



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

# East Northants Resource Management Facility Western Extension (ENRMFWE) Section 55 Acceptance of Applications Checklist

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

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is 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 the 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>8 September 2021</b>	<b>6 October 2021</b>	<b>24 September 2021</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 new landfill void in the proposed western extension for the continued disposal of the same range of predominantly hazardous wastes and a limited amount of low level radioactive waste (LLW) as deposited at the existing ENRMF with a capacity of greater than 100,000 tonnes per annum of hazardous waste, including an alteration to</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 ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in 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?</p>	<p>the existing ENRMF, which will increase the capacity for hazardous waste by more than 30,000 tonnes per year. This satisfies s30 of the PA2008; including subsection 30(1); subsection 30(2)(a); subsection 30(3) and subsection 30(4)(b).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</b> which states that the application is for an NSIP.</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>On 10 June 2020 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. The Applicant has not included a copy of the letter amongst their application documents. However, the Inspectorate can confirm that a copy of the letter was received on 10 June 2020 and saved in our internal records.</p> <p>In a letter dated 1 July 2020 the Applicant submitted a Scoping Report to inform their request for a Scoping Opinion. A copy of the Scoping Report is provided in <b>Appendix ES2.1</b> of the <b>Environmental Statement (ES)</b>.</p> <p>The notifications were received before the start of statutory consultation on 10 June 2020.</p>

<sup>3</sup> 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	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><b>Yes</b></p> <p>There are 13 host and neighbouring authorities, of which 6 have responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 10 September 2021.</p> <p>All 6 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> <li>• South Kesteven District Council ('A' authority)</li> <li>• Bedford Borough Council ('A' and 'D' authority)</li> <li>• North Northamptonshire Council ('B' authority)</li> <li>• Milton Keynes Council ('D' authority)</li> <li>• Buckinghamshire County Council ('D' authority)</li> <li>• Cambridgeshire County Council ('D' authority)</li> </ul> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-northants-resource-management-facility-western-extension/">https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-northants-resource-management-facility-western-extension/</a></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>5</sup> ?	<b>Yes</b>

<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

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 30 July 2021 at <b>Appendix CRP</b> of the <b>Consultation Report (Doc 4.2.16)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix CRQ</b> of the <b>Consultation Report (Doc 4.2.17)</b>.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• East Midlands Ambulance NHS Trust (relevant statutory undertaker)</li> <li>• Leep Gas Networks (relevant public gas transporter)</li> <li>• Forbury Assets Ltd (relevant electricity distributor with CPO Powers)</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 4.1)</b> does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands.</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/WS010005-000360">https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	N/A

<sup>6</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>7</sup> ?	<p><b>Yes</b></p> <p><b>Table 3 of Appendix CRP</b> in the <b>Consultation Report (Doc 4.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 26 October 2020.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• North Northamptonshire Council (<i>formerly Northamptonshire County Council, East Northamptonshire District Council, Corby Borough Council, Kettering Borough Council and Wellingborough Borough Council</i>)</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Huntingdonshire District Council</li> <li>• South Kesteven District Council</li> <li>• Bedford Borough Council</li> <li>• Peterborough City Council</li> <li>• Rutland County Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Bedford Borough Council</li> <li>• Rutland County Council</li> <li>• Milton Keynes Council</li> <li>• Buckinghamshire County Council</li> <li>• Leicestershire County Council</li> <li>• Lincolnshire County Council</li> </ul>
---	---	---

<sup>7</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>• Cambridgeshire County Council</li> <li>• Oxfordshire County Council</li> <li>• Warwickshire County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix CRQ</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p><b>Paragraph 6.5</b> of the <b>Consultation Report (Doc 4.1)</b> provides an explanation of the Unitary Authority ('B' authority) merger in April 2021</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>N/A</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Table 4</b> of <b>Appendix CRP</b> in the <b>Consultation Report (Doc 4.1)</b> lists s44 consultees under Category 1 and 2.</p> <p><b>Table 5</b> of <b>Appendix CRP</b> in the <b>Consultation Report (Doc 4.1)</b> lists s44 consultees under Category 3.</p> <p><b>Table 6</b> of <b>Appendix CRP</b> in the <b>Consultation Report (Doc 4.1)</b> lists s44 consultees under Category 1 and 2 consulted in June 2021 due to the amended site boundary.</p> <p><b>Appendix CRQ</b> of the <b>Consultation Report (Doc 4.1)</b> includes a sample of a letter that was sent to Section 42(1)(d) and Section 44 parties on 26 October 2020.</p> <p><b>Appendix CRV</b> of the <b>Consultation Report (Doc 4.1)</b> includes copies of the consultation letters sent to Section 42(1)(d), Section 44 parties in June 2021 identified as a result of amendments to the DCO boundary.</p>

---

<sup>8</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. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided.

<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix CRQ</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>The sample letter dated 26 October 2020 confirmed that consultation commenced 26 October 2020 and closed on 14 December 2020 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 consultees? Was this done on or before commencing consultation under s42?	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on the 26 October 2020, which was on the same day as the commencing of the s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix CRS</b> of the <b>Consultation Report (Doc 4.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix CRS</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
<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?	<p><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix CRQ</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
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?	<p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Northamptonshire County Council and East Northants District Council ('B Authority') on 8 September 2020 and set a deadline of 6 October 2020 for responses; providing the minimum required time for responses to be received.</p>



		Evidence is provided at <b>Appendix CRT</b> of the <b>Consultation Report (Doc 4.1)</b>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Appendix CRE</b> of the <b>Consultation Report (Doc 4.1)</b> provides a summary of the consultation responses from East Northamptonshire Council, Collyweston Parish Council, Apethorpe Village and Easton on the Hill Parish Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• The Applicant amended Section 9 of the document which focusses on the detail of how they intended to consult with the local community.</li> </ul> <p>Due to uncertainty surrounding the COVID-19 pandemic, the Applicant decided that it was not possible to conduct physical consultation events in a completely safe manner. As such, they instead included plans in their SoCC to make the exhibition available online with supporting interactive opportunities but were mindful that they needed to take account of those unable to access digital technology.</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 in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Oundle Public Library</li> <li>• Stamford Public Library</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Rutland &amp; Stamford Mercury – 23 October 2020</li> <li>• The Times – 23 October 2020</li> <li>• The Gazette – 23 October 2020</li> </ul>

		<ul style="list-style-type: none"> <li>Rutland &amp; Stamford Mercury – 30 October 2020</li> </ul> <p>The published SoCC notice, provided at <b>Appendix CRL</b> of the <b>Consultation Report (Doc 4.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix CRT</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</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 6</b> of the final SoCC at <b>Appendix CRF</b> of the <b>Consultation Report (Doc 4.1)</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 4.31 to 4.36</b> of the <b>Consultation Report (Doc 4.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table 2</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices CRA, CRV and CRB</b> of the <b>Consultation Report (Doc 4.1)</b> provide evidence that the commitments within the final SoCC have been carried out.</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 APFP Regulations?	<p><b>Yes</b></p> <p><b>Paragraph 8.9</b> of the <b>Consultation Report (Doc 4.1)</b> states:</p> <p>The documents were made available on the Applicant's websites in accordance with the revised statutory requirements. In addition, the PEIR and associated documents were provided on a memory stick to Oundle and Stamford Public</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<p>Libraries where they could be viewed using publicly available digital technology only subject to Covid-19 restrictions. A hard copy was available to view on request. No requests to view a hard copy were received.</p> <p><b>Section 8 of the Consultation Report (Doc 4.1)</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 CRL</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix CRT</b> of the <b>Consultation Report (Doc 4.1)</b>:</p>																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 35%;">Newspaper(s)</th> <th style="width: 60%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> <li>• The Stamford Mercury</li> </ul> </td> <td>           23 October 2020            30 October 2020         </td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> <li>• The Times</li> </ul> </td> <td>23 October</td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> <li>• London Gazette</li> </ul> </td> <td>23 October 2020</td> </tr> <tr> <td>d)</td> <td>           where the proposed application relates to offshore development –            (i) once in Lloyds List; and            (ii) once in an appropriate fishing trade journal?         </td> <td>N/A</td> <td>N/A</td> </tr> </tbody> </table>				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;	<ul style="list-style-type: none"> <li>• The Stamford Mercury</li> </ul>	23 October 2020 30 October 2020	b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul>	23 October	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>	23 October 2020	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	N/A
	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;	<ul style="list-style-type: none"> <li>• The Stamford Mercury</li> </ul>	23 October 2020 30 October 2020																		
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul>	23 October																		
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>	23 October 2020																		
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	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 CRL</b> of the <b>Consultation Report (Doc 4.1)</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	4	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 showing the nature and location of the Proposed Development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice	5	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	5	h)	details of how to respond to the publicity	5
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	6			
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>10</sup> ?	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 6.3</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix CRP</b> of the <b>Consultation Report (Doc 4.1)</b> confirms a copy of the s48 notice was enclosed.</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Appendix CRO</b> of the <b>Consultation Report (Doc 4.1)</b> and <b>Table ES2.2, Appendix CRR</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant had regard to the consultation responses received including whether or not responses led to changes to the application.</p> <p>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.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 11.2</b> of the <b>Consultation Report (Doc 4.1)</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>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

<sup>11</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

		In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360">https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360</a>
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the 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>	<b>Yes</b> <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. <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. A <b>Location Plan (Doc 2.1)</b> has been provided.
27	Is it accompanied by a Consultation Report?	<b>Yes</b> The application is accompanied by a <b>Consultation Report (Doc 4.1)</b> .
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes</b>
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<b>Yes</b> The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Non-Technical Summary (Doc 5.1)</b> <b>Environmental Statement (ES) (Doc 5.2)</b> <b>ES Figures (Doc 5.3)</b> <b>ES Appendices (Doc 5.4)</b>  A copy of the Scoping Opinion from the Secretary of State Dated August 2020 is provided in <b>Appendix 2.2</b> of the <b>ES, Scoping Opinion (Doc 5.4.2.2)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>
	Is this of a satisfactory standard?	<b>Yes</b> , (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Draft Explanatory Memorandum (Doc 3.3)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 3.4)</b>
	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>Chapter 18, Flood Risk Assessment, Environmental Statement (Doc 5.2)</b>	f)	A statement whether the proposal engages one or more of the matters set	<b>Statutory Nuisance Statement (Doc 6.3)</b>

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

			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	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Not submitted</b>	i) A Land Plan identifying:- <ul style="list-style-type: none"> <li>(i) the land required for, or affected by, the Proposed Development;</li> <li>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</li> <li>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</li> <li>(iv) any special category land and replacement land</li> </ul>	<b>Land Plan (Doc 2.2)</b>



	Is this of a satisfactory standard?	<b>N/A</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>Works Plan (Doc 2.3)</b>  <b>General Arrangement Plan: Work No.1A and Work No.1B (Doc 2.4)</b> <b>General Arrangement Plan: Work No. 2 (Doc 2.5)</b> <b>General Arrangement Plan: Work No. 3 (Doc 2.6)</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 Plan (Doc 2.7)</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/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;	<b>(i) Figure ES1.2, Designated sites in the vicinity of ENRMF (Doc 5.3.1.2)</b>  <b>Appendix ES3.1 National site network designated sites (Doc 5.4.3.1)</b> – which illustrates within 10km of the application boundary, statutorily designated sites within 5km of the application boundary,	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with	<b>Figure ES16.1 Designated heritage assets within 2km of the site (Doc 5.3.16.1)</b>  <b>Statutory and Non-Statutory Historic Environment Sites (Doc 2.12)</b>  The assessment of effects on such sites or features is presented within <b>Chapter</b>

	<p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>and locally designated sites within 2km of the application boundary</p> <p><b>Statutory and Non-Statutory Ecological Sites (Doc 2.11)</b></p> <p>(ii) <b>Appendix ES13.1 Ecological Impact Assessment, Appendix 1 Ecological baseline, figures 3.1 to 8.1(Doc 5.4.13.1)</b></p> <p>(iii) <b>River Basin Management Plan (Doc 2.13)</b></p> <p>The assessment of effects on such sites, features, habitats or bodies is presented within <b>Chapter 13 Ecology and Biodiversity</b> and <b>Chapter 17 Water Resources of the ES (Doc 5.2)</b> and the associated technical appendices.</p>		<p>an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>16 and the relevant technical appendices of the ES (Doc 5.2)</b></p> <ul style="list-style-type: none"> <li>• <b>Appendix ES16.1 Heritage Statement (Doc 5.4.16.1)</b></li> <li>• <b>Appendix ES16.2 Archaeological Mitigation Strategy (Doc 5.4.16.2)</b></li> <li>• <b>Appendix ES16.3 Features of the historic environment within 2km of the site (Doc 5.4.16.3)</b></li> </ul>
.	<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b></p>		<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b></p>
n)	<p>Where applicable, a plan with any accompanying information identifying any Crown land</p>	<p><b>N/A</b></p>	o)	<p>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</p>	<p><b>Restoration Concept Scheme (Doc 2.8)</b></p> <p><b>Restoration Profile Contour Plan (Doc 2.9)</b></p> <p><b>Hedgerow Removal Plan (Doc 2.10)</b></p>

			vehicular and pedestrian access, any car parking and landscaping	
	Is this of a satisfactory standard?	N/A	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Environmental Statement (Doc 5.2)</b> <b>Draft Explanatory Memorandum (Doc 3.3)</b>	q) Any other documents considered necessary to support the application	<b>Planning Statement with Appendices (Doc 6.1, 6.2.2.1, 6.2.4.1, 6.2.4.2, 6.2.4.3)</b> <b>Draft s106 Agreement (Doc 6.4)</b> <b>DCO Environmental Commitments (Doc 6.5)</b>
	Are they of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	<p><b>Box 29(a)</b></p> <p><b>Environmental Permit Information</b></p> <p>Omission of information submitted in support of the Environmental Permit (EP) applications to the Environment Agency (e.g quantitative Hydrological Risk Assessment).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360">https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360</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	<p><b>Yes</b></p> <p>A No Significant Effects Report (NSER) has been provided as <b>Habitats Regulations Assessment: “No Significant Effects Report and Screening Stage of a Habitats</b></p>		

	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>14</sup>	<p><b>Regulations Assessment for the Proposed East Northants Resource Management Facility, Kings Cliffe, Northamptonshire (Doc 5.5)</b></p> <p>The NSER 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>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>No hard copies requested.</b>
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>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> <p><a href="https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360">https://infrastructure.planninginspectorate.gov.uk/document/WS010005-000360</a></p>

**The Infrastructure Planning (Fees) Regulations 2010 (as amended)**

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

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

Fees to accompany an application		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on the 3 September 2021 before the application was made.

Role	Electronic signature	Date
Case Manager	<i>TA Williams</i>	24 September 2021
Acceptance Inspector	<i>Simon Warder</i>	24 September 2021

---

<sup>16</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