

THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Applicant's S.55 Checklist



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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)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) 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

The York Potash Harbour Facilities Development Consent Order 201X Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
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/YY	DD/MM/YY	DD/MM/YY
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (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 order³ (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 ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in 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</p>	<p>Yes. This is set out within Section 4 of the Application Form (Doc 1.1) which states:</p> <p><i>"The application is for a Development Consent Order ("DCO") under the Planning Act 2008 ("the Act") to enable the Applicant to construct a nationally significant infrastructure project ("NSIP") (as defined in s.14(j) of the Act), being a harbour facility which meets the criteria contained in s.24.</i></p> <p><i>As the proposed harbour facility is an NSIP, an application a DCO must be made as provided for in s.37 of the Act. This application includes associated development which complies with section 115(2) and (3) of the Act."</i></p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans 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)

required?	
Summary – s55(3)(a) and s55(3)(c)	<i>Review and conclude based on evidence provided above.</i>
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation 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 ⁴ ?	A letter dated 29 November 2013 was sent to the Planning Inspectorate as notification pursuant to regulation 6(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that the applicant proposed to provide an environmental statement in connection with the development. The letter enclosed a Scoping Report which is contained within Appendices 4.1 of the Environmental Statement (Doc 6.5)
2.2 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?	The status of Local Authorities in the area of the application site is set out in paragraph 6.22 of the Consultation Report (Doc 6.1) .
s42: Duty to Consult	
2.3 Did the applicant consult the following about the proposed application:	<i>For each entry under 2.3 and 2.4, locate and review relevant content in consultation report. Record relevant chapter, paragraphs, statements and appendices.</i>

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

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

s42(1)(a) persons prescribed ⁶ ?	<p>As noted in paragraphs 6.12 and 6.13 of the Consultation Report (Doc 6.1), Appendix 11 contains a full list of persons consulted pursuant to s42.</p> <p>As highlighted in paragraph 7.12 of the Consultation Report (Doc 6.1) Price Waterhouse Coopers (as administrators for Enron) were not consulted as part of the s42 consultation (although Enron were consulted). Air Products interest was not known at the time of the s42 consultation and as a result it was not formally consulted at that time; however engagement has occurred since and as soon as its interest became known to YPL and its advisors.</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	As noted in Appendix 11 of the Consultation Report (Doc 6.1) the Marine Management Organisation have been consulted.
s42(1)(b) each local authority within s43 ⁸ ?	<p>As noted in paragraphs 6.12 and 6.13 of the Consultation Report (Doc 6.1), Appendix 11 contains a list of all s43 local authorities who have been consulted, these comprise:</p> <p><u>Category "A" Authorities</u></p> <p>Hartlepool Borough Council</p> <p>Middlesborough Council</p> <p>Darlington Borough Council</p> <p>Scarborough Borough Council</p> <p>Hambleton District Council</p> <p>North York Moors National Park Authority</p>

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

	<p>North Yorkshire County Council Durham County Council</p> <p><u>Category "B" Authorities</u> Redcar and Cleveland Borough Council Stockton-on-Tees Borough Council</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable
s42(1)(d) each person in one or more of s44 categories ⁹ ?	As noted in paragraphs 6.12 and 6.13 of the Consultation Report (Doc 6.1), Appendix 11 contains details of all persons falling within s44 who have been consulted.
s45: Timetable for s42 Consultation	
2.4 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>Details of the s.42 letter are set out in paragraphs 6.14 – 6.16 of the Consultation Report (Doc 6.1). A copy of the letter sent by YPL to the Section 42 consultees is provided at Appendix 12.</p> <p>The letter was sent on 11 September 2014 which gave a consultation deadline of 16 October.</p>
s46: Duty to notify Secretary of State of proposed application	

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

<p>2.5 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?</p>	<p>As noted in paragraph 6.25 of the Consultation Report (Doc 6.1):</p> <p><i>"A letter and copy of the Summary Document were sent to the Planning Inspectorate on 11 September 2014 at the same time as the commencement of the Section 42 consultation, in accordance with Section 46 of the Act. This provided notification of the proposed application for a DCO for the harbour facility and included the cover letter and The York Potash Harbour Facility Summary of Proposals document sent to all parties consulted under Section 42. The letter to the Planning Inspectorate is provided in Appendix 16."</i></p>
<p>s47: Duty to consult local community</p>	
<p>2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>As noted in paragraphs 6.27 - 6.31 of the Consultation Report (Doc 6.1) the SoCC was prepared in conjunction with Redcar and Cleveland Borough Council and Stockton-on-Tees Council.</p> <p>Correspondence exchanged with both authorities on the draft SoCC is contained within Appendix 18 of the Consultation Report (Doc 6.1) and a copy of the final SoCC is provided at Appendix 17.</p>
<p>2.7 Were "B" and (where relevant) "C" authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p>As noted in paragraphs 6.27 and 6.31 of the Consultation Report (Doc 6.1) the SoCC was prepared in consultation with the "B" authorities (Redcar and Cleveland Borough Council and Stockton-on-Tees Council) (no "C" authorities exist).</p> <p>As explained in paragraph 31: <i>"A draft of the document was emailed to the planning officers at each authority on 19 May 2014. This invited comments on the document within 28 days as required by the Act. In response, RCBC provided comments on 3 June 2014"</i></p>

	<i>and STBC provided comments on 10 June 2014.”</i>
2.8 Has the applicant had regard to any responses received when preparing the SOCC?	<p>As set out in paragraph 31 of the Consultation Report (Doc 6.1):</p> <p><i>“Minor changes were made to the [SoCC] at the Council’s request (see documents at Appendix 18 to the Consultation Report which describe the changes requested. The draft SoCC was subsequently amended further to address changes to the wider Project and timescales and re-issued to both authorities on 2 September 2014. The final version of the document was agreed between the parties on 3 September (STBC) and 10 September (RCBC) and formally published on 11 September 2014.”</i></p>
2.9 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>Details of the newspaper notices published advertising the agreement of the SoCC and its availability for viewing are set out in paragraph 6.32 of the Consultation Report (Doc 6.1).</p> <p>The newspaper notices confirming the agreement of the SoCC were published as follows:</p> <p>Northern Echo - 11 September 2014 Evening Gazette (Teesside) – 11 September 2014 Evening Gazette (Teesside) – 18 September 2014 Northern Echo – 19 September 2014</p> <p>A copy of a newspaper notice is included within Appendix 18.</p>
2.10 Does the SOCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant	Paragraph 2.11 of the SoCC (Appendix 18 of the Consultation Report (Doc 6.1)) explains that the development is EIA

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

intends to publicise and consult on the preliminary environmental information?	development. It goes on to explain that Preliminary Environmental Information will be made available as part of the consultation process.
2.11 Has the applicant carried out the consultation in accordance with the SOCC?	<p>Table 5.1 of the SoCC sets out in detail the approach to be adopted to consultation.</p> <p>The Consultation Report (Doc 6.1) sets out in paragraphs 6.27 – 6.49 the public consultation process which was undertaken.</p> <p>Paragraph 6.33 of the Consultation Report states: "<i>The community consultation was carried out in accordance with the agreed SoCC...</i>"</p>
s48: Duty to publicise the proposed application	
2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	
(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;	<p>The Newspaper Notices Report (Doc 1.3) provides dated copies of the s48 notices as follows:</p> <ul style="list-style-type: none"> • The Northern Echo - (11 September 2014 & 19 September 2014); and • The Teesside Gazette - (11 September 2014 & 18 September 2014)
(b) once in a national newspaper;	The Newspaper Notices Report (Doc 1.3) provides a dated copy of the s48 notice which was placed in The Independent on 11 September 2014.
(c) once in the London Gazette and, if land in Scotland is	The Newspaper Notices Report (Doc 1.3) provides a dated copy

affected, the Edinburgh Gazette; and	of the s48 notice which was placed in the London Gazette on 11 September 2014.
(d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not Applicable. This development is not considered to be “offshore development”.
2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	<i>For each entry against 2.13, locate and review relevant content of s48 notice. Signpost the relevant part of the notice.</i>
(a) the name and address of the applicant;	Yes. In paragraph 1 of the notice (Doc 1.3) .
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Yes. In paragraph 1 of the notice (Doc 1.3) .
(c) a statement as to whether the application is EIA development;	Yes. In paragraph 2 of the notice (Doc 1.3) .
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes. In paragraphs 3 and 4 of the notice (Doc 1.3) .
(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;	Yes. In paragraph 5 of the notice (Doc 1.3) .

<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes. In paragraph 6 of the notice (Doc 1.3).</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes. In paragraph 6 of the notice (Doc 1.3).</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes. In paragraph 7 of the notice (Doc 1.3).</p>
<p>(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?</p>	<p>The regulations require the notice to be published in at least one local newspaper. For the purposes of compliance with the regulation, the second (final) notice was published in the Teesside Gazette on 18 September 2014 which was not less than 28 days before the deadline for receipt of responses contained within paragraph 8 of the notice (Doc 1.3). In addition to the requirement an additional notice was published on 19 September in the Northern Echo.</p>
<p>2.14 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 Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹¹?</p>	<p>The Consultation Report (Doc 6.1) states at paragraph 6.53 that: <i>"A copy of the Section 48 notice was sent to the prescribed consultees at the same time as the notice was first published. A copy of the Section 48 notice is provided at Appendix 27."</i></p> <p>Paragraph 6.50 of the Consultation Report notes that the Section 48 notice was first published on 11 September 2014.</p> <p>The Application Form (Doc 1.1) highlights that a number of regulation 9 bodies were identified and these are all listed in</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>Appendix 10 of the Consultation Report.</p> <p>Appendix 11 of the Consultation Report identifies all of the bodies who have been consulted. The list includes all of the bodies identified in accordance with Regulation 9(1)(c).</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>	
<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>A summary of the responses received under Sections 42 and 47 is further outlined in Sections 7 and 8 of the Consultation Report. The conclusions to that report (Section 9) which highlights in paragraphs 9.6 and 9.7 a number of amendments which have arisen as a result of the responses received.</p> <p>Appendix 28 to the Consultation Report (Doc 6.1) sets out details of the relevant responses received to the Section 42 and 48 consultations.</p> <p>It records where changes have been made and provides a response to the representations received.</p> <p>Appendix 29 sets out details of the relevant responses received to the Section 47 consultations and records where changes have been made and a response to the representations received.</p>
<p>Guidance about pre-application procedure</p>	

<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p><i>Locate and review relevant content in consultation report. Summarise and signpost relevant statements. Consider whether the application in any respect did not follow the guidance and whether this was explained/justified.</i></p> <p><i>e.g. "Paragraph 3.1.2 of the Consultation Report (Doc 2.1) explains how the applicant has had regard to DCLG's The Planning Act 2008: Guidance on the pre-application process..."</i></p>
<p>Summary - s55(3)(e)</p>	<p><i>Review and conclude based on evidence provided above.</i></p>
<p>3. 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)</p>	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes. Section 4 of the Application Form (Doc 1.1) states:</p> <p><i>"The application is for a Development Consent Order ("DCO") under the Planning Act 2008 ("the Act") to enable the Applicant to construct a nationally significant infrastructure project ("NSIP") (as defined in s.14(j) of the Act), being a harbour facility which meets the criteria contained in s.24.</i></p> <p><i>As the proposed harbour facility is an NSIP, an application for a DCO must be made as provided for in s.37 of the Act. This application includes associated development which complies with section 115(2) and (3) of the Act."</i></p> <p>The Application Site is identified in section 6 of the Application Form (Doc 1.1) as follows:</p> <p><i>"The application site comprises 92.44 hectares of land at Bran Sands, Teesside, on the south bank of the River Tees, as shown</i></p>

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

	edged red on Doc 3.1 (Location Plan). "
3.2 Is it accompanied by a consultation report?	The application is accompanied by a Consultation Report (Doc 6.1) and Consultation Report Appendices 1-33 (Doc 6.1).
3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	<i>For each entry against 3.3(a) to 3.3(i), locate and record document reference. Where appropriate record relevant chapters, paragraphs, statements, figures and appendices.</i>
(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	The application is accompanied by the Environmental Statement (Doc 6.4) which comprises 24 Sections: Section 1 – Introduction Section 2 – Relevant legislation, regulation and policy Section 3 – Description of the Proposed Harbour Facilities Section 4 – Approach to the Environmental Impact Assessment Section 5 – Hydrodynamic and sedimentary regime Section 6 – Hydrology, hydrogeology and land quality Section 7 – Marine sediment and water quality Section 8 – Marine ecology Section 9 – Marine and coastal ornithology Section 10 – Terrestrial ecology Section 11 – Fisheries and fishing activity Section 12 –Transport Section 13 – Air quality

	<p>Section 14 – Noise and vibration</p> <p>Section 15 – Archaeology and cultural heritage</p> <p>Section 16 – Commercial navigation</p> <p>Section 17 – Coastal protection and flood defence</p> <p>Section 18 – Infrastructure</p> <p>Section 19 – Socio-economic</p> <p>Section 20 – Landscape and visual</p> <p>Section 21 – Recreation and access</p> <p>Section 22 - Offshore disposal of dredged materials</p> <p>Section 23 – Impact inter-relationships</p> <p>Section 24 – References</p> <p>It is also accompanied by the following Appendices (Doc 6.5):</p> <p>Appendix 3.1 – Waste Management</p> <p>Appendix 3.2 – Option Study Report: conveying polyhalite from Wilton to Bran Sands</p> <p>Appendix 4.1 – Environmental Scoping Report</p> <p>Appendix 4.2 – Scoping Opinion</p> <p>Appendix 4.3 – Water Framework Directive compliance assessment</p> <p>Appendix 5.1 – Hydraulic studies to support EIA</p> <p>Appendix 5.2 – Model calibration and validation</p> <p>Appendix 6.1 – Land Quality Investigation Meeting Note</p> <p>Appendix 6.2 – Site Characterisation and Generic Risk Assessment</p>
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Appendix 6.3 – Land Quality Report
Appendix 6.4 – Outline Construction Environmental Management Plan
Appendix 7.1 – Benthic and sediment sampling strategy
Appendix 7.2 – Sediment quality data
Appendix 8.1 – Underwater noise calibration certificate
Appendix 8.2 – Underwater noise modelling report
Appendix 8.3 – Benthic ecology survey report
Appendix 9.1 – Waterbird distribution plots
Appendix 9.2 - Waterbird data
Appendix 10.1 – Terrestrial ecology legislation
Appendix 10.2 – Terrestrial ecology survey reports
Appendix 12.1 – Figures to support Traffic and Transport Section
Appendix 12.2 – Transport Assessment
Appendix 12.3 – Construction Traffic Management Plan
Appendix 12.4 – Baseline traffic flows
Appendix 12.5 – Collision plans
Appendix 12.6 – Collision data
Appendix 12.7 – Collision cluster data
Appendix 12.8 – Activity HGV summary
Appendix 12.9 – Traffic demand summary
Appendix 12.10 – Peak construction employee numbers
Appendix 12.11 – Distribution of construction employees

	<p>Appendix 13.1 – Air quality appendix Appendix 14.1 – Construction vibration calculations Appendix 15.1 – Archaeology and Heritage desk based appraisal Appendix 15.2 – Northern Gateway Archaeological Appraisal Appendix 15.3 – Stage 1 Geoarchaeological Assessment Appendix 15.4 – Additional settings assessment report Appendix 16.1 – Tees Marine Risk Assessment Study Appendix 17.1 – Flood Risk Assessment Appendix 19.1 – Socio-economic legislation policy guidance Appendix 20.1 – LVIA methodology Appendix 20.2 – Landscape assessment Appendix 20.3 – Visual assessment Appendix 20.4 – Technical lighting assessment report Appendix 20.5 – LVIA figures Appendix 22.1 –Minipod deployments at the Tees disposal site</p> <p>The application is also accompanied by a Cumulative Impact Assessment (Doc 6.6) and a Non-Technical Summary (Doc 6.7).</p>
(b) the draft proposed order;	<p>The application is accompanied by a Draft Development Consent Order (Doc 4.1) which includes a Deemed Marine Licence.</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>The application is accompanied by an Explanatory Memorandum (Doc 4.2)</p>

<p>(d) where applicable, a book of reference (where the application involves any compulsory acquisition);</p>	<p>The application is accompanied by a Book of Reference (Doc 5.3)</p>
<p>(e) a copy of any flood risk assessment;</p>	<p>The application is accompanied by a Flood Risk Assessment which is produced at Appendix 17.1 to the Environmental Statement (Doc 6.5)</p>
<p>(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;</p>	<p>Doc 6.2 (Section 79(1) of the Environmental Protection Act 1990 Statement (re Statutory Nuisance)) has been provided by the applicant and concludes at paragraph 3.1 :</p> <p>“Taking into account the mitigation measures contained in the Sections of the ES referred to above it is not anticipated that a statutory nuisance in respect of noise (including vibration), air quality, lighting or any other matter will result from the construction and operation of the proposed development.”</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ 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);</p>	<p>The application is accompanied by a Regulation 48 European Site Statement (Reg 5(2)(g)) Habitats Regulation Report (Doc 6.3)</p> <p>Section 8 (Marine ecology), Section 9 (Marine and coastal ornithology) and Section 10 (Terrestrial ecology) of the Environmental Statement (Doc 6.4) also contain relevant information to enable an appropriate assessment of the implications for the site if required by regulation 48(1).</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>The application is accompanied by a Statement of Reasons (Doc 5.1) and Funding Statement (Doc 5.2)</p>

¹³ Now Regulation 61 of the [Conservation of Habitats and Species Regulations 2010 SI2010/490](#).

<p>(i) 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>The application is accompanied by a suite of Land Plans (Doc 2.1, Doc 2.1A – Doc 2.1N) showing:</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>(j) 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 the development and works may be carried out and any limits of deviation provided for in the draft order; 	<p>The application is accompanied by a suite of Works Plans (Doc 2.2, Doc 2.2A – Doc 2.2F) showing:</p> <ul style="list-style-type: none"> (i) the proposed location 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 order;
<p>(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;</p>	<p>The application is accompanied by a suite of Access and Rights of Way Plans (Doc 2.3, Doc 2.3A, Doc 2.3B and Doc 2.3C)</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ 	<p>This information and related plans is contained within Sections 8-10 of the Environmental Statement (Doc 6.5) and accompanying Appendices.</p>

<p>landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. 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>This information and related plans is contained within Section 15 of the Environmental Statement (Doc 6.5) and accompanying Appendices.</p>
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Crown land is identified on the Land Plans (Doc 2.1, Doc 2.1A, Doc 2.1B, Doc 2.1D and Doc 2.1E)</p>
<p>(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>Doc 3.1 Location Plan</p> <p>Doc 3.2A Layout Plans (Ground Level) Northern Route Key Plan</p> <p>Doc 3.2B Layout Plans (Ground Level) Northern Route Sheet 1</p> <p>Doc 3.2C Layout Plans (Ground Level) Northern Route Sheet 2</p> <p>Doc 3.2D Layout Plans (Ground Level) Northern Route Sheet 3</p> <p>Doc 3.2E Layout Plans (Ground Level) Northern Route Sheet 4</p>

Doc 3.2F Layout Plans (Ground Level) Northern Route Sheet 5

Doc 3.2G Layout Plans (Ground Level) Southern Route Key Plan

Doc 3.2H Layout Plans (Ground Level) Southern Route Sheet 1

Doc 3.2I Layout Plans (Ground Level) Southern Route Sheet 2

Doc 3.2J Layout Plans (Ground Level) Southern Route Sheet 3

Doc 3.2K Layout Plans (Ground Level) Southern Route Sheet 4

Doc 3.2L Layout Plans (Ground Level) Southern Route Sheet 5

Doc 3.3A Conveyor Route Southern Route - Key Plan

Doc 3.3B Conveyor Route Plans – Southern Route Sheet 1

Doc 3.3C Conveyor Route Plans – Southern Route Sheet 2

Doc 3.3D Conveyor Route Plans – Southern Route Sheet 3

Doc 3.3E Conveyor Route Plans – Southern Route Sheet 4

Doc 3.3F Conveyor Route Plans – Southern Route Sheet 5

Doc 3.3G Conveyor Route Plans Southern Route Sheet 6

Doc 3.3H Conveyor Northern Route - Key Plan

Doc 3.3I Conveyor Route Plans Northern Route - Sheet 1

Doc 3.3J Conveyor Route Plan Northern Route - Sheet 2

Doc 3.3K Conveyor Route Plan Northern Route - Sheet 3

Doc 3.3L Conveyor Route Plan Northern Route - Sheet 4
Doc 3.3M Conveyor Route Plan Northern Route - Sheet 5
Doc 3.3N Conveyor Route Plan Northern Route - Sheet 6
Doc 3.3O Conveyor Route Plan Northern Route - Sheet 7
Doc 3.4A Location of Temporary Compounds (Sheet 1 of 2)
Doc 3.4B Location of Temporary Compounds (Sheet 1 of 2)
Doc 3.4C Temporary Compound Site A
Doc 3.4D Temporary Compound Site B
Doc 3.4E Temporary Compound Site D
Doc 3.4F Temporary Compound Site E
Doc 3.4G Temporary Compound Site F
Doc 3.5A Permanent Compound Site A
Doc 3.5B Permanent Compound Site C
Doc 3.6A Permanent Building Elevations Site C
Doc 3.6B Substation Elevations Sites A and C
Doc 3.7 MHF Overall Site Layout Plan
Doc 3.8A Indicative Layout – Solid Quay Construction – Northern Route
Doc 3.8B Indicative Layout – Solid Quay Construction – Southern Route
Doc 3.8C Indicative Section Solid Quay Construction
Doc 3.8D Indicative Elevation – Solid Quay Construction
Doc 3.9A Indicative Layout Open Quay Northern Route
Doc 3.9B Indicative Layout Open Quay Construction –

	<p>Southern Route</p> <p>Doc 3.9C Indicative Section Open Quay Construction</p> <p>Doc 3.9D Indicative Elevation Open Quay Construction</p> <p>Doc 3.10 Conveyor Typologies</p> <p>Doc 3.11A Southern Option – Conveyor Vertical Limits of Deviation Plans Long Section</p> <p>Doc 3.11B Northern Option – Conveyor Vertical Limits of Deviation Plans Long Section</p> <p>Doc 3.12A Conveyor Cross Sections Location Plan – Northern Route</p> <p>Doc 3.12 B Conveyor Cross Sections – Northern Route Sheet 1</p> <p>Doc 3.12C Conveyor Cross Sections – Northern Route Sheet 2</p> <p>Doc 3.12D Conveyor Cross Sections Location Plan – Southern Route</p> <p>Doc 3.12E Conveyor Cross Sections – Southern Route Sheet 1</p> <p>Doc 3.12F Conveyor Cross Sections – Southern Route Sheet 2</p> <p>Doc 3.13 Ease of Reference A3 Plans Bundle</p> <p>Doc 3.14 Harbour Construction Route Access</p>
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹⁴;</p>	<p>The Planning Statement (Doc 7.1) sets out why the making of the order is in accordance with the requirements of Regulation 6(3)</p>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

<p>(3) If the application is for the construction or alteration of harbour facilities, it must be accompanied by a statement setting out why the making of the order is desirable in the interests of—</p> <p>(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or</p> <p>(b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.</p>	
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Doc 1.6 Issues and Document Tracker</p> <p>Doc 6.8 Governance Tracker</p> <p>Doc 6.9 Parameters Table</p> <p>Doc 7.2 Summary of Proposals Document</p> <p>Doc 7.3 Project Position Statement</p> <p>Doc 7.4 Draft Development Consent Obligations - Heads of Terms</p> <p>Doc 7.5 Letter from Secretary of State for Business, Innovation and Skills</p> <p>Doc 7.6 The Crown Estate Consent Letter</p>
<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p>Two copies of the application form and accompanying documentation have been requested and supplied.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of</p>	<p>The plans which accompany the application are all provided at A0 or smaller and drawn to an identified scale (not smaller than</p>

<p>plans, show the direction of north¹⁵?</p>	<p>1:2500) and show the direction of north.</p> <p>Some plans within the Environmental Statement (Doc 6.4) do not comply, however these plans are either replicated by separately submitted plans which do comply or they are legible and clear without compliance.</p> <p>In addition, the applicant has supplied an Ease of Reference A3 Plans Bundle (Doc 3.13) which reproduces some of the key application plans at a reduced size.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>The following documents are Key Plans:</p> <p>YPL Land Plan Key Plan Rev v1 (Doc 2.1)</p> <p>YPL Works Plan Key Plan Rev v1 (Doc 2.2)</p> <p>YPL Access and RoW Plan Key Plan Rev v1 (Doc 2.3)</p> <p>Layout Plans (Ground Level) Northern Route Key Plan (Doc 3.2A)</p> <p>Layout Plans (Ground Level) Southern Route Key Plan (Doc 3.2G)</p> <p>Conveyor Route Southern Route – Key Plan (Doc 3.3A)</p> <p>Conveyor Northern Route – Key Plan (Doc 3.3H)</p>
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p><i>Check application for evidence of regard to guidance.</i></p> <p><i>Record relevant documents, chapters, paragraphs and statements; including relevant document name and reference.</i></p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p><i>Review and conclude based on evidence provided above.</i></p>

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<i>State whether the application has been prepared to a standard that the Secretary of State considers satisfactory.</i>
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The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

Was the fee paid at the same time that the application was made ¹⁷ ?	The application fee was paid by cheque which was received by the Planning Inspectorate on 12 March 2015.
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Case Leader

.....
Signed

Date:

Acceptance Inspector

.....
Signed

Date:

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 payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

[PROJECT NAME]

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates