



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: August 2021

Net Zero Teesside Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 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 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 Housing, Communities and Local Government.**

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
		19 July 2021	16 August 2021	16 August 2021
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 ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 2.1) includes development falling within the categories in s14(1)(a) and 15 of the PA2008. The development is for the construction of a CCGT electricity generating station with an output of greater than 50 megawatts and its carbon capture plant, and satisfies section 15(2) of the PA2008; including subsections a, b and c.</p> <p>This is consistent with the summary provided in section 4 of the Application Form</p>		

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

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

	<p>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>(Doc 1.3) which states that the application is for an NSIP.</p> <p>Parts of the Proposed Development does not fall within the categories set out in s14(1)(a) and 15 of the PA2008. These are subject to a s35 Direction by the Secretary of State.</p> <p>A copy of the s35 Direction is provided with the application at Appendix 1 of the Explanatory Memorandum (Doc 2.2). It confirms the Secretary of State's decision that the Proposed Development, and any associated matters, should be treated as development for which development consent is required under the PA2008.</p>
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 2.1) includes development for which development consent is required.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , 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>Yes</p> <p>On 19 February 2019 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 notification was received before the start of statutory consultation on 7 July 2020.</p>
5	Have any Adequacy of Consultation Representations ⁴ 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	<p>Yes</p> <p>There are 10 host and neighbouring authorities, of which 5 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 20 July 2021.</p>

³ 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)

⁴ 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

	s42, s47 and s48?	<p>All 5 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"> • Redcar and Cleveland Borough Council ('B' authority) • Stockton-on-Tees Borough Council ('B' authority) • Scarborough Borough Council ('A' authority) • Durham County Council ('A' authority') • Tees Valley Combined Authority and South Tees Development Corporation <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/north-east/the-net-zero-teesside-project/</p>
Section 42: Duty to consult		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 7 July 2020 at Appendix 9.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix 10.1 of the Consultation Report (Doc 5.1). 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"> • Indigo Power Limited

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

		<p>The Applicant's Consultation Report (Doc 5.1) 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 and are not listed in the Book of Reference (Doc 3.1).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN010103-001173</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Yes
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 9.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 7 July 2020.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • Stockton-on-Tees Borough Council • Redcar and Cleveland Borough Council • Middlesbrough Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • N/A <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Hambleton District Council • Scarborough Borough Council

⁶ 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

⁷ 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"> • North Yorkshire County Council • Durham County Council • Darlington Borough Council • Hartlepool Borough Council <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • North York Moors National Park <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p>It is noted that Middlesbrough Council has been consulted as a "B" authority, although has been identified by the Planning Inspectorate as an "A" authority.</p>
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 ⁸ ?	<p>Yes</p> <p>Paragraph 10.3.1 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 07 July 2020. Letters were sent to a number of additional consultees on 11 and 20 August 2020.</p> <p>Paragraphs 9.2.17 to 9.2.20 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc 2.1).</p> <p>The Applicant's Book of Reference (Doc 3.1) lists the persons consulted under s42(1)(d). The persons consulted under s42(1)(d) are listed at Appendix 9.3 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p>

⁸ 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.

Section 45: Timetable for s42 consultation

11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes</p> <p>Sample letters sent to s42 consultees are provided at Appendix 10.1 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 7 July 2020 does not state the start of the consultation period, only the closing date (18 September 2020), the Applicant provided more than the required minimum time for receipt of responses.</p> <p>The Applicant provided an extension for some s42 consultees. A letter was issued on 11 August 2020, the deadline for comments was 18 September 2020. An additional letter was issued to the Chairman of the South Gare Fisherman's Association (SGFA) on 20 August 2020, confirming consultation closed on 25 September 2020.</p>
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Section 46: Duty to notify the Planning Inspectorate of proposed application

12	Did the Applicant supply information to notify the 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>Yes</p> <p>The Applicant gave notice under s46 on 6 July 2020, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 11.1 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 11.2 of the Consultation Report (Doc 5.1).</p>
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Section 47: 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?	<p>Yes</p> <p>A copy of the final SoCC is provided at Appendix 8.7 of the Consultation Report (Doc 5.1).</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	<p>Yes</p> <p>On 11 March 2020 the original draft SoCC was submitted to Redcar and Cleveland</p>

	beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Borough Council and Stockton-on-Tees Borough Council, however on 31 March the original draft SoCC was formally withdrawn by the Applicant following discussions held on 26 March regarding alternative consultation approaches in response to the implementation of COVID-19 restrictions. A copy of the formal withdrawal request can be found at Appendix 8.3 of the Consultation Report (Doc 5.1).</p> <p>The Applicant sent the amended draft SoCC to Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council ('B Authorities') on 4 May 2020 and set a deadline of 01 June 2020 for responses.</p> <p>The Inspectorate notes that the Applicant has not provided the required 28 days beginning the day after the day on which local authorities receives the consultation documents, however, the Inspectorate are satisfied that no prejudice occurred as a result of this.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Table 8.1 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from Redcar and Cleveland Borough Council and Stockton-on-Tees Borough 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"> • The final SoCC included a commitment to keep under review the feasibility (subject to COVID-19 restrictions) of arranging physical consultation events. • The final SoCC included details of the freephone number and freepost address. <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>Yes</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"> • South Tees Development Corporation, Teesside Management Offices Monday to Friday 10am to 4pm. <p>A notice stating when and where the final SoCC could be inspected was published in:</p>

		<ul style="list-style-type: none"> • Teesside Gazette – 26 June 2020 <p>The published SoCC notice, provided at Appendix 8.8 of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 6.3 of the Consultation Report (Doc 5.1).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Paragraph 1.6 of the final SoCC at Appendix 8.7 of the Consultation Report (Doc 5.1) 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>Yes</p> <p>Paragraphs 10.3 to 12.4 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 12.1 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendices 12.1, 12.4, 12.5 and 13.9 of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.</p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes</p> <p>Paragraph 13.1.1 of the Consultation Report (Doc 5.1) states that the s48 Notice was published.</p> <p>Paragraph 13.1.2 of the Consultation Report (Doc 5.1) explains that the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 did not come into force until after Stage 2 consultation commenced. The Applicant's Stage 2 s48 notice provided details of an inspection location, where hard copy consultation documents could be viewed on an</p>

⁹ 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>appointment only basis.</p> <p>Table 13.1 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix 13.1 of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix 13.2 of the Consultation Report (Doc 5.1):</p>																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 35%;"></th> <th style="width: 40%; text-align: center;">Newspaper(s)</th> <th style="width: 20%; text-align: center;">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"> • Teesside Gazette • Darlington and Stockton Times • Northern Echo </td> <td> 9 July and 16 July 2020 10 July and 17 July 2020 9 July and 16 July 2020 </td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> • The Telegraph </td> <td>9 July 2020</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"> • London Gazette </td> <td>9 July 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> <ul style="list-style-type: none"> • Lloyds List • Fishing News </td> <td> 09 July 2020 9 July and 16 July 2020 </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"> • Teesside Gazette • Darlington and Stockton Times • Northern Echo 	9 July and 16 July 2020 10 July and 17 July 2020 9 July and 16 July 2020	b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Telegraph 	9 July 2020	c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • London Gazette 	9 July 2020	d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> • Lloyds List • Fishing News 	09 July 2020 9 July and 16 July 2020
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20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes</p> <p>The published s48 notice, supplied at Appendix 13.2 of the Consultation Report (Doc 5.1), 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	5	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	3.1
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	8	f)	the latest date on which those documents, plans and maps will be available for inspection	7
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8	h)	details of how to respond to the publicity	11
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	13			
21	Are there any observations in respect of the s48 notice provided above?				
	No				
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 ¹⁰ ?	Yes A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42			

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		consultation, as confirmed in paragraph 13.1.8 of the Consultation Report (Doc 5.1) . A sample of the s42 consultation letter provided at Appendix 10.1 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.
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?	Yes Table 15.2B of the Consultation Report (Doc 5.1) 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.
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	Paragraph 3.3.1 and Table 3.1 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant how in this regard, available here: http://infrastructure.planninginspectorate.gov.uk/document/EN010103-001173
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)		

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

26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the site and Section 6 provides the location of the Proposed Development.</p>									
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1).</p>									
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>No</p> <p>The Indicative Gas Connection and Above Ground Installations Plan (Doc 4.7) does have a Key Plan (sheet 1), however sheets 8 - 11 are not shown on the Key Plan.</p> <p>The Works Plans (Doc 4.4) Key Plan shows all of the works on one sheet; however, it doesn't show the relationship between the plans that make up the Works Plans.</p>									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA Regulations¹³ and any</td> <td>An Environmental Statement is provided in four volumes as follows: <ul style="list-style-type: none"> ES Non-Technical Summary </td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any	An Environmental Statement is provided in four volumes as follows: <ul style="list-style-type: none"> ES Non-Technical Summary 	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>Draft Development Consent Order (Doc 2.1)</td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 2.1)
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b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 2.1)										

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

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

c)	scoping or screening opinions or directions	<p>(Doc 6.1)</p> <ul style="list-style-type: none"> • ES Volume I (Main report) (Doc 6.2) • ES Volume II (Figures) (Doc 6.3) • ES Volume III (Doc 6.4). <p>A copy of the Scoping Opinion is provided in ES Volume III, Appendix 1B (Doc 6.4.2).</p>	d)		
	Is this of a satisfactory standard?	Yes , with a minor discrepancy noted in box 30		Is this of a satisfactory standard?	Yes , with minor discrepancies noted in box 30
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 2.2)		Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Book of Reference (Doc 3.1)
	Is this of a satisfactory standard?	Yes , with minor discrepancies noted in box 30		Is this of a satisfactory standard?	Yes
e)	A copy of any Flood Risk Assessment	ES Volume III, Appendix 9A (Doc 6.4.9)	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	A Statutory Nuisance Statement has been provided (Doc 5.9) which considers the matters set out in section 79(1) of the Environmental Protection Act 1990. The Applicant concludes that with implementation of the mitigation measures described in the document, there would be no effects giving rise to a statutory nuisance.
	Is this of a satisfactory	Yes		Is this of a satisfactory	Yes

h)	<p>standard?</p> <p>A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)</p>	<p>Statement of Reasons (Doc 3.2)</p> <p>Funding Statement (Doc 3.3)</p>	i)	<p>standard?</p> <p>A Land Plan identifying:-</p> <ul style="list-style-type: none"> (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 	<p>Land Plan (Doc 4.2)</p>
	<p>Is this of a satisfactory standard?</p>	<p>Yes, with minor discrepancies noted in box 30</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes, with minor discrepancies noted in box 30</p>
j)	<p>A Works Plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (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 	<p>Works Plans Key Plan (Doc 4.4)</p> <p>Works Plans Part 1 (Doc 4.4)</p> <p>Works Plans Part 2 (Doc 4.4)</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Access and Rights of Way Plan (Doc 4.5)</p>

	the development and works may be carried out and any limits of deviation provided for in the draft DCO				
	Is this of a satisfactory standard?	Yes , with minor discrepancies noted in box 30		Is this of a satisfactory standard?	
				Yes , with minor discrepancies noted in box 30	
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>	<p>(i) Figure 3-4, ES Volume II (Doc 6.3.5); Figures 12C-1 – 4, ES Volume III, Appendix 12C (Doc 6.4.20); Figure 13-1 in ES Volume II (Doc 6.3.58); Figure 14A-2 in ES Volume III, Appendix 14A (Doc 6.4.29); Figures 14D-2 and 14D-14 in ES Volume III, Appendix 14D (Doc 6.4.32); Figures 15-3 and 15-4, ES Volume II (Doc 6.3.62 and 6.3.63); Figure 17-1, ES Volume II (Doc 6.3.67); Figures 24C-1 and 24C-2, ES Volume III Appendix 24C (Doc 6.4.48); and Figures 1 and 2, HRA Report, Appendix D (Doc 5.13).</p> <p>(ii) As above at (i) Assessments provided in Chapter 10 (Geology, Hydrogeology and Contaminated Land), Chapter 12 (Terrestrial Ecology and Nature Conservation), Chapter 13 (Aquatic Ecology and Nature Conservation), Chapter 14 (Marine Ecology and Nature</p>	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>	<p>Figures 18-1, 18-2, 18-3 and 19-1, ES Volume II (Doc 6.3.121 to 6.3.124). A gazetteer of the sites and features is provided at Appendix 18B, ES Volume III (Doc 6.4.43).</p> <p>Assessments provided in Chapter 18 (Archaeology and Cultural Heritage) and Chapter 19 (Marine Heritage), ES Volume I (Doc 6.2.18 and 6.2.19).</p>

	<p>Conservation), Chapter 15 (Ornithology) and Chapter 17 (Landscape and Visual Amenity), ES Volume I (Doc 6.2.10, 6.2.12 to 6.2.15 and 6.2.17).</p> <p>(iii) Figures 9-1 and 9-2, ES Volume II (Doc 6.3.22 and 6.3.23). Water Framework Directive Assessment provided in ES Volume III, Appendix 9C (Doc ref 6.4.11).</p>		
	<p>Is this of a satisfactory standard?</p>	<p>Yes, with minor discrepancy noted in box 30</p>	<p>Is this of a satisfactory standard?</p> <p>Yes</p>
n)	<p>Where applicable, a plan with any accompanying information identifying any Crown land</p>	<p>Crown Land Plans (Doc 4.3).</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 vehicular and pedestrian access, any car parking and landscaping</p> <p>Site Location Plan (Doc 4.1)</p> <p>Indicative Power Capture and Compression Facility Plan (Doc 4.6)</p> <p>Indicative Gas Connection and Above Ground Installations Plan (Doc 4.7)</p> <p>Indicative Electrical Connection Plans (Doc 4.8)</p> <p>Indicative Water Connection Plan (Doc 4.9)</p> <p>Indicative HP Compressor Plans (Doc 4.10)</p> <p>Indicative CO₂ Gathering Network Plans (Doc 4.11)</p> <p>Indicative CO₂ Export Pipeline Plan (Doc 4.12)</p> <p>Indicative Surface Water Drainage Plan</p>

p)			q)		(Doc 4.13) Deemed Marine Licence Coordinates Plans (Doc 4.14) Indicative Landscape and Biodiversity Plan (Doc 4.15)
	Is this of a satisfactory standard?	Yes, with minor discrepancy noted in box 30		Are they of a satisfactory standard?	Yes, with minor discrepancy noted in box 30
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Electricity Grid Connection Statement (Doc 5.5) Gas Connection and Pipelines Statement (Doc 5.6)		Any other documents considered necessary to support the application	Project Need Statement (Doc 5.2) Planning Statement (Doc 5.3) Design and Access Statement (Doc 5.4) Carbon Capture Readiness Assessment (Doc 5.7) Combined Heat and Power Assessment (Doc 5.8) Other Consents and Licenses (Doc 5.10) Indicative Lighting Strategy (Doc 5.11) Landscape and Biodiversity Strategy (Doc 5.12)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes, with minor discrepancies noted in box 30
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
	a) Environmental Statement (Docs 6.1 – 6.4) <ul style="list-style-type: none"> ▪ Some of the Requirement numbers in ES Appendix 25A: Commitments Register (Doc 6.4.48) do not align with the Requirement numbers 				

in the dDCO.

b) Draft Development Consent Order (Doc 2.1)

- Work No. 1 includes a subsection (e) which contains works not identified on the Works Drawings/ Plans, the locations of some of which are set out elsewhere in the application documents.
- It is unclear whether the ‘further development’ listed after Work No 10 (*‘In connection with and in addition to Work Nos. 1 to 10, further development including—’*) is intended to be Associated Development in terms of s115(2) of the PA2008.

c) Explanatory Memorandum (Doc 2.2)

- Cross referencing between the Explanatory Memorandum and the draft Development Consent Order is not consistent and comprehensive. For example, explanation of Article 21 has not been included within section 3.5.

h) Funding Statement (Doc 3.3)

- Lack of explanation on the timing of the availability of funding. The Funding Statement notes that, *‘The Project Partners and Applicants will work with a variety of financial institutions and advisors in order to secure funding, which will be available in accordance with timings identified in the development programme...’*, and that the project programme will be developed after any consent. However, the guidance (*Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, 2013*) specifically notes that *‘Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made...’* (referring to the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010).

i) Land Plans (Doc 4.2)

- The insert showing the detail for plot 279 obscures the plot label for plot 283, which is only partially visible.

j) Works Plans Key Plan (Doc 4.4), Works Plans Part 1 (Doc 4.4) and Works Plans Part 2 (Doc 4.4)

- The Key Plan shows all the works on one sheet; however, it doesn’t show the relationship between the sheets that make up the Works Plans (Parts 1 & 2).
- The Works Plans show the indicative area for the proposed Works but are not specific enough (by showing the limits of deviation, for example).
- The graphics used on the Works Plans (**Doc 4.4**) do not clearly outline Works between the sub areas of a Work No. (e.g. Work No.1C, especially when overlain by other Works such as Work No.1A and/ or Work No.1B)
- The Works Plans (**Doc 4.4**) do not indicate the locations of optionality described in the proposed development description, such as the two options for CO₂ gathering, for natural gas connections and for water drainage discharge.
- Identification of the MLWS mark on the Works Plans (**Doc 4.4**) would provide further clarity.

k) Access and Rights of Way Plans (Doc 4.5)

- These plans show an area shaded in beige, labelled ‘Access Land’. Although there is information available in other application documents citing “Access Land”, there is no information in the DCO (**Doc 2.1**) to explain the significance of this land.

l) Plans to hold the relevant information

- The proposed gas pipeline and CO₂ pipeline under the River Tees are described as being located under bedrock below the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. The extent of the Ramsar site in this specific area of the application site, as well as at Coatham Marsh (immediately to the east of the application site), is shown incorrectly on some of the figures in the application documents (eg in Figure 3-4 in ES Volume II (**Doc 6.3.5**) and Figures 1 and 3 in Appendix D of the HRA Report (**Doc ref. 5.13**)).

n) Crown Land (Doc 4.3)

- Some of the sheets in this set are entitled ‘Crown Land Plans’, whereas others are entitled ‘Land Plans’.

o) Indicative Gas Connection and Above Ground Installations Plan (Doc 4.7)

- A Key Plan is required and has been provided. However, sheets 8 – 11 are not shown on the Key Plan.

o) Indicative Electrical Connection Plans (Doc 4.8)

- The Key Plan (sheet 1) only shows sheets 2 & 3; Sheet 4 should also be shown on the key plan. Sheets 5-7 are elevations, so don’t need to be shown on the Key Plan.

q) Project Need Statement (Doc 5.2)

- This document is partly corrupted, an uncorrupted version is to be provided.

q) Indicative Lighting Strategy (Doc 5.11)

- This document is partly corrupted, an uncorrupted version is to be provided.

Section 51 advice has been issued to the Applicant in respect of the above matters:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010103-001173>

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	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (Doc ref 5.13).</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, but the Inspectorate has noted minor deficiencies in the mapping of one Ramsar site.</p>
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	that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	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.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	No hard copies requested.
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?	Yes The Planning Inspectorate is satisfied that the Applicant has had regard to the statutory guidance set out in the 'Planning Act 2008: Application form guidance' and considers the application to be of a satisfactory standard.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. 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: http://infrastructure.planninginspectorate.gov.uk/document/EN010103-001173
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 1 July 2021; before the application was made.

¹⁴ Regulation 5(2)(g) of the APFP Regulations

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

Role	Electronic signature	Date
Case Manager	<i>Paige Hanlon</i>	16 August 2021
Acceptance Inspector	<i>Andrew Mahon</i>	16 August 2021

¹⁶ 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

