

**Section 55**

Acceptance of Applications Checklist

**Appendix 2** of [Advice for the preparation and submission of application documents](https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-six-preparation-and-submission-of-application-documents/)

**Version:** September 2023

**Section 55 Acceptance of Applications Checklist**

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

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

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| **Section 55(2) Acceptance of Applications** |
|  | 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 |
|  |  |  |
| **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**  |
|  | Is the development a Nationally Significant Infrastructure Project[[1]](#footnote-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[[2]](#footnote-3) (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 the Proposed Development fall)?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? |  |
|  | **Summary: Section 55(3)(a) and s55(3)(c)** |  |
| **Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)** |
|  | In accordance with the EIA Regulations[[3]](#footnote-4), 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? |  |
|  | Have any Adequacy of Consultation Representations[[4]](#footnote-5) been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48? |  |
| **Section 42: Duty to consult** |
| Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application? |
|  | Section 42(1)(a) persons prescribed[[5]](#footnote-6)?  |  |
|  | Section 42(1)(aa) the Marine Management Organisation[[6]](#footnote-7)? |  |
|  | Section 42(1)(b) each local authority within s43[[7]](#footnote-8)? |  |
|  | Section 42(1)(c) the Greater London Authority (if in Greater London area)? |  |
|  | Section 42(1)(d) each person in one or more of s44 categories[[8]](#footnote-9)? |  |
| **Section 45:** **Timetable for s42 consultation**  |
|  | 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? |  |
| **Section 46:** **Duty to notify the Planning Inspectorate of proposed application** |
|  | 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? |  |
| **Section 47**: **Duty to consult local community** |
|  | Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land? |  |
|  | 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? |  |
|  | Has the Applicant had regard to any responses received when preparing the SoCC? |  |
|  | Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected? |  |
|  | Does the SoCC set out whether the development is EIA development[[9]](#footnote-10); and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information? |  |
|  | Has the Applicant carried out the consultation in accordance with the SoCC? |  |
| **Section 48: Duty to publicise the proposed application** |
|  | Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009? |  |
|  |  | **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; |  |  |
| b) | once in a national newspaper; |  |  |
| c) | once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and |  |  |
| d) | where the proposed application relates to offshore development –(i) once in Lloyds List; and(ii) once in an appropriate fishing trade journal? |  |  |
|  | Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009? |  |
|  | **Information** | **Paragraph** |  | **Information** | **Paragraph** |
| a) | the name and address of the Applicant. |  | 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 were available on a website maintained by or on behalf of the Applicant. The statement must include:* the nature and location of the Proposed Development
* The address of the website
* The place on the website
* A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.
 |  | 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 |  |  |
|  | Are there any observations in respect of the s48 notice provided above? |
|  |  |
|  | 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]](#footnote-11)?  |  |
| **s49:** **Duty to take account of responses to consultation and publicity** |
|  | Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation? |  |
| **Guidance about pre-application procedure** |
|  | To what extent has the Applicant had regard to statutory guidance ‘Planning Act 2008: Guidance on the pre-application process’[[11]](#footnote-12)? |  |
|  | **Summary: Section 55(3)(e)** |   |
| **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)**  |
|  | Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:* 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?
 |  |
|  | Is it accompanied by a Consultation Report? |  |
|  | Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?[[12]](#footnote-13) |  |
|  | Is it accompanied by the documents and information set out in APFP Regulation 5(2)?  |  |
|  | **Information** | **Document** |  **Information** | **Document** |
| a) | Where applicable, the Environmental Statement required under the EIA Regulations[[13]](#footnote-14) and any scoping or screening opinions or directions |  | b) | The draft Development Consent Order (DCO) |  |
|  | Is this of a satisfactory standard? |  |  | Is this of a satisfactory standard? |  |
| c) | An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO |  | d) | Where applicable, a Book of Reference |  |
|  | Is this of a satisfactory standard? |  |  | Is this of a satisfactory standard? |  |
| e) | A copy of any Flood Risk Assessment |  | 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 |  |
|  | 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) |  | i) | A Land Plan identifying:- 1. the land required for, or affected by, the Proposed Development;
2. where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;
3. any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and
4. any special category land and replacement land
 |  |
|  | Is this of a satisfactory standard? |  |  | Is this of a satisfactory standard? |  |
| j) | A Works Plan showing, in relation to existing features:- 1. the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and
2. the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO
 |  | 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 |  |
|  | Is this of a satisfactory standard? |  |  | Is this of a satisfactory standard? |  |
| l) | Where applicable, a plan with accompanying information identifying:- 1. any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;
2. habitats of protected species, important habitats or other diversity features; and
3. 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 |  | m) | Where applicable, a plan with accompanying information identifying any statutory or 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 |  |
|  | 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 |  | 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 |  |
|  | 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: |  | q) | Any other documents considered necessary to support the application |  |
|  | Are they of a satisfactory standard? |  |  | Are they of a satisfactory standard? |  |
|  | Are there any observations in respect of the documents provided at Box 29 (a) to (q) above? |
|  |   |
|  | 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)?[[14]](#footnote-15) |  |
|  | If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans[[15]](#footnote-16) |  |
|  | 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? |  |
|  | **Summary - s55(3)(f) and s55(5A)** |   |
| **The Infrastructure Planning (Fees) Regulations 2010 (as amended)** |
| **Fees to accompany an application** |
|  | Was the fee paid at the same time that the application was made[[16]](#footnote-17)? |  |

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| --- | --- | --- |
| **Role** | **Electronic signature** | **Date** |
| Case Manager |  |  |
| Acceptance Inspector |  |  |

1. NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30 [↑](#footnote-ref-2)
2. Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008) [↑](#footnote-ref-3)
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) [↑](#footnote-ref-4)
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 [↑](#footnote-ref-5)
5. Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) [↑](#footnote-ref-6)
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 [↑](#footnote-ref-7)
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 [↑](#footnote-ref-8)
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. [↑](#footnote-ref-9)
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 [↑](#footnote-ref-10)
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 [↑](#footnote-ref-11)
11. The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50 [↑](#footnote-ref-12)
12. Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 [↑](#footnote-ref-13)
13. The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations [↑](#footnote-ref-14)
14. Regulation 5(2)(g) of the APFP Regulations [↑](#footnote-ref-15)
15. Regulation 5(2)(r) of the APFP Regulations [↑](#footnote-ref-16)
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 [↑](#footnote-ref-17)