



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

**Appendix 3** of [Advice Note Six: Preparation and submission of application documents](#)

Thursday 13 April 2023

## Hinckley National Rail Freight Interchange Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 (PA2008) can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:  
<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Department for Levelling Up, Housing and Communities.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		<b>17 March 2023</b>	<b>14 April 2023</b>	<b>13 April 2023</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of a rail freight interchange and satisfies section 26 of the PA2008; including subsections (3) to (7)</p>		

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>category or categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 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?</p>	<p>This is consistent with the summary provided in <b>section 4 of the Application Form (Doc 1.2)</b> which states that the application is for an NSIP.</p> <p>The highway elements have been considered against the criteria set out in s22 of the PA2008. These represent separate elements within s22(1). Due to the size of the works associated with the M69 being below the thresholds set out in s22(4) neither represents an NSIP it is own right.</p> <p>In respect of the energy generation elements within the proposal these have been considered against the criteria set out in s15 of the PA2008. As the site is wholly in England the relevant criteria are set out in s15(2). The generating capacity is limited within requirement 17 of the <b>Draft DCO (Doc 3.1)</b> to no more than 49.9 megawatts of electricity. Therefore, as submitted, this element does not represent an NSIP it is own right.</p> <p>Both these elements do fall within the category of 'associated development' within s115 of the PA2008.</p>
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	<p>The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.</p>
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p><b>Yes</b></p> <p><b>Paragraph 14.2.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that on 12 March 2018 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development.</p> <p><b>Paragraph 14.2.5</b> of the <b>Consultation Report (Doc 5.1)</b> explains that that the scope of the Environmental Statement needed to be extended and</p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations).

		<p>subsequently the Applicant submitted an updated EIA scoping request on 12 November 2020.</p> <p>The notification was received before the start of statutory consultation on 12 January 2022.</p> <p>A copy of the notification letter has not been provided with the application but is referred to in Table 3.1 of the <b>Consultation Report (Doc 5.1)</b>.</p>
5	<p>Have any Adequacy of Consultation Representations<sup>4</sup> been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p><b>Yes</b></p> <p>There are 27 host and neighbouring authorities, of which 15 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 21 March 2023.</p> <p>The following authorities provided an AoCR:</p> <ul style="list-style-type: none"> <li>• Blaby District Council (B authority)*</li> <li>• Harborough District Council (B authority)</li> <li>• Hinckley and Bosworth Borough Council (B authority)*</li> <li>• Rugby Borough Council (B authority)</li> <li>• Rutland County Council (A authority)</li> <li>• Leicester City Council (D authority)*</li> <li>• North West Leicestershire District Council (A authority)</li> <li>• North Warwickshire Borough Council (A authority)</li> <li>• Nuneaton &amp; Bedworth Borough Council (A authority)</li> <li>• Leicestershire County Council (C authority)*</li> </ul>

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

		<ul style="list-style-type: none"> <li>• Lincolnshire County Council (D authority)</li> <li>• Nottinghamshire County Council (D authority)</li> <li>• Derbyshire County Council (D authority)</li> <li>• Gloucestershire County Council (D authority)</li> <li>• Staffordshire County Council (D authority)</li> </ul> <p>Additionally, Solihull Metropolitan Borough Council wrote setting out its view that consultation had been adequate. Solihull Metropolitan Borough Council is not a host or neighbouring authority for the purposes of s43 of the PA2008.</p> <p>All AoCRs received have been carefully considered and will be available to view on the National Infrastructure Planning project website.</p> <p>Leicester City Council's (LCiC) copied the Inspectorate into an email to the Applicant on 9 February to indicate that its response to s42 consultation had not been recorded in the Consultation Report. The Applicant confirmed by e-mail on 10 February 2023 that they had regard to the response.</p> <p>LCiC emailed on 14 February 2023 to state that the Applicant's adequacy of consultation was adequate.</p> <p>This consultation report fails to account for this, with the Applicant explaining that this was due to an administrative error.</p> <p>Leicestershire County Council (LCC) wrote on 22 February 2023 to indicate that it was content with that the pre-application consultation was adequate and met the legal requirements. However, LCC continues to have significant concerns and questions the quality, accuracy and completeness of the data, modelling and evidence used throughout the consultation process. The Inspectorate notes these comments and considers that they relate to the Examination of the Proposed Development rather than Acceptance.</p>
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	<p>Hinckley and Bosworth Borough Council originally wrote<sup>5</sup> on 22 February to set out its comments and Blaby District Council wrote on 30 March. They both considered that the Applicant had not fully complied with its statutory pre-application duties under part 5, chapter 2 of the PA2008.</p> <p>The Inspectorate has carefully considered the issues raised in these two District Councils AoCRs, as part of its full review of the Consultation Report, and makes the following comments:</p> <ul style="list-style-type: none"><li>• The inputs for the highway modelling had not been agreed at the outset of consultation does not, of itself, mean that the consultation is not sufficient value. In particular that LCC, as local highway authority, was satisfied in this regard is of significant weight in this regard.</li><li>• The nature of scheme development is that it should be iterative so that changes are made to a proposal as a result of the consultation. It will also be the case that information will be provided during and after the consultation period to ensure it is not out-of-date. This can then be assessed within the Examination.</li><li>• While the District Councils take the view the Applicant has not adequately set out a case for the need of the development, for the mitigation of effects and for phasing, these are matters for Examination rather than Acceptance.</li></ul> <p>The two Councils also consider that the consultation exercise was flawed in that the Proposed Development did not change as they had requested. In this regard, to be valid a consultation exercise should not be approached with a closed mind. However, this does not mean that a promoter necessarily needs to agree with all points made; often this will not be the case. The Applicant's <b>Consultation Report (Doc 5.1)</b> sets out its response to the points made. While the Councils may not agree with the responses given this does not mean that the consultation was undertaken with a closed mind.</p>
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<sup>5</sup> In respect of the original application received on 3 February 2023 which was subsequently withdrawn by the Applicant on 2 March 2023.

		<p>Concerns about the length of time for the various consultation exercises have also been considered and it is noted that the Applicant extended one consultation exercise when it became apparent that not all those who should have been consulted were so consulted. It is concluded that appropriate periods, in line with statutory requirements, were allowed for in the consultation exercises.</p> <p>The Inspectorate has taken into account all representations relating to the adequacy of consultation and is of the view that the Applicant has complied with its statutory obligations under s42, s46, s47 and s48.</p>
<b>Section 42: Duty to consult</b>		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed <sup>6</sup> ?	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 7 January 2022 at <b>Appendix 9.6</b> of the <b>Consultation Report (Doc 5.1)</b></p> <p>Following an audit of the S42 mailout, it was confirmed that a number of s42 parties had not received the original mailout. All s42 parties were then written to on 4 February 2022 advising of an extension to the consultation in <b>Paragraph 4.4.9</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The Planning Inspectorate has identified the following party based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• Cotswold (AONB) Conservation Board</li> </ul>

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

		<p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the body identified above has not been consulted.</p> <p>A number of other bodies do not appear to have been consulted under s42. However, their predecessor bodies had been consulted and the Inspectorate is satisfied that sufficient consultation in this regard has taken place.</p> <ul style="list-style-type: none"> <li>• NHS Coventry and Warwickshire Integrated Care Board (the former NHS Warwickshire North CCG transferred to this organisation on 1 April 2021, and were consulted)</li> <li>• Mua Gas Limited (formally known as Murphy Gas Networks Ltd, which were consulted)</li> <li>• Mua Electricity Limited (Murphy Gas Networks Ltd were consulted)</li> <li>• Indigo Power Limited (Indigo Pipelines Limited were consulted)</li> <li>• Optimal Power Networks Limited (formally known as Forbury Assets Limited until 15 December 2021, which were consulted)</li> <li>• Western Power Distribution (West Midlands) plc - WPD (East Midlands and WDP South West) were consulted.</li> <li>• National Grid Electricity System Operator Limited (National Grid Electricity were consulted)</li> </ul> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the <b>Book of Reference (Doc 4.3)</b>.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067">https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	n/a

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



8	Section 42(1)(b) each local authority within s43 <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Table 9.1</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 12 January 2022.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Blaby District Council</li> <li>• Harborough District Council</li> <li>• Hinckley and Bosworth Borough Council</li> <li>• Rugby Borough Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Leicestershire County Council</li> <li>• Warwickshire County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Charnwood Borough Council</li> <li>• Melton Borough Council</li> <li>• North Warwickshire Borough Council</li> <li>• North West Leicestershire District Council</li> <li>• Nuneaton and Bedworth Borough Council</li> <li>• Oadby and Wigston Borough Council</li> <li>• Stratford-on-Avon District Council</li> </ul>
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<sup>8</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> <li>• Warwick District Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Birmingham City Council (as part of the West Midlands Combined Authority, see below)</li> <li>• Coventry City Council (as part of the West Midlands Combined Authority, see below)</li> <li>• Derbyshire County Council</li> <li>• Gloucestershire County Council</li> <li>• Leicester City Council</li> <li>• Lincolnshire County Council</li> <li>• North Northamptonshire Council</li> <li>• Nottinghamshire County Council</li> <li>• Oxfordshire County Council</li> <li>• Rutland District Council</li> <li>• Solihull Council</li> <li>• Staffordshire County Council</li> <li>• West Midlands Combined Authority</li> <li>• West Northamptonshire Council</li> <li>• Worcestershire County Council</li> </ul> <p>The Applicant also consulted Tamworth Borough Council as if it were a boundary 'A' authority, however this lower-tier authority does not share a contiguous boundary with the host authorities. This represents a greater than minimum consultation.</p>
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		A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1)</b> .
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	Section 42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 4.4.8</b> of the <b>Consultation Report (Doc 5.1)</b> states that statutory consultation with the community and statutory consultees under s42(1)(d) were consulted on 12 January 2022.</p> <p><b>Paragraph 4.4.9</b> of the <b>Consultation Report (Doc 5.1)</b> states that following audit of the s42 mailout it was confirmed that a number of s42 parties had not received the original mailout. All s42 parties were then written to on 4 February 2022 advising of an extension to the consultation to 8 April 2022.</p> <p><b>Paragraphs 9.3.11 to 9.3.17</b> of the <b>Consultation Report (Doc 5.1)</b> explains how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>.</p> <p>A list of the persons consulted under s42(a)(a) can be found in <b>Appendix 9.6</b> of the <b>Consultation Report (Doc 5.1)</b>. It does not appear that a full list of those persons consulted under s42(1)(d) has been submitted.</p> <p>A sample of the letter is provided at <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees on 4 February 2022 advising of an extension to the consultation, is provided at <b>Appendix 9.3</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.

11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Following an audit of the s42 mailout, it was confirmed that a number of s42 parties had not received the original mailout. All s42 parties were then written to on 4 February 2022 advising of an extension to the consultation.</p> <p>A sample of the letter sent to s42(1)(a) consultees on 4 February 2022 advising of an extension to the consultation, is provided at <b>Appendix 9.3</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 7 January 2022 confirmed that consultation commenced on 12 January 2022 and closed on 9 March 2022, providing more than the required minimum time for receipt of responses.</p> <p><b>Paragraph 4.4.9</b> of the <b>Consultation Report (Doc 5.1)</b> states that following an audit of the s42 mailout it was confirmed that a number of s42 parties had not received the original mailout. All s42 parties were then written to on 4 February 2022 advising of an extension to the consultation.</p> <p>A sample of the letter sent to s42(1)(a) consultees on 4 February 2022 advising of an extension to the consultation, is provided at <b>Appendix 9.3</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 4 February 2022 confirmed that the consultation deadline had been extended to 8 April 2022, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 4 January 2022, which was before the beginning of s42 consultation.</p>

	consultees? Was this done on or before commencing consultation under s42?	A copy of the s46 notification letter is provided at <b>Appendix 9.9</b> of the <b>Consultation Report (Doc 5.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix 9.10</b> of the <b>Consultation Report (Doc 5.1)</b> .
<b>Section 47: Duty to consult local community</b>		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<b>Yes</b> A copy of the final SoCC is provided at <b>Appendix 7.1</b> of the <b>Consultation Report (Doc 5.1)</b> .
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<b>Yes</b> The Applicant sent the draft SoCC to Blaby District Council, Hinckley and Bosworth Borough Council, Harborough District Council and Rugby Borough Council (the 'B Authorities') and Leicestershire County Council and Warwickshire County Council (the 'C' authorities) on 26 August 2021 and set a deadline of 24 September 2021 for responses; providing the required minimum time for responses to be received.  In addition, the following authorities were consulted: <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Borough Council ('A')</li> <li>• Coventry City Council ('D')</li> <li>• Tamworth Borough Council</li> <li>• North Warwickshire Borough Council ('A')</li> <li>• Staffordshire County Council ('D')</li> </ul> At <b>Paragraph 7.3.6</b> of the <b>Consultation Report (Doc 5.1)</b> "Leicester County Council" is listed as an authority that was consulted. This name is incorrect, but give that Leicestershire County Council is referred to and Leicester City Council is not it can be reasonably inferred that this is a reference to Leicester City Council.

15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Appendix 7.2</b> of the <b>Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Leicestershire County Council, Blaby District Council, Hinckley &amp; Bosworth Borough Council, Harborough District Council and Staffordshire County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Detailed comments and the extent of changes to the final SoCC are categorised by local authority and show changes from the draft SoCC to the final SoCC.</p> <p>An adherence tracker, giving details of specific actions can be found at <b>Appendix 7.7</b> of the <b>Consultation Report (Doc 5.1)</b></p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p><b>Paragraph 7.4.1</b> of the <b>Consultation Report (Doc 5.1)</b> explains that the final SoCC no longer needs to be placed at locations in the vicinity of the proposed development. This approach is consistent with the Inspectorate's Advice Note 14.</p> <p>The SoCC was made available on the project website (<a href="https://www.hinckleynrfi.co.uk/">https://www.hinckleynrfi.co.uk/</a>) and details of how to contact the project team including by telephone were included on the project website. The public could access the website free of charge. A screenshot of the website can be seen at <b>Appendix 7.4</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Paragraph 7.4.2</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant placed a notice on 15 December 2021 for two consecutive weeks in the following newspapers stating where and when the statutory SoCC could be inspected:</p> <ul style="list-style-type: none"> <li>• Hinckley Times</li> </ul>

		<ul style="list-style-type: none"> <li>Leicester Mercury</li> </ul> <p>The dates on the clippings are given as 8 December 2021.</p> <p>The published SoCC notice, provided at <b>Appendix 7.5</b> of the <b>Consultation Report (Doc 5.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix 7.5</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Paragraph 1.15</b> of the final SoCC at <b>Appendix 7.1</b> of the <b>Consultation Report (Doc 5.1)</b> sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Paragraphs 7.5</b> and <b>7.6</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Appendix 7.7</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations).	<p><b>Yes</b></p> <p><b>Paragraph 10.1.3</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p>“A copy of the s48 Notice which was published for the HNRFI is attached at <b>Appendix 10.1</b> and copies of the s48 notice in the requisite newspapers is attached at <b>Appendix 10.2</b>. The notice contained the</p>

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations

		<p>requisite information prescribed by APFP Regulation 4(3) and was published in the manner prescribed by Regulation 4(2).”</p> <p><b>Table 10.1</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix 10.1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix 10.2</b> of the <b>Consultation Report (Doc 5.1)</b>:</p>
<b>Newspaper(s)</b>		
		<b>Date(s)</b>
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• Hinckley Times</li> <li>• Leicester Mercury</li> </ul>
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• Daily Telegraph</li> </ul>
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• London Gazette</li> </ul>
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations.	<p><b>Yes</b></p> <p>The published s48 notice, supplied at <b>Appendix 10.1</b> of the <b>Consultation Report (Doc 5.1)</b>, contains the required information as set out below:</p>



Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>The address of the website</li> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>	4	f)	the latest date on which those documents, plans and maps will be available for inspection	4
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	6	h)	details of how to respond to the publicity	7
i)	a deadline for receipt of those responses by the Applicant, being not less than 28	7			

	days following the date when the notice is last published		
21	Are there any observations in respect of the s48 notice provided above?		
	<b>No</b>		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>11</sup> ?	<b>Yes</b> A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>Paragraph 10.1.5</b> of the <b>Consultation Report (Doc 5.1)</b> .  A sample of the s42 consultation letter provided at <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<b>Yes</b> <b>Chapter 11</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.  The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.	
<b>Guidance about pre-application procedure</b>			

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Paragraph 2.1</b> and <b>Table 3.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant which is available here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067">https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067</a></p>
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 2.1)</b> has been provided.</p>
27	Is it accompanied by a Consultation Report?	<b>Yes</b>

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



	and effect of provisions in the draft DCO			
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard? <b>Yes</b>
e)	A copy of any Flood Risk Assessment	<b>ES Appendix 14.1 Flood Risk Assessment (Doc 6.2.14.1)</b>	f)	<p>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</p> <p><b>Hinckley NRFI Statutory Nuisance Statement V3 (Doc 14.1)</b></p> <p>The Applicant acknowledges the potential to engage the following statutory nuisances:</p> <ul style="list-style-type: none"> <li>• Section 79(1)(c) – relating to fumes or gases emitted from premises</li> <li>• Section 79(1)(d) – relating to any dust, steam, smell or other effluvia arising on industrial, trade or business premises</li> <li>• Section 79(1)(fb) – relating to artificial light emitted from premises</li> <li>• Section 79(1)(g) – relating to noise emitted from premises</li> <li>• Section 79(1)(ga) – relating to noise that is prejudicial to health or a nuisance and is emitted from or caused by a</li> </ul>

			vehicle, machinery or equipment in a street Mitigation proposed is set out in the <b>Construction Environmental Management Plan (Doc 17.1)</b> .
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.2)</b>	i) A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land
			<b>Land Plan (Doc 2.20, 2.20A, 2.20B, 2.20C, 2.20D, 2.20E, 2.20F, 2.20G, 2.20H)</b>

	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
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 carried out and any limits of deviation provided for in the draft DCO	<b>Work Plans (Doc 2.2, 2.2A, 2.2B, 2.2C, 2.2D, 2.2E, 2.2F, 2.2G, 2.2H)</b>	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	<b>Access and Rights of Way (Doc 2.3, 2.3A, 2.3B, 2.3C, 2.3D)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
l)	Where applicable, a plan with accompanying information identifying:-  (i) any statutory or non-statutory sites or features of nature conservation eg	<b>(i) ES Figure 12.1 – Statutory Designated Sites (Doc 6.3.12.1) and ES Figure 12.2 – Non-statutory Designated Sites (Doc 6.3.12.2)</b>	m)	Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments,	<b>ES Chapter 13 – Cultural Heritage (Doc 6.1.13)</b> <b>ES Figure 13.1 – Order Limits and Heritage Study Area (Doc 6.1.13.1)</b>

<p>sites of geological or 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>(ii) <b>ES Figure 12.3 – Extended Phase I survey (Doc 6.3.12.3) and ES Figures 12.4 to 12.23 (protected species survey report figures) (Docs 6.3.12.4 to 6.3.12.23)</b></p> <p>(iii) <b>Appendix 1 to Preliminary Water Framework Directive Assessment (Doc 12.1)</b></p> <p>The assessment of effect on such sites are provided in the <b>Environmental Statement (Doc 6.1) Chapters</b> and associated Appendices:</p> <ul style="list-style-type: none"> <li>• <b>ES Chapter 12: Ecology and Biodiversity (Doc 6.1.12)</b></li> <li>• <b>ES Chapter 14: Surface water and Flood Risk (Doc 6.1.14)</b></li> <li>• <b>ES Chapter 15: Hydrogeology (Doc 6.1.15)</b></li> <li>• <b>ES Chapter 16: Geology, Soils and Contamination (Doc 6.1.16)</b></li> </ul> <p>The <b>ES Appendix 14.1 Flood Risk Assessment (Doc 6.2.14.1) and Preliminary</b></p>	<p>World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>ES Figure 13.2 – Designated Heritage Assets and Zone of Theoretical Visibility (Doc 6.1.13.2)</b></p> <p><b>ES Figure 13.3 – Historic Built Form within the main HNRFI Site (Doc 6.1.13.3)</b></p> <p><b>ES Figure 13.4 – Known Heritage Assets (Doc 6.1.13.4)</b></p>
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		<b>Water Framework Directive Assessment (Doc 12.1)</b> contain an assessment of the effects on the Humber River Basin and the Humber River Basin Management Plan.		
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard? <b>Yes</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan (Doc 2.26, 2.26A, 2.26B, 2.26C, 2.26D, 2.26E, 2.26F, 2.26G, 2.26H)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping  <b>Site Location (Doc 2.1)</b> <b>Demolition Plan (Doc 2.10)</b> <b>Existing Utilities- Features and Areas of Influence (Doc 2.11)</b> <b>Parameters Plan (Doc 2.12)</b> <b>Illustrative Sections through Railway Head Shunt (Doc 2.15)</b> <b>Illustrative Site Section (Doc 2.16, 2.17)</b> <b>Illustrative Phasing and Works Plans (Doc 2.18.1, 2.18.2, 2.18.3, 2.18.4, 2.18.5, 2.18.6)</b> <b>Bridge Plan (Doc 2.19)</b> <b>Illustrative Sections through Railport (Doc 2.21)</b> <b>Illustrative Railport Line Diagram (Doc 2.22)</b>

					<p><b>Illustrative Railport Sections Full Scheme Cross Section (Doc 2.23.1)</b></p> <p><b>Illustrative Railport Sections Long Section (Doc 2.23.2)</b></p> <p><b>Illustrative Rail Connection Options (Doc 2.24)</b></p> <p><b>Illustrative Railport General (Doc 2.25.1, 2.25.2, 2.25.3, 2.25.4)</b></p> <p><b>Illustrative Sections through Railhead Shunt (Doc 2.15)</b></p> <p><b>Order Limits Plan (Doc 2.27)</b></p> <p><b>Highway Plans (Doc 2.4, 2.4A, 2.4B, 2.4C, 2.4D, 2.4E, 2.4F, 2.4G, 2.4H)</b></p> <p><b>Highway Plans Long Sections (Doc 2.4J, 2.4K)</b></p> <p><b>Highway Classification Plans (Doc 2.5, 2.5A, 2.5B, 2.5C)</b></p> <p><b>Traffic Regulation (Doc 2.6, 2.6A, 2.6B)</b></p> <p><b>Speed Limit Plans (Doc 2.7, 2.7A, 2.7B, 2.7C)</b></p> <p><b>Illustrative Masterplan (Doc 2.8)</b></p> <p><b>Illustrative Context Masterplan (Doc 2.9)</b></p>
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	Is this of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Highway Plans (Doc 2.4, 2.4A, 2.4B, 2.4C, 2.4D, 2.4E, 2.4F, 2.4G, 2.4H, 2.4J, 2.4K)</b> <b>Bridge Plan (Doc 2.19)</b> <b>Illustrative Sections through Railport (Doc 2.21)</b> <b>Illustrative Railport Line Diagram (Doc 2.22)</b> <b>Illustrative Railport Sections Full Scheme Cross Section (Doc 2.23.1)</b> <b>Illustrative Railport Sections Long Section (Doc 2.23.2)</b> <b>Illustrative Rail Connection Options (Doc 2.24)</b> <b>Illustrative Railport General (Doc 2.25.1, 2.25.2, 2.25.3, 2.25.4)</b> <b>Illustrative Sections through Railhead Shunt (Doc 2.15)</b>	q)	Any other documents considered necessary to support the application	<b>Application Letter (Doc 1.1)</b> <b>Guide to the Application (Doc 1.4)</b> <b>Planning Statement (Doc 7.1)</b> <b>Design and Access Statement (Doc 8.1)</b> <b>DCO Obligation (Doc 9.1)</b> <b>S.106 Planning Obligation Heads of Terms (Doc 10.1)</b> <b>Design Code (Doc 13.1)</b> <b>Statement of Common Ground Intent (Doc 15.1)</b> <b>Market Needs Assessment (Doc 16.1)</b> <b>Logistics Demand and Supply Assessment (Doc 16.2)</b> <b>Landscape and Ecological Management Plan (Doc 17.2)</b> <b>Site Waste and Materials Management Plan (Doc 17.3)</b> <b>HGV Management Plan and Route Strategy (Doc 17.4)</b> <b>Ecological Mitigation and Management Plan (Doc 17.5)</b>

				<b>Construction Traffic Management Plan (Doc 17.6)</b>
	Are they of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?
				<b>Yes</b>
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	<p><b>ES Appendix 7.1 Health and Equality Briefing Note (Doc 6.2.7.1)</b></p> <p>Lack of analysis of the potential effects of the Proposed Development on those with protected characteristics under the Equality Act 2010</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067">https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067</a></p>			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>15</sup>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report is provided at <b>Appendix 12.3</b> of the <b>Environmental Statement (Doc 12.3)</b>.</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>		

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

32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<p><b>Yes</b> – the following sets of drawings only are requested:</p> <p><b>Plan 2.8</b> – Illustrative Masterplan</p> <p><b>Plan 2.9</b> – Illustrative Context Masterplan</p> <p><b>Plan 2.12</b> – Parameters Plan</p> <p><b>ES Figure 11.9</b> – Photoviewpoint locations</p> <p><b>ES Figure 11.12</b> – Night-time Views and Photomontages</p> <p><b>ES Figure 11.16</b> – Proposed Photomontages</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067">https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067</a></p>
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 satisfactory?	<p><b>Yes</b></p> <p><b>The Planning Statement (Doc 7.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here:</p>

<sup>16</sup> Regulation 5(2)(r) of the APFP Regulations

		<a href="https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067">https://infrastructure.planninginspectorate.gov.uk/document/TR050007-001067</a>
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	The fee was received on 15 March 2023; before the application was made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Bart Bartkowiak</i>	13 April 2023
Acceptance Inspector	<i>Robert Jackson</i>	13 April 2023

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

