIA Regulations. [s51 advice](#) has been issued regarding this matter.

ii) The parameters plan (Figure 2.1), landscape phasing plan (Figure 2.2) and main site phasing plan (Figure 2.3) are not labelled with the relevant figure numbers, which makes it difficult to identify them in hard copy. [s51 advice](#) has been issued regarding this matter.

Regulation 5(2)(m)

Figure 10.1 of the **Environmental Statement (Doc 5.2)** does not show all the identified receptors listed in Table 10.4 of **Chapter 10** of the **Environmental Statement**. [s51 advice](#) has been issued regarding this matter.

Development Consent Order (Doc 3.1) On page 66 of the draft DCO (Schedule 8, Part 2), the description for Stratford Road erroneously states that the centreline is marked in pink. This should read orange.

Book of Reference (Doc 4.3) There appear to be miscalculated measurements in the District of South Northamptonshire Part 1, Column 2 as follows:

- 4/13 ‘503 square metres’, and
- 4/13a, ‘6149 square metres’

Location Plan (Doc 2.12) The red line boundary for the A508 Grafton Regis junction is not completely in the area of the location plan. **Land Plans (Doc 2.1A – 2.1F)** The following plots on the land plans cannot be seen clearly: 2/29, 6/8, 6/12, 6/15 & 6/16.

On **Sheet 6** of the **Land Plans (Doc 2.1F)** the point at which plots 6/5, 6/6, 6/8 & 6/9 meet is unclear.

Access and Rights of Way Plans (Doc 2.3C) there is an un-referenced new private means of access. It would appear that this should be referenced as ‘M’.

Cross Sections Plans (Doc 2.4G – 2.4L) don’t appear to be consistently drawn to scale.

The following plans have no revision number printed on the hard copies (these do appear on the electronic versions): **2.9B, 2.9C** and **2.9D**. The paper and electronic plans otherwise appear identical.

31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Doc 6.3. The ‘in-</p>
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	Conservation (Natural Habitats, &c.) Regulations 1994 ¹⁵ 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)? ¹⁶	<p>combination' element is covered by the cumulative effects assessment in Chapter 5 of the ES (Doc 5.2).</p> <p>The report identifies relevant European sites and the likely effects on those sites.</p> <p>Note: S51 advice has been issued in relation to this and 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 Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁷	Yes
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	Yes On reviewing the application the Applicant appears to have had regard to DCLG guidance, and the overall standard of the application is satisfactory.
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate considers that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) and concludes that the application is of a satisfactory standard and can be accepted.</p> <p>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 is considered to significantly reduce the ability of prospective participants in the</p>

¹⁵ Now replaced by regulation 68 of the Conservation of Habitats and Species Regulations 2017

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

¹⁷ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Examination from appreciating the extent and effects of the application. [Section 51 advice](#) has been provided to the Applicant to remedy these matters.

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁸	Application Fee was received before submission of the application on 9 May 2018.
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Electronic Signature	Name	Date
Case Manager	<i>Kate Mignano</i>	15 June 2018
Acceptance Inspector	<i>Philip Asquith</i>	15 June 2018

¹⁸ 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.