

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Section 55 Checklist

Document reference: 1.3

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January 2023

Planning Act 2008

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

This document is submitted by the Applicant to assist the Planning Inspectorate with signposting of application documentation.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		[Submission Date]		
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments [APPLICANT’S COMMENTS TO ASSIST THE PLANNING INSPECTORATE]		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in	<p>Yes - the proposed development is a Nationally Significant Infrastructure Project (NSIP) as it consists of the construction of a rail freight interchange within sections 14(1)(l) and 26 of the Planning Act 2008. This is stated and summarised on the Application Form (Doc 1.2) at Section 4 which confirms that the application is an application for a Development Consent Order (DCO) under the Planning Act 2008.</p> <p>Details of the proposed development are set out in Schedule 1 of the draft Development Consent Order (Doc 3.1).</p> <p>The Explanatory Memorandum (Doc 3.2) explains at Paragraph 2.1 why and how the proposed development meets the necessary criteria to qualify as an NSIP under section 26 of</p>		

¹ References in this document to the Secretary of State includes references (where applicable) to the Planning Inspectorate Major Casework 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 to 30

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

	ss14 to 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?	the Planning Act 2008.
3	Summary: Section 55(3)(a) and s55(3)(c)	
Section 55(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 Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>(a) No - A screening opinion was not requested in respect of the proposed development.</p> <p>(b) Yes - The applicant sent written notification to the Secretary of State on 12 November 2020, pursuant to Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, that an environmental statement would be submitted with the application.</p> <p>The applicant's letter also set out a request under regulation 10(1) of the 2017 EIA Regulations that the Secretary of State provides a Scoping Opinion in respect of the environmental statement and was accompanied by a Scoping Report (Doc 6.2.6.1). A Scoping Opinion (Doc 6.2.6.2) was received from the Planning Inspectorate on 22 December 2020.</p> <p>The Environmental Statement (Doc 6.1) explains the consultation carried out in accordance with the 2017 EIA Regulations, and this is summarised in Chapter 15 of the Consultation Report (Doc 5.1).</p>
5	Have any Adequacy of Consultation Representations ⁵ been received from 'A', 'B', 'C' and 'D' local authorities;	Details of the local authorities consulted and their status pursuant to s43 of the Planning Act

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

⁵ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

	and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	2008 is contained in paragraph 9.3.10 of the Consultation Report (Doc 5.1) .
Section 42: Duty to consult		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>Chapter 9 of the Consultation Report (Doc 5.1) sets out details of the statutory consultation undertaken by the applicant pursuant to section 42 of the Planning Act 2008 (Referred to as ‘Stage 2 Consultation’ as it followed Stage 1 and Stage 1A which were non-statutory consultation (see Chapter 5 and Chapter 6 of the Consultation Report).</p> <p>A list of the prescribed consultees consulted in accordance with section 42(1)(a) of the Planning Act 2008 and Schedule 1 to the APFP Regulations is located at Appendix 9.6 of the Consultation Report (Doc 5.1). This list follows the order of prescribed consultees listed in Schedule 1 to the APFP Regulations. Further details are contained in paragraph 9.3.3 to paragraph 9.3.19 of the Consultation Report (Doc 5.1).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁷ ?	No – Not Applicable.
8	Section 42(1)(b) each local authority within s43 ⁸ ?	Yes - Paragraph 9.3.9 and Paragraph 9.3.10 of the Consultation Report (Doc 5.1) set out the local authorities that the applicant consulted in accordance with section 42(1)(b) of the Planning Act 2008 and explains which categories those local authorities within under section 43 of the Planning Act 2008.

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

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

⁸ Definition of ‘local authority’ in s43(3) of the PA2008: The ‘B’ authority where the application land is in the authority’s area; the ‘A’ authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the ‘C’ authority (upper tier) where the application land is in that authority’s area; the ‘D’ authority (upper tier) where such an authority shares a boundary with a ‘C’ authority

9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	No – Not Applicable
10	Section 42(1)(d) each person in one or more of s44 categories ⁹ ?	Yes – Paragraphs 9.3.11 to 9.3.17 of the Consultation Report (Doc 5.1) explains how the applicant identified persons within the categories under section 44 (referred to in the Consultation Report as ‘Persons with an Interest in Land’) for the purpose of complying with the section 42(1)(d) of the Planning Act 2008. This included the erection of site notices where interests were unknown (see Paragraphs 8.4.15 and 9.3.15 of the Consultation Report (Doc 5.1)). Copies of the site notices attempting to identify the relevant interests for the purpose of section 44 of the Planning Act 2008 are located at Appendices 9.11 and 9.12 of the Consultation Report (Doc 5.1) .

Section 45: Timetable for s42 consultation

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>Yes – The consultees were contacted by letter on 7th January 2022 informing them of the consultation and clearly specifying the deadline for receipt by the applicant of consultation responses, which was 9th March 2022 (see paragraph 9.4.1 and Appendices 9.1 and 9.2 of the Consultation Report (Doc 5.1)). The deadline for responses to the consultation was subsequently extended to 8th April 2022 (see section 9.2 and Appendices 9.3, 9.4 and 9.5 of the Consultation Report (Doc 5.1)) for further details regarding the extension to the consultation period).</p> <p>As such, the Section 42 consultees and the non-prescribed persons were provided with a significantly longer period than the statutory 28 days required by Section 45 of the Planning Act 2008 to provide responses to the consultation and were notified of the deadline for responding in accordance with section 45 of the Planning Act 2008.</p>
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Section 46: Duty to notify the Planning Inspectorate of proposed application

12	Did the Applicant supply information to notify the	Yes – The applicant informed the Planning Inspectorate in writing on 4 th January 2022 of its
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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: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

	<p>Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>intention to submit an application for a Development Consent Order (pursuant to section 46 of the Planning Act 2008). This notification included copies of the information to be provided to consultees under section 42 of the Planning Act 2008. This was done prior to the applicant commencing consultation under section 42.</p> <p>Paragraphs 9.6.6 to 9.6.8 of the Consultation Report (Doc 5.1) provide further details and copies of the written notification and the acknowledgement received from the Planning Inspectorate are included at Appendix 9.9 and Appendix 9.10 of the Consultation Report (Doc 5.1).</p>
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Section 47: Duty to consult local community

13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes – The applicant prepared a Statement of Community Consultation (SoCC) in accordance with the requirements of section 47 of the Planning Act 2008. Details of the steps taken by the applicant to prepare the SoCC are set out in Chapter 7 of the Consultation Report (Doc 5.1). A copy of the SoCC is contained at Appendix 7.1 of the Consultation Report.</p>
14	<p>Were ‘B’ and (where relevant) ‘C’ authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that ‘B’ and (where applicable) ‘C’ authorities received the consultation documents?</p>	<p>Yes – Details of the consultation undertaken on the SoCC is detailed in Paragraph 7.3.1 to Paragraph 7.3.10 and Appendix 7.2 of the Consultation Report (Doc 5.1) including details of the consultation with the ‘B’ and ‘C’ authorities. The formal consultation on the SoCC ran between 26th August 2021 to 24th September 2021 giving a period of 28 days for comments in accordance with Section 47(3) of the Planning Act 2008. A copy of the letters issued to the local authorities is contained at Appendix 7.3 of the Consultation Report (Doc 5.1).</p> <p>It should be noted that extensive informal consultation was also carried out on the draft statutory SoCC from January to July 2021 (see paragraphs 7.3.3 and 7.3.4 of the Consultation Report) and on an earlier initial SoCC which guided the approach to earlier phases of non-statutory consultation (see Chapter 4 of the Consultation Report).</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes – The Applicant’s regard to the comments provided by the local authorities on the draft SoCC prepared for statutory consultation are contained at Appendix 7.2 of the Consultation Report (Doc 5.1).</p>
16	<p>Has the SoCC been made available for inspection in a way</p>	<p>Yes – Details are provided in Paragraph 7.4.1 to Paragraph 7.4.7 of the Consultation Report</p>

	<p>that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>(Doc 5.1).</p> <p>The applicant placed a notice for two consecutive weeks in the Hinckley Times and the Leicester Mercury both of which circulate in the vicinity of the land. The notices stated where and when the statutory SoCC could be inspected. A copy of the notice is included at Appendix 7.5 of the Consultation Report (Doc 5.1).</p> <p>The statutory SOCC was also made available for viewing free of charge on the HNRFI project website.</p> <p>The statutory SoCC was provided to the local authorities listed at Paragraph 7.4.5 of the Consultation Report (Doc 5.1) in the form of a link, with a request that the SoCC be displayed on their websites.</p> <p>The statutory SoCC of the Consultation Report (Doc 5.1) was provided to the Chairs of Parish Councils within Blaby District Hinckley and Bosworth Borough and the Parish Councils identified at Appendix 8 of the statutory SoCC with an invitation that the statutory SoCC is displayed on the individual Council’s website.</p> <p>The statutory SoCC was provided to the libraries listed at Appendix 12 of the statutory SoCC with a request to display a link to the statutory SoCC on their website. The e-mail sent to the libraries is attached at Appendix 7.6 of the Consultation Report (Doc 5.1).</p>
17	<p>Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p>Yes – the SoCC stated that the scheme is EIA development and explained how preliminary environmental information would be made available as part of the Stage 2 consultation.</p>
18	<p>Has the Applicant carried out the consultation in accordance with the SoCC?</p>	<p>Yes – the applicant carried out the s47 consultation in accordance with the SoCC. Paragraph 7.5 and Appendix 7.7 of the Consultation Report (Doc 5.1) provide details of how the SoCC was complied with.</p>

Section 48: Duty to publicise the proposed application

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

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes – Chapter 10 of the Consultation Report (Doc 5.1) sets out details of how the applicant publicised the proposed application in accordance with Section 48 of the Planning Act 2008 and Regulation 4(2) of the APFP Regulations. A copy of the s48 notice containing the prescribed information is contained in Appendix 10.1 of the Consultation Report (Doc 5.1) .		
		Newspaper(s)		Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Paragraph 10.1.4 and Table 10.1 of the Consultation Report (Doc 5.1) confirm the s48 notice was published as follows: <ul style="list-style-type: none"> • Hinckley Times – (Regional) published for two successive weeks • Leicester Mercury - (Regional) published for two successive weeks Copies of the notices as they appeared in these local newspapers are contained within Appendix 10.2 of the Consultation Report (Doc 5.1)		15 th December 2021 and 22 nd December 2021
b)	once in a national newspaper;	Paragraph 10.1.4 and Table 10.1 of the Consultation Report (Doc 5.1) confirm the s48 notice was published as follows: <ul style="list-style-type: none"> • Daily Telegraph (National) (15 December 2021) A copy of the notice, as it appeared in this national newspaper, is contained within Appendix 10.2 of the Consultation Report (Doc 5.1)		15 th December 2021
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Paragraph 10.1.4 and Table 10.1 of the Consultation Report (Doc 5.1) confirm the s48 notice was published as follows: <ul style="list-style-type: none"> • London Gazette (15 December 2021) A copy of the notice, as it appeared in the London Gazette, is contained within Appendix 10.2 of the Consultation Report (Doc 5.1)		15 th December 2021
d)	where the proposed application relates to offshore development –	Not Applicable		

	(i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?				
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes - A copy of the s48 notice is contained within Appendix 10.1 of the Consultation Report (Doc 5.1) and contains the information required by regulation 4(3) of the APFP Regulations, as set out in the table below:			
	Information required by Regulation 4(3)	Paragraph of s48 notice		Information required by Regulation 4(3)	Paragraph of s48 notice
a)	the name and address of the Applicant.	1 st Paragraph	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1 st Paragraph
c)	a statement as to whether the application is EIA development	3 rd Paragraph	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2 nd Paragraph
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 on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps	4 th and 5 th Paragraphs	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	4 th Paragraph
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6 th Paragraph	h)	details of how to respond to the publicity	8 th Paragraph
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following	5 th Paragraph			

	the date when the notice is last published		
21	Are there any observations in respect of the s48 notice provided above?		
	Not Applicable for the applicant.		
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 – Paragraph 10.1.5 of the Consultation Report (Doc 5.1) confirms that a copy of the Section 48 notice was sent to the EIA consultation bodies at the same time the notice was published in the local newspapers.</p> <p>Appendix 9.1 of the Consultation Report (Doc 5.1) contains a copy of the letter sent to the section 42 consultees (including the EIA consultation bodies) providing the section 48 notice.</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 and s47 consultation and s48 publicity?	<p>Yes – Chapter 11 of the Consultation Report (Doc 5.1) provides a summary of the responses received to the consultation under sections 42 and 47 and the publicity under section 48 of the Planning Act 2008 and how the applicant has had regard to those responses in preparing the application. A full account of the consultation responses and the regard to those responses is provided in Chapter 8 and Appendix 8.15 (for s47 consultation) and Chapter 9 and Appendix 9.8 (for s42 consultation) of the Consultation Report. As section 48 publicity occurred in parallel with the s42 and s47 consultation, any responses to the s48 publicity are incorporated within responses to s42 and s47 consultation.</p> <p>These sections of the Consultation Report clearly demonstrate that the applicant carefully considered all relevant responses when preparing the application and explains how the proposals put forward in the application evolved in response to the feedback received from consultees.</p>	
Guidance about pre-application procedure			

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

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹² ?	As explained in section 3.3 of the Consultation Report (Doc 5.1) , in carrying out its pre-application consultation and publicity in relation to the proposed application, the applicant has had regard to the guidance set out in 'Planning Act 2008: Guidance on the pre-application process' published by the Department for Communities and Local Government (as it was then known) in March 2015. The applicant has also taken into account relevant non-statutory advice published by the Planning Inspectorate, particularly that contained in Advice Note 14. Appendix 3.1 of the Consultation Report (Doc 5.1) provides detail on how the applicant has adhered to both the statutory guidance published by DCLG and the non-statutory advice published by PINS.
25	Summary: Section 55(3)(e)	
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 Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	Yes – Section 4 of the Application Form (Doc 1.1) explains why the proposed development falls within the remit of the Planning Inspectorate and the Secretary of State. The application site is described in Section 5 of the Application Form (Doc 1.1) and the location is set out in Section 6 . There is also a Site Location Plan (Doc 2.1) accompanying the application.
27	Is it accompanied by a Consultation Report?	Yes – (Doc 5.1)
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between	Yes – A key plan is included as part of the following series of plans all of which comprise three or more separate sheets:

¹² The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

	the different sheets? ¹³	<ul style="list-style-type: none"> • Land Plans (Document Reference 2.20) • Works Plans (Document Reference 2.2) • Access and Right of Way Plans (Document Reference 2.3) • Highways Plans (Document Reference 2.4) • Highways Classification Plans (Document Reference 2.5) • Speed Limit Plans (Document Reference 2.7) • Parameters Plan (Document Reference 2.12) • Site Location Plan (Document Reference 2.1) • Crown Land Plans (Document Reference 2.26) • Illustrative Railport General Arrangement Plans (Document Reference 2.25)
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29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes – As listed below.
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Information		Document		Information		Document	
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Documents 6.1 – 6.3 inclusive		b)	The draft Development Consent Order (DCO)	Document 3.1	
	Is this of a satisfactory standard?				Is this of a satisfactory standard?		

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

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

c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Document 3.2	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Document 4.3
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	Document 6.2.14.1 (Appendix 14.1 to the Environmental Statement)	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	Document 14.1
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Document 4.1 (Statement of Reasons) Document 4.2 (Funding Statement)	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	Plans at Document series 2.20

			<p>which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>		
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	<p>Works Plans showing the proposed location of the development; and the limits within which the development and works may be carried out</p> <p>Document series 2.2 has been submitted with the application.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Access and Rights of Way Plans 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 have been submitted with the application</p> <p>Document series 2.3.</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-</p>	<p>The relevant plans, information and assessment are contained in Chapters 11 (Landscape and Visual Effects) and 12 (Ecology and Biodiversity) of the</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory</p>	<p>The relevant plans, information and assessment are contained in Chapters 11 (Landscape and Visual Effects) and Chapter 13 (Cultural Heritage) of the Environmental</p>

<p>statutory sites or features of nature conservation eg 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, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Environmental Statement (Documents 6.1.11 and 6.1.12) and their accompanying appendices.</p> <p>Some of the plans provided for these purposes (Figures 11.2 – Environmental Planning Considerations, 11.3 – Public Rights of Way and Informal Open Space, 11.4 – Site Character and Context, 11.5 – Published Landscape Character Areas, 11.14 – Public Rights of Way Strategy, 12.1 – Statutory Designated Sites, 12.2 – Non-Statutory Designated Sites, 12.3 – Extended Phase 1 Survey, 12.4 – Hedgerow Survey, 12.5, 12.6 & 12.7 – Winter Bird Surveys, 12.8, 12.9 & 12.10 – Breeding Bird Surveys, 12.13 – Bat Roost Assessment (Trees), 12.21 – Badger Survey (Confidential), 12.22 – Great Crested Newt Survey and 12.23 – Reptile Survey) within the Environmental Statement do not comply with the scale requirement at Regulation 5(4A) however, it would be difficult to present the information at that stated scale in a manner which can be read in context with the site and they are legible and clear at their submitted scales.</p>		<p>sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Statement (Document 6.1.13) and its accompanying appendices.</p> <p>Some of the plans provided for these purposes (Figures 11.2 – Environmental Planning Considerations, 13.2 – Designated Heritage Assets and Zone of Theoretical Visibility and 13.4 – Known Heritage Assets) within the Environmental Statement do not comply with the scale requirement at Regulation 5(4A) however, it would be difficult to present the information at that stated scale in a manner which can be read in context with the site and they are legible and clear without compliance at their submitted scales.</p>	
<p>Is this of a satisfactory standard?</p>			<p>Is this of a satisfactory standard?</p>		

n)	Where applicable, a plan with any accompanying information identifying any Crown land	Plans at Document series 2.26	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>Doc 2.1 (Site Location Plan)</p> <p>Doc 2.4 (Highways Plans)</p> <p>Doc 2.5 (Highway Classification Plans)</p> <p>Doc 2.6 (Traffic Regulation Plans)</p> <p>Doc 2.7 (Speed Limit Plans)</p> <p>Doc 2.8 (Illustrative Masterplan)</p> <p>Doc 2.9 (Illustrative Context Masterplan)</p> <p>Doc 2.10 (Demolition Plan)</p> <p>Doc 2.11 (Existing Utilities – Features and Areas of Influence)</p> <p>Doc 2.12 (Parameters Plan)</p> <p>Doc 2.15 (Illustrative Sections Through Railway Headshunt)</p> <p>Docs 2.16 & 2.17 (Illustrative Site Sections)</p> <p>Doc 2.18 (Indicative Phasing & Works Plans)</p> <p>Doc 2.19 (Bridge Plan)</p> <p>Doc 2.21 (Illustrative Sections Through Railport)</p> <p>Doc 2.22 (Railport Plans)</p> <p>Doc 2.23 (Rail Section Plans)</p> <p>Doc 2.24 (Development Rail Connection Options)</p> <p>Doc 2.25 (Railport GA Plans)</p> <p>Doc 2.27 (Order Limits Plan)</p>
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Is this of a satisfactory standard?		Are they of a satisfactory standard?	
<p>p) Any of the documents prescribed by Regulation 6 of the APFP Regulations:</p>	<p>N/A</p>	<p>q) Any other documents considered necessary to support the application</p>	<p>Doc 1.4 (Guide to the Application) Doc 5.2 (Other Consents and Licences Report) Doc 6.4 (ES Non-Technical Summary) Doc 7.1 (Planning Statement) Doc 8.1 (Design and Access Statement) Doc 9.1 (DCO Obligation) Doc 10.1 (S106 Heads of Terms) Doc 11.1 (Existing Speed Limit Order) Doc 12.1 (Preliminary Water Framework Directive Assessment) Doc 13.1 (Draft Design Code) Doc 14.1 (Statutory Nuisance Statement) Doc 15.1 (Statement of Common Ground Intent Schedule) Doc 16.1 (Market Needs Assessment) Doc 16.2 (HNRFI Logistics Demand and Supply Assessment) Doc 17.1 (Construction Environmental Management Plan) Doc 17.2 (Landscape Ecological Management Plan) Doc 17.3 (Site Waste and Materials Management Plan)</p>

				<p>Doc 17.4 (HGV Route Management Plan and Strategy)</p> <p>Doc 17.5 (Ecological Mitigation and Management Plan)</p> <p>Doc 17.6 (Construction Traffic Management Plan)</p>
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁵	<p>Yes.</p> <p>A Shadow Habitats Regulations Assessment is provided at Appendix 12.3 of the Environmental Statement (Document 6.2.12.3).</p>		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁶	No paper copies have been requested by the Planning Inspectorate.		
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers	Yes – The applicant has followed DCLG guidance 'Planning Act 2008:Application form guidance' in respect of the Application Form (Doc 1.2)		

¹⁵ Regulation 5(2)(g) of the APFP Regulations

¹⁶ Regulation 5(2)(r) of the APFP Regulations

	satisfactory?	
34	Summary - s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁷ ?	The fee was paid on 14 December 2022 by bank transfer (BACS).

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

¹⁷ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

Appendix

Applicant's Responses to PINS' feedback on draft documentation



APPENDIX TO APPLICANT'S S.55 CHECKLIST

This document contains the Applicant's responses to comments provided by the Planning Inspectorate in respect of select draft documentation submitted in September 2022.

Hinckley National Rail Freight Interchange – TR050007

Section 51 advice regarding draft application documents submitted by Tritax Symmetry (Hinckley) Limited

On 12 September 2022 and 26 September 2022 Tritax Symmetry (Hinckley) Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Draft Development Consent Order
2. Explanatory Memorandum
3. ES Chapter 3 (development description)
4. ES Chapter 4 (alternatives and design evolution)
5. ES Chapter 6 (scoping and methodology)
6. Parameter Plan
7. Illustrative Masterplan
8. Land Plans
9. Works Plans
10. Access and Rights of Way Plans
11. Highway Plans
12. Highway Classification Plans
13. Traffic Regulations Plans
14. Speed Limit Plans
15. Rail Plans
16. Consultation Report

¹ See: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
1.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate for its views on the <i>"...proposed drafting approach to the closure of level crossings"</i>.</p> <p>Article 13 (Public Rights of Way (PRoW) – creation, substitution, stopping up and closure of level crossings) and Schedule 5 (PRoW), Parts 1 and 2 of the draft Development Consent Order (dDCO) appear to be the parts of the dDCO relevant to this question. The only reference to level crossings appears to be at Article In general terms the article appears to work, and the drafting itself does not appear to be likely to be contentious, but it is possible that the Article and the way it works will be of interest to any examination.</p> <p>It is noted that the Explanatory Memorandum (EM) says it is based on similar articles in other made railway DCOs, but it doesn't explain what the differences are and why they are necessary. Indeed, the other DCOs referred to do not appear to mention or deal with the closure of level crossings and it would be of assistance if the EM could signpost where such closures in previous DCOs occur.</p> <p>13(5) of the dDCO, where it states, <i>"Subject to the provisions of this Article the level crossings shall be stopped up and</i></p>	<p>Article 13 has been further clarified. Article 13(5) is now clear that where relevant level crossing is crossed by a public right of way which is stopped up under paragraph (1), the relevant level crossing is stopped up and discontinued at the same time. "Relevant level crossing" is defined in article 13(6).</p> <p>The EM was referring to the article in general and not specifically this question in respect of level crossings.</p>



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		<p><i>discontinued at the relevant stage of the authorised development specified on Parts 1 and 2 of Schedule 5.”</i></p> <p>It should be noted that the general lack of explanation, as mentioned above, appears to be common throughout the EM in relation to other Articles/ Provisions, etc and should be reviewed and corrected, where required.</p>	<p>The EM was an early draft and further explanations have been added.</p>
2.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate for its views on the “...description of the site wide works in Schedule 1” noting a further and final ‘sense check’ against the final project description is yet to be undertaken.</p> <p>The element of Schedule 1 of the dDCO that relates to ‘Further works’ appears to be very broad and will potentially provide considerable flexibility. These ‘Further works’ and their flexibility will need to be justified and the more detail that the Applicant can provide on these within the EM the better. It is likely that the ‘Further works’ highlighted in Schedule 1 would be explored during examination, so providing more detail in the EM and other documents, when submitting the application, would be helpful.</p> <p>The interpretation of Authorised Development will also require thorough justification in the EM.</p> <p>The Applicant is advised that some formatting in schedule 1 may need to be altered as part of the DCO validation process.</p> <p>It is noted that the question from the Applicant regarding schedule 1 is broad and that a further sense check is being</p>	<p>The Applicant has considered and refined the list of site wide works from the draft DCO provided. The approach is relatively standard and any flexibility is limited by the proviso that the site wide further works must still not give rise to any environmental effects which have not been assessed.</p>



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		undertaken by the Applicant in the meantime. The Planning Inspectorate is content to receive a more detailed question from the Applicant if required.	
3.	General comment	Many sections of the dDCO contains large areas of blank space where text needs to be inserted. Sometimes the area is marked in square brackets (i.e. “[]”) but the majority of times the areas are left blank. These include, but are not limited to, Schedule 2, Part 1 Requirements; Schedule 5, Parts 1, 2, 3 and 4; Schedule 6, parts 1, 2 and 3; Etc. These areas need to be completed in full and this Section 51 advice document cannot provide any comment on areas where the dDCO is incomplete/ missing text and can only provide limited comment on areas or text which are cross-referenced to areas of missing text.	Noted – the draft was not complete when submitted and this has been addressed in the submission version.
4.	General comment	Throughout the dDCO references within the text to Article numbers are incorrect. Whilst there are some correctly referenced Articles these are by far outweighed by incorrect referencing. The referencing of Article numbering within the texts must be reviewed and corrected.	Noted – the draft was not complete when submitted and this has been addressed as part of the submission. Indeed further articles have been added and so the cross referencing required further changes.
5.	General comment	Where the dDCO would allow changes or alterations to the Proposed Development, this is predicated on the basis that such changes or alterations would not result in any materially new or materially different significant environmental effects from those assessed in the environmental statement. This occurs on a number of occasions throughout the dDCO. The Applicant should carefully consider the use of the word ‘significant’ and, if retained, be prepared to qualify/justify its use.	Noted. The EM explains this approach and refers to other examples of made DCO which contain similar provisions.



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
6.	General comment	<p>Many of the Articles make provision for conferred powers not to be implemented without the consent of a third party (ie Article 10(2), Article 12(7), Article 14(3), Etc). However, it also makes provision for where that third party fails to notify the developer of its decision within a specified timescale. Despite this provision, there does not appear to be any reference within the Article as to what happens in the event of the third party refusing consent within the specified period. Schedule 2, Part 2 (Procedure for approvals etc under requirement) of the dDCO is noted. However, this is specific to requirements.</p> <p>The Applicant should consider what happens in the event of a third party refusing the details submitted to it for discharge pursuant to the terms of an Article and amend the dDCO accordingly, if required.</p>	<p>These provisions are included with the aim of ensuring a route to approval in the event of no response being provided so that the development is not stalled. They are standard provisions and are included in many made DCO. It is not considered necessary to include additional drafting because if a refusal is given then the party from whom approval is required is engaging in the process, and the undertaker will need to take the steps needed to obtain the consent following such refusal.</p>
7.	General	<p>When referring to a section of an Act, the definition of the section that appears in brackets sometimes appears after the section number and at other times after the name of the Act. The dDCO should choose a consistent approach in regard to this matter and ensure it is followed throughout the dDCO.</p>	<p>Noted, matters such as these have been picked up in the final preparation for submission.</p>
8.	General comment	<p>The DCO does not include a limit on the generating capacity of the Proposed Development.</p> <p>The Environmental Statement (ES) project description (paragraph 3.6 (d) and (e)) includes a gas-fired Combined Heat and Power (CHP) Plant generating a maximum of 5 megawatts (MW) and roof-mounted photovoltaics generating a maximum of</p>	<p>Requirement 17 has been included to ensure that the authorised development does not generate more than 49.9 megawatts of electricity.</p>



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		42.4 MW, together equalling a total of 47.4 MW. The maximum generating capacity of the CHP should be secured in the DCO.	
9.	Article 2 (Interpretation)	“Chief Officer of Police” only references the Chief Constable of Leicestershire Police Force, despite elements of the proposed development laying across more than one County boarder. As such, is this reference correct?	The definition has been amended to refer to the “relevant area”.
10.	Article 2 (Interpretation)	“Trunk Road” subheading (b) refers to “of that Act;”. Whilst it is noted that preceding sub-paragraph refers to “...the 1980 Act;” the dDCO should be specific in each reference and not leave any chance of interpretation being ambiguous. The whole dDCO should be checked for any similar instances and correct, where necessary, being specific.	Noted.
11.	Article 8 (Transfer of the benefit of certain provisions of the Order)	Article 8(5)(a)(iv) appears to erroneously refer to Article 8(3)(a). It is advised that this is reviewed and corrected, if required.	This typographical error has been amended.
12.	Article 12 (Temporary closure of streets)	Article 10(2) uses the term “temporary working site.” However, there does not appear to be a definition of this term. It is advised that this is clarified, if required.	It is not considered that a definition is required, this can be readily understood from the context.
13.	Article 13 (PRoW...)	Article 13(1)(a), Article 13(1)(d), Article 13(2) and Article 13(4) all refer to the PRoW specified in columns (1) and (2) of Part 1 of Schedule 5 (PRoW to be permanently stopped up for which a substitute is to be provided). Is this reference correct, as only column (2) specifies the PRoW, whereas column (1) is titled	Noted, matters such as these have been picked up in the final preparation for submission.



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		'area' and specifies the District within which the PRoW lies? It is advised that this is reviewed and amended, if required.	
14.	Article 14 (Accesses)	In terms of private means of access (see Article 14(4), (5) and (6)) should there be a provision within this article related to temporary/ permanent closure of a private means of access?	It is considered this article is satisfactory as drafted, it is based on standard wording. Articles 14(4) and (5) deal with the replacement or closures as necessary.
15.	Article 18 (Traffic Regulation)	Article 18(2) and (3) appear to refer to incorrect paragraph numbers within the body of the text.	Noted, matters such as these have been picked up in the final preparation for submission.
16.	Article 23 (Compulsory acquisition of land)	<p>Article 23(1). This article would acquire the land compulsorily, if the DCO were made, however, what about securing the use of any land so acquired?</p> <p>Article 23(1) appears to have an erroneous comma ',' before the final word 'it'.</p> <p>Article 23(3). Should this sub-paragraph include reference to Article 33 (Temporary use of land for maintaining the authorised development)?</p> <p>Is it intended that this Article (Article 23) should apply in relation to any rights of apparatus to which section 138 of the Planning Act 2008 (Extinguishment of rights, and removal of apparatus of Statutory Undertakers, Etc.) or Article 34 (Statutory Undertakers) applies?</p>	All Compulsory Acquisition articles have been reviewed since the submission of draft documentation to PINS in September 2022, this review considered the comments below.
17.	Article 27	Article 27. The Article (Time limit for exercise of authority to acquire land compulsorily) is described as Time limit for	Noted, matters such as these have been picked up in the final preparation for submission.



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		exercise of authority to acquire land <u>and rights</u> compulsorily in the EM.	
18.	Article 28 (Private rights)	Article 28(6). Should this also apply to apparatus? (i.e. "This article does not apply in relation to any right <u>or apparatus</u> to which section 138 of...")	This wording has been added to the article.
19.	Article 30 (Application of the 1981 Act)	Article 30(9). Is reference to Schedule 2A correct?	Noted, matters such as these have been picked up in the final preparation for submission.
20.	Article 38 (Guarantees in respect of payments of compensation)	<p>Article 38(1)(a) Is the 'relevant planning authority' the correct authority in terms of the approval of a guarantee?</p> <p>Article 38(1)(b) provides for an alternative form of security but does not provide any clarity in terms of what. This should be clearly related back to the form and amount of security approved by the appointed person and specify that it relates to the liabilities of the undertaker to pay compensation pursuant to the provision referred to in the paragraph.</p>	<p>The Applicant considers this is correct, since it is anticipated that security in respect of the exercise of relevant powers in Blaby District would need to be approved by Blaby District Council and the same would apply in Hinckley and Bosworth Borough.</p> <p>It is considered clear that the alternative form of security is related to the liabilities of the undertaker to pay compensation.</p>
21.	Article 43 (Felling or lopping of	What is the meaning of 'Hedgerow'?	A definition has been added to article 2 by reference to the Hedgerow Regulations.



Draft Development Consent Order			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
	trees and removal of hedgerows)	<p>Article 43(1) refers to tree, shrub or hedgerow but in sub-paragraphs in this article reference to shrub disappears. Should reference to shrub be included in subsequent sub-paragraphs?</p> <p>Article 43(4) is in square brackets '[]'. It is advised that this is amended, if required.</p>	Noted, matters such as these have been picked up in the final preparation for submission.
22.	Article 47 (Certification of plans and documents)	Article 47(1) states "...copies of the documents identified in Schedule 16..." should this also refer to 'plans'?	Yes, this has been amended.
23.	Article 48 (Service of notice)	Article 48(5)(d). Wording at the beginning of this sub-paragraph appears to be missing. Should it read: " <i>The notice or document is...</i> " at the start of the sentence.	Yes, this has been amended.
24.	Schedule 2, Part 2, (Procedure for approvals etc under requirements)	Throughout this Part reference is made to paragraph 43 and 44. Are these references erroneous? If not paragraphs 43 and 44 of what? (see Paragraphs 2(2)(a), 2(2)(b), 4(1)(b), 4(1)(c) and 4(2)(a)). It is advised that this is clarified.	References have been reviewed and amended.
25.	Schedule 1, Part 2	Work number 20 has the word '[CHECK]' written within the text. It is advised that this is reviewed and amended as necessary.	Noted, matters such as these have been picked up in the final preparation for submission.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
26.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate the following: “<i>It is proposed that the Guide to Application will contain the detail on why the highway works do not constitute NSIPs in their own right... rather than in the Explanatory Memorandum... Is this acceptable or would PINS prefer that this be contained in the EM?</i>”</p> <p>The EM is considered to be the right place for this, rather than in a Guide to the Application.</p>	Noted, this has been included in the EM.
27.	Specific Question asked by the Applicant	<p>The Applicant asked: “<i>Are PINS content generally with the level of explanation of the articles/schedules?</i>”</p> <p>A number of the tables need to be completed providing justification (i.e., Table at 5.38 will need to provide the reasons why no substitute is offered). Additionally, the table relating to Requirements will need to be completed, and there is a general concern regarding the use of ‘brief reasons’. While the explanation should be as succinct as the circumstance allow, they need to explain the purpose and justification. It is generally more helpful if the Applicant goes beyond just saying what each requirement does.</p>	Noted, these further and more detailed explanations have been included in the submission version.
28.	General comment	<p>It should be noted that the general lack of explanation, as mentioned in the above response on the DCO, appears to be common throughout the EM in relation to other Articles/ Provisions, etc and should be reviewed and corrected, where required.</p>	Noted and as above, more detail is included in the EM submission version.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
29.	General comment	Many of the paragraphs that set out an explanation of various Articles do not state whether those articles have a precedent or whether they are based on a model provision or whether they are novel articles/ provisions (eg Articles 16, 19, 22, etc., that are referred to in paragraphs 5.52, 5.63 and 5.72 etc). It is advised that the Applicant checks all Articles are correctly referenced in terms of precedent, model provision or novel article/provision.	Noted and as above, more detail is included in the EM submission version.
30.	1.3	There is no definition of the abbreviation 'HNRFI', prior to this paragraph. It is advised that 'HNRFI' is defined.	This has been added.
31.	2.1	This paragraph states the Proposed Development would meet the criteria set out in section 26 of the Planning Act 2008 but does not state how. It is advised that this is clarified.	Noted, this has been added in more detail.
32.	2.2	<p>This paragraph lists 'Main Site (Work nos. 1 - 7)' and 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' but is not clear what is 'Authorised Development' and what is 'Associated Development'. It is advised that this is clarified.</p> <p>In addition to the above, it is noted that Work numbers 18 and 19 appear to be missing from the explanation of the scope of the proposed development at paragraph 2.2. Is this an error?</p> <p>Furthermore, it is unclear which elements of the works, items a) to n) inclusive under the heading 'Main Site (Work nos. 1 -7)' and items a) to e) inclusive under the heading 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' relate to which work number. This should be clearly set out.</p>	The explanation of the Works has been simplified by including sub-headings and is then included later under Schedule 1 with reference to the detail and Work numbers contained in the DCO.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		Finally, under the heading 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' item 'c' refers to 'several junctions'. However, the Explanatory Memorandum (EM) should clearly set out which junctions will be modified.	
33.	2.10	Signposting of provisions referred to in this paragraph would be helpful.	Noted and signposting has been added.
34.	3.4	Signposting of the highway mitigation works proposed, as referred to in this paragraph, would be helpful.	Noted and signposting has been added.
35.	4.1	This paragraph needs completing. It is advised that the missing section identified in square brackets '[]' is completed.	Noted, matters such as these have been picked up in the final preparation for submission.
36.	5.14	The word 'the' is missing before the words 'Planning Inspectorate'.	Noted, matters such as these have been picked up in the final preparation for submission.
37.	5.28	The structure of the third sentence needs review.	Noted, matters such as these have been picked up in the final preparation for submission.
38.	5.30	The structure of this sentence needs review.	Noted, matters such as these have been picked up in the final preparation for submission.
39.	5.35	Which level crossings and what PRoW. It is advised that this is clarified.	This detail has now been included.
40.	5.37	The structure of the third and fourth sentences needs to be reviewed.	Noted, matters such as these have been picked up in the final preparation for submission.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
41.	Table below 5.37	Needs completing.	Noted, matters such as these have been picked up in the final preparation for submission.
42.	5.38 and Table below	Needs completing. Also, in terms of the table, the first field should include reference to document 2.3A, the penultimate field should include reference to document 2.3B and the last field should refer to points 19 and 20, not 9 and 20. It is advised that this is amended, if required.	Noted, matters such as these have been picked up in the final preparation for submission.
43.	Table below 5.43 and all subsequent tables	Need to be completed and checked to ensure that the correct document reference numbers are being cross referred to.	Noted, matters such as these have been picked up in the final preparation for submission.
44.	5.50	Paragraph needs completing.	Noted, matters such as these have been picked up in the final preparation for submission.
45.	5.58 and 5.88	These paragraphs refer to articles 23 and 25, but of what? It is advised that this is clarified.	This refers to the DCO, matters such as these have been picked up in the final preparation for submission.
46.	5.100	The structure of this sentence needs review.	Noted.
47.	5.115	Does Article 42 only provide a defence against noise and vibration or is the scope of Article 42 wider in terms of providing defence against other proceedings.	The wording in this article has been corrected and applies to statutory nuisance generally. See also the Statutory Nuisance Statement (Document 14.1).
48.	5.121	The structure of the second sentence needs review.	Noted, matters such as these have been picked up in the final preparation for submission.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
49.	5.122	It would be of assistance if the Applicant could provide evidence of the chosen approach in this paragraph.	This wording has been removed from the EM as it caused confusion – the Applicant was saying it is proposed to deal with the governance of details and amendments through the article and not requirement. The article remains as per the draft DCO.
50.	5.126	Two DCOs are referred to in the final sentence but have deviated from the way other DCOs have previously been referred to. For ease of identifying the DCOs being referred to their title should be provided in full, followed by the relevant Statutory Instrument (SI) number (The SI number can be included as a footnote). It is advised that consistency is ensured throughout the document.	Noted, matters such as these have been picked up in the final preparation for submission.
51.	5.128	Can the Applicant provide examples of where a similar provision has been applied in other DCOs?	Examples have been added to the EM.
52.	5.136	The descriptions of the Work Numbers in the dDCO are vague and should be broadened, if at all possible.	The explanation of the Works now replicates the detail in Schedule 1 of the DCO.
53.	5.137	Typographical error, with an extra full stop.	Noted, matters such as these have been picked up in the final preparation for submission.
54.	5.149	Preceding paragraphs refer to the different Parts of Schedules and signpost which Article(s) they relate to. However, no signposting has been provided in relation to this paragraph. It is advised that this is reviewed and amended, if required.	Noted, matters such as these have been picked up in the final preparation for submission.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
55.	5.153	Typographical error. Should 'districted' read 'derestricted'?	Noted, matters such as these have been picked up in the final preparation for submission.
56.	5.155	Title above appears to refer to incorrect Part number.	Noted, matters such as these have been picked up in the final preparation for submission.
57.	5.156	Typographical error. Should 'position' read 'possession'?	Noted, matters such as these have been picked up in the final preparation for submission.
58.	5.159	Schedule 13 of the dDCO is split into two parts, but this paragraph only refers to Schedule 13 in general terms. The EM should provide clarity in terms of each of the Parts within Schedule 13.	No longer applicable.
59.	5.160	<p>This paragraph relates to Schedule 14 (Protective Provisions) and names the parties who benefit from the Protective Provisions against each Part listed in the Schedule. However: Part 1 refers to Network Rail, but the dDCO refers to Railway Interests. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Part 2 refers to Highways England, but the dDCO refers to National Highways. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Part 3 refers to Leicestershire County Council, but the dDCO refers to the Local Highways Authority. Which is correct? It is advised that this is reviewed and amended as appropriate.</p>	References to parties has been clarified.



Explanatory Memorandum			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		<p>Part 5 refers to Severn Trent Limited, but the dDCO refers to Severn Trent Water Limited. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Additionally, it is noted that not all the highway works fall within the jurisdiction of Leicestershire County Council acting as the Local Highways Authority. Has consideration been given to the need for Protective Provisions to any other Local Highways Authorities that would be affected by the proposed highway works?</p>	<p>Yes. The definition of “local highway authority” in the draft protective provisions dealing with the local highway works deals with this.</p>
60.	Bullet points 8, 9, 29, 33, 39, 40, 41 and 43	Why are these set out differently from the other bullet points (see comment re 5.126 above).	Noted, matters such as these have been picked up in the final preparation for submission.

ES Chapter 3 (Development description)			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
61.	n/a	The chapters provided make no mention of the Energy suite of National Policy Statements (NPSs). Given the significant quantities of energy proposed to be generated, the Inspectorate advises that the ES and other aspects of the application should take account of the relevant Energy NPSs.	The relevant ES chapters have been amended to make it clear that the Energy NPS has been considered as it is a material consideration, but it remains an important clarification that the thresholds of the PA 2008 are not engaged.



ES Chapter 3 (Development description)			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
62.	Table 3.1	The ES should specify whether the maximum height of the built development includes the roof-mounted photovoltaics.	The parameters plan and chapter 3 have been amended to ensure that the maximum height including photovoltaics is clear.

ES Chapter 4 (Alternatives and design evolution)			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
63.	n/a	The Applicant may wish to include a suitably colour coded table (e.g. red, green, amber) in this chapter to summarise the constraints relating to the seven location options, to allow for easy at-a-glance comparison.	Noted, this has been incorporated in chapter 4 of the ES.

ES Chapter 6 (Scoping and methodology)			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
64.	6.38	The ES states that additional mitigation will be secured pursuant to the DCO (including its requirements) and possibly additional legal mechanisms or agreements. It is recommended that a Register of Environmental Actions and Commitments (or similar) is provided to summarise the committed mitigation measures within the chapters of the ES and associated appendices.	The Register of Environmental Actions and Commitments (REAC) is included in Ch 21. To avoid confusion, the text in ch 6 has been specifically amended to refer to a REAC.
65.	6.7 to 6.19	The Applicant's attention is drawn to paragraphs 2.3.2 and 2.3.3 of the 2020 Scoping Opinion. The Scoping Report made brief	The energy infrastructure and energy centre are described in chapter 3. For



ES Chapter 6 (Scoping and methodology)			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		reference to an energy centre on the site, but no further details were provided. As per the Scoping Opinion, the Applicant must ensure that the impacts of the roof-mounted photovoltaics and energy services (Combined Heat and power plant, battery storage, substation, etc) are fully assessed within the ES.	additional clarity, a line has been added into the text in chapter 6 to explain that the EIA assesses the effects of all items described in chapter 3.
66.	n/a	The dDCO notes that noise attenuation including acoustic fencing or landscape screening along the lengths is indicated on the parameters plan. Although 'Note 2' on the Parameter Plan explains that noise attenuation measures are to be provided within the landscaped areas, Railport and development zones, this could be better 'indicated' (perhaps diagrammatically) on the Parameter Plan.	The DCO has been amended as acoustic fencing/landscape screening is no longer shown on the parameters plan. The acoustic/landscape screening is secured via requirement 4.
67.	n/a	The Planning Inspectorate has no further comments to make on the Parameter Plan at this time.	Noted.

Land Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
70.	1842-8018_003341	The plans are easy to navigate with no lag and allow text searches. Both of these features can help stakeholders to identify the plots.	Noted.
71.	1842-8018_003341	It may be helpful to include the specific title of the plan, i.e., G 'Land Plan Sheet 1 of 8'.	The plan titles have been amended.
72.	1842-8018_003341	Consider using an inset zoomed section for smaller plots, such as for plot 14 and plots 22-24. The reason for doing so is to	Insets have been added where necessary.



Land Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		enhance clarity, an example is where there is some doubt can be found on a pink plot south east of plot 22. It is unclear if this is part of plot 24, or a separate plot. Similarly, there is what appears to be two unnumbered plots adjacent to plot 27 (Burbage Common Road).	All plots are now clearly numbered.
73.	1842-8018_003341	The plots are well defined, with good use of colour shading to depict the various land use type. It has not been possible to verify that the shading is correct, as a copy of the Book of Reference has not been submitted for review.	Noted.
74.	1842-	Ensure that each plot is shown in full on at least one sheet. For plots 25 & 26, the Planning Inspectorate was unable to determine if this is the case but the cutlines between sheet 1 and sheet 4 suggest that the plots will be split over the two sheets. This also appears to be the case for plot 37.	This was discussed in a meeting between PINS and the Applicant in September 2022 and it was agreed this comment be disregarded due to the impracticality.

Works Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
75.	n/a	The draft Works Plans would appear to meet the requirements of Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 in so far as the Plans are no larger than A0 size and are drawn to an accurate scale (not smaller than 1:2500) and show the direction of North.	Noted.
76.	n/a	The draft Works Plans would appear to meet Regulation 5(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 state that, where a plan comprises	Noted.



Works Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		three or more sheets (such is the case for the Applicant), a key plan must be provided showing the relationship between the different sheets.	
77.	n/a	Regulation 5 (2) (j) (ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 should be clearly shown on the works plans, for example on sheet 4.	The relevant Regulation number is clearly shown on all plans.
78.	HRF-BWB-LSI-D8-DR-CH-00160	Consistency between road names and number shown on draft Works Plans and stated in the draft DCO should be clear. For example, the draft DCO mentions B518 Broughton Road, but the Works Plans show B581 Coventry Road & B581 Broughton road.	This has been reviewed and plans/DCO amended where necessary.

Access and Right of Way Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
79.	n/a	The draft Access and Right of Way Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.	Noted.
80.	n/a	The draft Access and Right of Way Plans would appear to meet Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that, where a plan comprises three or more sheets, a key plan has been provided showing the relationship between the different sheets.	Noted.
81.		Part 1 of Schedule 5 of the dDCO notes that public right of way U8/1 is to be stopped up, and details that this is shown as a	The plans have been amended and reviewed against the relevant provisions of the DCO.



Access and Right of Way Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
	HRF-BWB-LSI-D3-DR-CH-00170	<p>dashed green line on Document 2.3C of the Access and Rights of Way Plans.</p> <p>Between points 21 and 22 on Document 2.3C the line appears to be full green (rather than dashed). This would suggest an existing bridleway is to be stopped up rather than an existing public right of way.</p> <p>Furthermore, the dDCO notes that the substitute to be provided here is shown dashed and dotted brown between points 21 and 22. This does not appear to be the case on Document 2.3C.</p> <p>It is also unclear where point 23 is shown on Document 2.3C.</p>	
82.	HRF-BWB-LSI-D1-DR-CH-00170	<p>Cut lines should match up and be consistent with the key plan provided. This does not appear to always be the case. For example, Document 2.3A shows references Document 2.3B towards the bottom of the plan. Should this read Document 2.3D instead?</p>	<p>Noted, the inconsistencies in the cut line have been resolved in the final plans submitted as part of the DCO.</p>
83.	HRF-BWB-LSI-D4-DR-CH-00170	<p>The dDCO notes that the footpath between point 33 and 34 is shown as dashed brown. This does not appear to be the case.</p>	<p>Noted, the line type/scale issue is resolved in the final plans submitted as part of the DCO.</p>



Highway Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
84.	n/a	The draft Highway Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.	Noted.
85.	n/a	The draft Highway Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.	Noted.
86.	n/a	The draft Highway Plans would appear to meet the requirements of Regulation 5(2) (o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.	Noted.

Highway Classification Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
89.	n/a	The draft Highway Classification Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.	Noted.
90.	n/a	The draft Highway Classification Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.	Noted.



Highway Classification Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
91.	n/a	The draft Highway Classification Plans would appear to meet the requirements of Regulation 5(2) (o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.	Noted.
92.	n/a	Drawing 1.dwl and Drawing 1. dwl2, these document types should not be submitted.	Noted.
93.	n/a	Anything appearing on the Highways Classification Plans Sheet should be within the Legend.	Noted, this has been checked and confirmed.

Traffic Regulations Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
94.	HRF-BWB-LSI-XX-DR-CH-00150	TRAFFIC REGS PLANS KEY PLAN (Document 2.6) The Plan clearly shows the area depicted by the individual sheets in this set of plans (2.6A & 2.6B).	Noted.
95.	HRF-BWB-LSI-D1-DR-CH-00150	TRAFFIC REGULATIONS SHEET 1 OF 2 (Document 2.6A) The Plan clearly shows highways subject to traffic regulations (Clearways) as described in Part 1 of Schedule 9 of the dDCO.	Noted.
96.	HRF-BWB-LSI-D2-DR-CH-00150	TRAFFIC REGULATIONS SHEET 2 OF 2 (Document 2.6B) The Plan clearly shows highways subject to traffic regulations (No Waiting) as described in Part 2 of Schedule 9 of the dDCO. It is noted that this plan appears to show items which are currently not present in Schedule 9 of the dDCO.	The plans have been amended and reviewed against the relevant provisions of the DCO.



Speed Limit Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
97.	HRF-BWB-LSI-XX-DR-CH-00190	<p>SPEED LIMIT PLANS KEY PLAN (Document 2.7)</p> <p>The Plan clearly shows area depicted by the individual sheets in this set of plans (2.7A, 2.7B & 2.6C)</p>	Noted.
98.	HRF-BWB-LSI-D1-DR-CH-00190	<p>SPEED LIMIT PLANS SHEET 1 OF 3 (Document 2.7A)</p> <p>The Plan clearly shows highways subject to 'highways subject to 40 mph speed limit', as described in Part 2 of Schedule 8 of the dDCO. It is noted that this plan appears to show items which are currently not present in Schedule 8 of the dDCO, specifically Part 1 (existing orders).</p>	The plans have been amended and reviewed against the relevant provisions of the DCO.
99.	HRF-BWB-LSI-D2-DR-CH-00190	<p>SPEED LIMIT PLANS SHEET 2 OF 3 (Document 2.7B)</p> <p>The Plan clearly shows highways subject to 'highways subject to 40 mph speed limit', as described in Part 2 and 'derestricted highways', as described in Part 3 of Schedule 8 of the dDCO.</p> <p>It is noted that this plan appears to show items which are currently not present in Schedule 8 of the dDCO, specifically speed limits in relation to roundabouts K, L, S, T & M, N, V, W.</p>	The plans have been amended and reviewed against the relevant provisions of the DCO.
100.	HRF-BWB-LSI-D2-DR-CH-00190	<p>SPEED LIMIT PLANS SHEET 3A & 3B OF 3 (Document 2.7C)</p> <p>Sheet 3A clearly shows highways subject to 'derestricted highways', as described in Part 3 of Schedule 8 of the dDCO.</p> <p>Sheet 3B clearly shows highways subject to 'highways subject to 40 mph speed limit', as described in Part 2 of Schedule 8 of the dDCO. It is noted that this stretch of highway is, in part, outside of the order limits. No explanation is given.</p>	Further explanation has been added to the EM – speed limits are not physical development and so are not required to be in the Order limits for a power to cover this. The Northampton Gateway Rail Freight DCO is an example of this approach.



Rail Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
101.	70080518-WSP-DRG-ETR-000201	<p>Key Plan (Document Ref 2.25a) Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on the key plan do not correspond to the areas shown on the three General Arrangement plan sheets (Doc 2.25a - 2.25c).</p> <p>The shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p> <p>Plan text is not searchable.</p>	<p>The submission plans have addressed these comments.</p>
102.	70080518-WSP-DRG-ETR-000202	<p>Sheet 1 (Document Ref 2.25b) Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a).</p> <p>Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p>	<p>The submission plans have addressed these comments.</p> <p>All file sizes for the submission are in accordance with PINS guidelines.</p>



Rail Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		<p>Plain text is not searchable.</p> <p>No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>It is noted that this plan has a significantly large file size 2.25b & 2.25c. This currently has no effect on the operation of the plan, but often large plans can lag and become unresponsive.</p>	
103.	70080518-WSP-DRG-ETR-000203	<p>Sheet 2 (Document Ref 2.25c)</p> <p>Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a).</p> <p>Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p> <p>Plain text is not searchable.</p> <p>No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>	The submission plans have addressed these comments.



Rail Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		Comments have been left in the drawing which will need removing before submission.	
104.	70080518-WSP-DRG-ETR-000204	<p>Sheet 3 (Document Ref 2.25d) Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a).</p> <p>Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p> <p>Plain text is not searchable.</p> <p>No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>	The submission plans have addressed these comments.
105.	70080518-WSP-DRG-ETR-000200	<p>Document Ref 2.21a This drawing is not to scale, nor is it aligned to North. As a visual guide to the construction phasing of the lines it is easy to comprehend, with good use of colour. It is unclear what the X symbol represents on the electrified tracks.</p>	Noted. The submission plans have addressed these comments.
106.	70080518-WSP-DRG-	Document Ref 2.22	The submission plans have addressed these comments.



Rail Plans			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
	ETR-000209-11	<p>File name given (...ETR-000209-211-P02) doesn't match the drawing number on the plan (...ETR-000209-11-P01). It appears that the figure 2 is missing from 211.</p> <p>Plain text is not searchable.</p> <p>The drawing is well labelled.</p> <p>The location of sections is easy to find on the Key Plan (Doc Ref 2.25a).</p>	

Consultation Report			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
107.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether the Section 42 responses should be summarised for the DCO submission or whether it is acceptable to provide the responses in full.</p> <p>The Applicant will be aware that under section 49 of the Planning Act 2008, it has a duty to take account of responses to consultation and this must be shown within the Consultation Report. The Planning Inspectorate advises that a summary of the individual responses received should be provided and categorised in an appropriate way. Further information can be found in Advice Note 14. Furthermore, the Applicant may wish</p>	<p>S42 responses have been summarised and are included within the Consultation Report at Appendix 9.8.</p> <p>A section specifically demonstrating regard to section 49 has been included in the consultation report and is based on the tabulated summaries of consultation responses.</p>



Consultation Report			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		<p>to have a look at past good examples of Consultation Reports. Further detailed information regarding section 49 should be included in the Consultation Report.</p> <p>The Applicant should be aware that the Planning Inspectorate may request copies of the relevant responses during the acceptance period, so these should be available to be sent at short notice, if required.</p>	<p>Noted, the responses will be available to PINS at short notice if requested.</p>
108.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether the process taken in regard to Planning Performance Agreements (PPAs) should be included within the Consultation Report.</p> <p>This may be something to include within the Consultation Report. A paragraph on the PPAs agreed with specific Local Authorities, rather than a detailed section on the process should be sufficient.</p>	<p>A brief section has been included in the consultation report to address this comment .</p>
109.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether summarising the liaison with the Local Planning Authorities on the Statement of Community Consultation (SoCC), rather than providing all complete correspondence, is an acceptable approach to adopt. Summarising the liaison with the Local Planning Authorities (LPAs) on the SoCC is an appropriate approach to take, however, evidence must be provided. For example 3.14 of Advice Note 14 states:</p> <p><i>“Evidence should be submitted as part of the Consultation Report which shows:</i></p>	<p>Noted, our approach is consistent with this.</p>



Consultation Report			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
		<ul style="list-style-type: none"> • Which local authorities were consulted about the content of the draft SoCC; • what the local authorities' comments were; • confirmation that the local authorities were given 28 days to provide their comments; and • a description about how the Applicant had regard to the local authorities' comments." 	
110.	n/a	Paragraph structures should be coherent throughout. The Applicant should avoid spelling mistakes which could result in an alteration to the meaning of the sentence.	Noted, matters such as these have been picked up in the final preparation for submission.
111.	Appendix 3.1	Without an updated consultee spreadsheet it is hard to determine if all statutory consultees and Local Authorities have been consulted.	Noted, the relevant spreadsheet has been included in the submission version.
112.	n/a	It was unclear at certain places which documents were being referenced within the Appendix, for example the list of prescribed bodies are set out in Appendix 10.1. It is not clear where in Appendix 10.1.	Noted, matters such as these have been picked up in the final preparation for submission.
113.	n/a	Formatting should be consistent throughout the document. For example, bullet points and numbering within appendix 3.1.	Noted, matters such as these have been picked up in the final preparation for submission.
114.	n/a	There should be consistency between information within the report and appendixes when referring to consultation dates. For example, the extended S42 consultation.	Noted, this has been clarified in the submission consultation report.
115.	Appendix 6.14	Anything highlighted, does not need to remain highlighted.	Noted, matters such as these have been picked up in the final preparation for submission.



Consultation Report			
Ref No.	Article/ Requirement/ Schedule	Comment/Question	Applicant Response
116.	Appendix 6.13	Track changes are still visible.	Noted, matters such as these have been picked up in the final preparation for submission.
117.	Appendix 6.11	Linked items lead to blank documents; however this may be a SharePoint issue.	The file share system has been tested for submission to ensure all documents open.
118.	Appendix 6.7	The images appear pixilated.	The images have been updated.
119.	Chapter 13	Adding appendix numbers next to 'prescribed' and 'non-prescribed' parties would make locating the list easier. Within Appendix 10.1 and 10.2 it is unclear where the list of prescribed and non prescribed person can be found.	Appendix numbers have been added next to 'prescribed' and 'non-prescribed' parties.
120.	n/a	The header on every page of the Consultation Report states that it is the 'Environmental Statement'. This appears to be an error and will also impact on searching the report for those terms.	Noted, matters such as these have been picked up in the final preparation for submission. This has been amended to 'Consultation Report'.
121.	n/a	No information could be found in relation to a Screen Opinion, or alternatively a notification in writing to the Planning Inspectorate that it is proposed to provide an Environmental Statement (as required by Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations).	A Screening Opinion was not sought as the development was EIA development a Scoping Opinion was sought. Information pertaining to the scoping opinion has been included in the consultation report.



General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. **Noted and this has been done.**

Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.

2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: *“The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”*