

The Planning Act 2008

Section 55 Acceptance of Applications*

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

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) deleted
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) deleted
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

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

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

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

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

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

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

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		dd mm yyyy	dd mm yyyy	dd mm yyyy
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a nationally significant infrastructure project 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 ie which category or categories in ss14-30 does the application scheme fall)? If the development does not fall within the categories in	<p><i>Locate and review relevant content in application form (Box 4)/covering letter and draft DCO/explanatory memorandum. Reference relevant sections, paragraphs/statements.</i></p> <p><i>For s35 direction, reference relevant correspondence/ application content. Check that submitted application is within the scope of the direction.</i></p>		

¹ References in this document to the Secretary of State include 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 ss15-30

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

	ss14-30, 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?	
3	Summary – s55(3)(a) and s55(3)(c)	<i>Review and conclude based on evidence provided above.</i>
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<i>Locate written request(s)/notification under the EIA Regulations and compare to start date of s42 consultation. Reference relevant paragraph and/or document for both dates (eg Consultation Report, Doc 3.1, para. 4.1, para 4.7).</i>
5	Have any adequacy of consultation representations ⁵ been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<i>List in groups the authorities which have provided adequacy of consultation representations.</i>
s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	

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

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

6	s42(1)(a) persons prescribed ⁶ ?	<i>Check any list provided in the consultation report against the list produced from the GIS shapefile. Discrepancies can sometimes arise; check the regulations to find under which circumstances any missing persons were supposed to be consulted.</i>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	
8	s42(1)(b) each local authority within s43 ⁸ ?	<i>Check against the GIS data to confirm that host and neighbouring authorities have been consulted. Failure to consult a relevant local authority is a major acceptance issue.</i>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<i>The consultation report may refer to the book of reference. In that case consider particularly whether the book of reference is of a satisfactory standard and makes it clear that the applicant has produced it following diligent inquiry and has dealt with all land interests (incl cat 3) appropriately.)</i>
s45: 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	<i>Sample letters should be provided as part of the application, usually as an appendix to the Consultation Report. If they are not, a statement to the effect that this has been done in the consultation report may be sufficient as long as dates are supplied and these match with what has been submitted to us at s46.</i>

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

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): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

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

	documents?	
s46: Duty to notify Secretary of State of proposed application		
12	Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<i>Check for s46 notice, including date.</i>
s47: Duty to consult local community		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<i>The consultation report should include the SoCC.</i>
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?	<i>Check whether consultation with each of the B and C authorities on the draft SoCC has been carried out and whether 28 days from the day after receipt was provided. The application should include a copy of a letter or a statement with the date on which it was sent, the list of LAs it was sent to, and the deadline given for responses.</i>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<i>The consultation report should explain what responses were received and whether or not they had an effect on the SoCC. Consider whether any changes requested from the LAs are evident from the difference between the draft and final SoCC, and if it is clear how the changes relate to the comments that were made.</i>
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	<i>This should be explained in the consultation report and evidenced through dated copies of the adverts.</i>

	published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	
17	Does the SoCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	
18	Has the applicant carried out the consultation in accordance with the SoCC?	<i>Consider what evidence has been provided/is there to support the narrative in the consultation report.</i>
s48: Duty to publicise the proposed application		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<i>Dated newspaper cuttings are normally supplied in addition to the names and dates in the body of the Consultation Report</i>
		Newspaper(s)
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Date
	once in a national newspaper;	Date
	once in the London Gazette and, if land in Scotland is	Date

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

	affected, the Edinburgh Gazette; and			
	where the proposed application relates to offshore development – (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?			
	Information	Paragraph		Information
a)	The name and address of the applicant.	<i>Paragraph number</i>	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development		d)	a summary of the main proposals, specifying the location or route of the proposed development
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		f)	the latest date on which those documents, plans and maps will be available for inspection
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge		h)	details of how to respond to the publicity

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		
21	Are there any observations in respect of the s48 notice provided above?		
	<i>If there are any concerns in particularly about the s48 notice, they will be noted here.</i>		
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 ?	<i>Locate and review relevant content in consultation report. (The notice is often listed as an enclosure to the s42 letter – if that has been supplied, check there first.)</i>	
s49: Duty to take account of responses to consultation and publicity			
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<i>Check consultation report for summary of relevant responses and whether or not they have led to changes to the application. Reference relevant chapters, paragraphs, tables and appendices.</i>	
Guidance about pre-application procedure			
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	<i>Locate and review relevant content in consultation report. Reference relevant chapters, paragraphs and appendices.</i>	
25	Summary - s55(3)(e)	<i>Review and conclude based on evidence provided above.</i>	
s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the			

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

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

c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Doc Ref	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Doc Ref
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any flood risk assessment	Doc Ref	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	Doc Ref
	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)	Doc Ref	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Doc Ref
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	A works plan showing, in relation to existing features:-	Doc Ref	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or	Doc Ref

	<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 order</p>			<p>roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</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-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,</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>	Doc Ref	m)	<p>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 an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	Doc Ref
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

n)	Where applicable, a plan with any accompanying information identifying any Crown land	Doc Ref/N/A	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	Doc Ref
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Doc Ref	q)	Any other documents considered necessary to support the application.	Doc Ref
	Are they of a satisfactory standard?			Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided 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><i>A Habitat Regulations Assessment Report is provided in (ref).</i></p> <p><i>State whether the report identifies relevant European sites and the likely effects on those sites.</i></p>			

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

32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<i>Check application for evidence of regard to guidance and reference relevant chapters, paragraphs and appendices.</i>
34	Summary - s55(3)(f) and s55(5A)	<i>Review and conclude based on evidence provided above. State whether the application has been prepared to a standard that the Secretary of State considers satisfactory.</i>
The Infrastructure Planning (Fees) Regulations 2010 (SI106)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁷ ?	

Electronic Signature	Name	Date
Case Leader		
Acceptance Inspector		

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

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

