

Section 55 Acceptance of Applications – Application Checklist					
Within 28 days (starting day after receipt) the Commission must decide whether or not to accept the application.	Project Name	Project Reference	Date received	28 day due date	Date of decision
	Rookery South EfW	EN010011	5 <sup>th</sup> August 2010	2 <sup>nd</sup> September 2010	26 <sup>th</sup> August 2010
<b>NB: See IPC Guidance Note No. 2 (the preparation of application documents) and CLG Application Form Guidance for guidance on how the form should be completed and what should be included with it.</b>					
<b>Section 55(3) – the Commission may <u>only</u> accept an application if it concludes that it:-</b>		<b>Secretariat Comments</b>		<b>Commissioner Note</b>	
<b>(a) Is an application for an order granting development consent</b>					
<b>1) The application must state on the face of it that it is an application for a development consent order (DCO) under the 2008 Act, or equivalent words</b>		Yes – Front page of covering letter References to the relevant numbered documents submitted as part of the application are indicated below as APP DOC REF		I have reviewed all the Secretariat's comments in this checklist and taken them into account in drawing together my conclusions which are set out at the end of this document, prior to the appendices.	
<b>(b) Complies with section 37(3) (form and contents of application) and with any standards set under section 37(5)</b>					
<b>s37: Applications for orders granting development consent</b>					
1) only if an application is made ( <i>is the application made?</i> )		Yes – Application form is fully completed along with accompanying covering letter			
2) must be made to the Commission. The applicant must give a brief statement which explains why the Commission is the appropriate body to receive this application, with reference to the relevant section of Part 3 of the Act. ( <i>has the application been made to the Commission and has this statement been included?</i> )		Yes – Statement in section 4 of application form and para 2 of covering letter (s14(a) & 15(2) of the Act. This includes the capacity of the proposed development (65MW). APP DOC REF 1.2 SECTION 4 APP DOC REF 1.1 PARAGRAPH 2			
3) A brief statement must be given that clearly identifies the location of the application site, or the route if it is a linear scheme ( <i>is this included?</i> )		Yes – Section 6 of application form. Including Grid Reference. APP DOC REF 1.2 SECTION 6			
4) the application <b>must:</b>					
a) specify the development to which it relates (i.e. which category or categories in sections 14-30 does the application scheme fall) . ( <i>does it?</i> )		Yes – s14(a) and s15(2) (section 4 of application form & para 2 of covering letter. APP DOC REF 1.2 SECTION 4 APP DOC REF 1.1 PARAGRAPH 2			
b) Made in the prescribed form ( <i>is it?</i> )		Yes – Application form completed, signed and dated. APP DOC REF 1.2			
Prescribed form as set out in Regulation 5(1) and Schedule 2 of SI 2264 – The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)					
c) Accompanied by consultation report ( <i>is it?</i> )		Yes – Ref 7.1 & 7.2 (2 folders of appendices) APP DOC REF 7.1 & APPENDICES 7.2			
d) accompanied by documents and information of prescribed description ( <i>are there any?</i> )		Yes, see below. Refer to Table 1.0 (appended) for details on how each prescribed document complies with the standards set out in IPC Guidance			

	Note 2 (Paras 8-10)	
<p>Prescribed form as set out in Regulation 5 and 6 of the APFP Regulations  <b>Under Regulation 5(2) an application must be accompanied by:-</b></p>		
<p>(a) where applicable, the environmental statement (ES) required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and any scoping or screening opinions or directions;</p>	<p>APP DOC REF 3.1-3.3  APP DOC REF 3.4 (Technical Summary)  Document references 3.1 – 3.4  The 'EIA Review Criteria' (Appendix B) provides an initial assessment of the ES documents from which the Secretariat concludes that the ES is appropriate for acceptance purposes.</p> <p>ENVIRONMENTAL STATEMENT  VOLUME I APP DOC REF 3.1  <u>Format:</u>  Non-tech Summary 3.4  Paragraphed and paginated –640pg  Title Page – Yes see above  Author – Covanta Energy  Date of Revision: August 2010  Reg 5(2)(a)  Contents page included  Plans included – Please see spreadsheet.</p> <p>ENVIRONMENTAL STATEMENT  VOLUME II APP DOC REF 3.2  <u>Format:</u>  Non-tech Summary 3.4  Paragraphed and paginated –9 page written document followed by photomontages.  Title Page – Yes see above  Author – LDA Design  Date of Revision: 04/08/2010  Reg 5(2)(a)  Contents Page included  Plans included</p> <p>ENVIRONMENTAL STATEMENT  VOLUME III APP DOC REF 3.3  <u>Format:</u>  Non-tech Summary 3.4  Paragraphed and paginated –  Title Page – Yes see above  Author – LDA Design  Date of Revision: 04/08/10  Reg 5(2)(a)  Each appendix has a sub-contents page.  Plans included – Please see Appendix E.  NB Appendices 6, 7, 10, 14 &amp;15 are left as blank and are not included in the application details.</p>	

	<p>ENVIRONMENTAL STATEMENT NON-TECHNICAL SUMMARY APP DOC REF 3.4</p> <p><u>Format:</u></p> <p>No summary is included as part of this document. As the document is a summary itself, the Secretariat is of the view that a further 'summary of the summary' is not necessary.</p> <p>Paragraphed and paginated –30pg last para 14.1.2</p> <p>Title Page – Yes see above</p> <p>Author – LDA Design</p> <p>Date of Revision: 04/08/10</p> <p>Reg 5(2)(a)</p> <p>Contents page included</p>	
<p>(b) the draft proposed order;</p>	<p>APP DOC REF 1.4</p> <p><u>Format:</u></p> <p>No Summary. This is not considered to be necessary for the draft DCO.</p> <p>Paragraphed and paginated –28pg doc set out in SI format</p> <p>Title Page – Yes see above</p> <p>Author – DLA Piper</p> <p>Date of Revision 04/08/10</p> <p>Reg 5(2)(b)</p> <p>Contents page included</p> <p>No plans</p> <p>7 Schedules</p> <p><b>[Redacted]</b></p>	
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order, including in particular any divergences from the model provisions (SI 2009 2265);</p>	<p>APP DOC REF 1.5</p> <p><u>Format:</u></p> <p>No Summary. Given the nature of information presented in the Explanatory Memorandum the Secretariat does not consider it essential that a summary is included for this type of development.</p> <p>Paragraphed and paginated –15pg doc, content of doc begins on p3. 18 paragraphs then articles within DCO are discussed in sequence.</p> <p>Title Page – Yes see above</p> <p>Author – DLA Piper</p> <p>Date of Revision 04/08/10</p> <p>Reg 5(2)(c)</p> <p>No table of contents – Set out in Stationary Office Format/Template. Although over two pages, the Secretariat does not consider it necessary for this document to include a table of contents – the order of information is clearly set out within the document.</p> <p>No plans</p>	
<p>(d) where applicable, the book of reference (where the proposed application involves</p>	<p>APP DOC REF 1.8</p>	

<p>any compulsory acquisition of land);</p>	<p><u>Format:</u>  No Summary. Given the nature of information presented in the Book of Reference, the Secretariat does not consider it essential that a summary is included for this type of development.  Paragraphed and paginated –124pg doc, no paras in table format.  Title Page – Yes see above  Author – Ardent  Date of Revision 04/08/10  Reg 5(2)(d)  Table of Contents  No plans</p>	
<p>(e) where applicable a copy of any flood risk assessment;</p>	<p>APP DOC REF 4.4  <u>Format:</u>  Summary included with broad outline of issues.  Paragraphed and paginated –main doc p1-82, appendices p83-107 paras 1.0-17.2.2  Title Page – Yes see above  Author – LDA Design  Date of Revision 04/08/10  Reg 5(2)(e)  Contents included  Plans included</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>APP DOC REF 1.9  <u>Format:</u>  No Summary. This is a small document, clearly setting out the information within it and is not considered to require a summary.  Paragraphed and paginated –9pg doc, last para 3.1.2  Title Page – Yes see above  Author – DLA Piper  Date of Revision 04/08/10  Reg 5(2)(f)  Contents page included  No plans</p>	
<p>(g) any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &amp;c.) Regulations 1994 (as amended) applies, or any Ramsar site, which may be affected by the proposed development, together with sufficient information that will enable the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1). <b>LEGAL/EIA TEAM ADVICE/INPUT REQUIRED</b> on whether the information provided is sufficient or not.</p>	<p>APP DOC REF 4.2  <u>Format:</u>  No Summary. This is a small document, clearly setting out the information within it and is not considered to require a summary.  Paragraphed and paginated –12pg doc, last para 2.1.1  Title Page – Yes see above  Author – Baker Shepherd Gillespie  Date of Revision 04/08/10  Contents page included  Reg 5(2)(g) and (q)  No plans  The Secretariat considers that the</p>	

	<p>information provided with the application is sufficient to enable the decision maker to determine whether an appropriate assessment of the implications for the site is required by Regulation 48(1).</p>	
<p>(h) if the proposed order would authorise the compulsory acquisition of land/an interest in land or right over land, a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded;</p>	<p>APP DOC REF 1.6 – 1.7</p> <p><u>Format:</u></p> <p><b>Statement of reasons:</b></p> <p>No summary. This is a small document and, taking account of the extent of the information provided within it, the Secretariat is of the opinion that it is not considered necessary to include a summary.</p> <p>Paragraphed and paginated –50pg doc, last para 9.2.3</p> <p>Title Page – Yes see above</p> <p>Author – DLA Piper</p> <p>Date of Revision 04/08/10</p> <p>Contents page included</p> <p>Reg 5(2)(h)</p> <p>No plans</p> <p>APP DOC REF 1.7</p> <p>No summary. Given the small length of this document which clearly sets out the information provided, the Secretariat does not consider it necessary for a summary to be provided.</p> <p>Paragraphed and paginated</p> <p>Title page – Yes see above</p> <p>Author – DLA Piper</p> <p>Date of Revision 4/08/10</p> <p>No contents page required as only 2 pages</p> <p>Reg 5(2)(h)</p> <p>No plans</p>	
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) where the land includes special category land and replacement land, that special category land</p>	<p><b>STANDARDS FOR ALL PLANS AS PER APPENDIX D</b></p> <p><b>PLANS 2.5</b></p> <p>(i) Plans 2.5</p> <p>APP DOC REF 2.5</p> <p>Title: Land Plan</p> <p>North Sign: Yes</p> <p>Author: LDADesign</p> <p>Scale: 1:2500</p> <p>Revision: no</p> <p><b>PLANS 2.5 – 2.10</b></p> <p>(ii) Plans 2.5 – 2.10</p> <p>APP DOC REF 2.6-2.10</p> <p>Title: Extinguishments of Rights</p> <p>North Sign: Yes</p> <p>Author: LDADesign</p> <p>Scale (key plan): 1:7500</p> <p>Scale (1-4): 1:2500</p> <p>Revision: no</p>	

	<p>(iii) Plans 2.5 – 2.10 (see above)  (iv) Plan 2.5 (see above)  APP DOC REF 1.6 (Statement of Reasons) chapter 7</p> <p>The CLG application form guidance makes it clear that it is acceptable for a plan to incorporate several issues, as long as there is sufficient clarity for each issue to be understood, and the plan and issues appropriately referenced throughout the application (para 6). The Secretariat considers this to be the case in this instance.</p>	
<p>(j) a works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;</p>	<p><b>PLANS 2.2 – 2.4</b></p> <p>(i) Plan 2.2 – 2.4  APP DOC REF: 2.2 – 2.4  Title: Works Plan  North Sign: Yes  Author: LDADesign  Scale (1-2): 1:1250  Scale (Key Plan): 1:3000 – Whilst smaller than 1:2500 this is considered acceptable for a Key Plan.  Revision: No</p> <p>(ii) Plan 2.2 – 2.4  Refer to the above</p> <p>As above, the CLG application form guidance makes it clear that it is acceptable for a plan to incorporate several issues, as long as there is sufficient clarity for each issue to be understood, and the plan and issues appropriately referenced throughout the application (para 6). The Secretariat considers this to be the case in this instance.</p>	
<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><b>PLANS 2.11 &amp; 2.26 - 2.29</b></p> <p>APP DOC REF 2.11  Title: Rights of Way Plan  North Sign: Yes  Author: LDA Design  Scale: 1:2500  Revision: No</p> <p>APP DOC REF 2.26  Title: Proposed Access Road Existing Footpath Width and Level Crossing  North Sign: Yes  Author: Waterman Boreham TP  Scale: 1:500  Revision: No</p> <p>APP DOC REF 2.27  Title: Proposed Access Road with</p>	

	<p>Proposed 2.5m at Level Crossing  North Sign: Yes  Author: Waterman Boreham TP  Scale: 1:500  Revision: no</p> <p>APP DOC REF 2.28  Title: Proposed Access to the Rookery Resource Facility  North Sign: Yes  Author: Waterman Boreham TP  Scale: 1:500  Revision: No</p> <p>APP DOC REF 2.29  Title: Level Crossing – Group Plan  North Sign: Yes  Author: ARUP  Scale: Varies  Revision: No</p>	
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites/features of nature conservation e.g. 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, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<p>APP DOC REF 4.1</p> <p>Application form (Box 16) refers to Report provided pursuant to Regulation 5(2)(q) – Document ref: 4.1 which detail such sites and an assessment of the effects upon them. It states that there are no likely effects on the features listed and therefore the report is submitted under Reg 5(2) (q) rather than 5(2) (i).</p> <p>The report also cross references with Chapter 12 of the Environmental Statement which includes plans identifying relevant sites. As such, it is not necessary to duplicate them else where in the documentation.</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>APP DOC REF 4.3</p> <p>Application form (Box 17) refers to Report provided pursuant to Regulation 5(2)(q) – Document ref: 4.3 which detail such sites and an assessment of the effects upon them.</p> <p>The report cross references with Chapter 11 of the Environmental Statement which includes plans identifying relevant sites. As such, it is not necessary to duplicate them elsewhere in the documentation. The applicant considers that the requirements of Reg 5(2)m are already met elsewhere in the application documents and that Reg 5(2)m is not applicable in this case. However an assessment of the likely effects is set out separately in this report for ease of reference.</p>	
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p><b>PLAN 2.5</b></p> <p>Plan 2.5 and the accompanying information is contained in document reference 1.8 (book of</p>	

	reference)(pages 20 – 26) APP DOC REF 2.5 Title: Land Plan North Sign: Yes Author: LDADesign Scale: 1:2500 Revision: no	
(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>APP DOC REF 2.1, 2.12 to 25,30 to 35</p> <p>2.1 Application Site/Order Limits 2.12 EfW South Elevation 2.13 EfW North Elevation 2.14 EfW East Elevation 2.15 EfW East Elevation 2.16 EfW East Sectional Elevation 2.17 EfW West Sectional Elevation 2.18 Secondary Building Elevations 2.19 RRF Tertiary Building Elevations 2.20 RRF North and South Elevations 2.21 RRF East and West Elevations 2.22 RRF Site Sections 2.23 RRF Boundary Details 2.24 RRF Elevation and Section Key Plan 2.25 RRF Roof Plan 2.30 Lighting and Layout Strategy 2.31 Landscape Strategy and Key Plans 2.33 Planning Strategy Wider Site 2.34 Operations area for Country Park and RRF Entrance 2.35 Trees to be Removed/Retained</p> <p>All the above plans meet the standards required (there are no revisions stated for this documents). The other plans listed in Box 23 of the application form are covered previously within this checklist (ie 2.2 -2.4 are Works Plans (j), 2.5–2.10 Land Plans (i) and 2.26 -2.29 are included within the access and rights of way plans (k)).</p>	
(p) any of the documents <b>prescribed by Regulation 6</b> of the APFP Regulations. <b>NB:-</b> These are documents which are relevant to specific types of project. Important to confirm in each case the type of project and the relevant documents which <b>must</b> be included with the application in each case.	<p>The applicable regulation is 6 (a)(i) Statement of responsibility for the connection to the electricity grid – refer to 6.1 (figure 40 – proposed grid connection) and document reference 1.10 (grid connection statement). The Secretariat considers that these documents have satisfactorily complied with the required standards.</p>	
(q) any other documents considered necessary to support the application; and	<p>APP DOC REF 1.9, 1.11, 5.1 to 5.7, 6.1 to 6.4</p> <p>1.9 – Statement of Engagement 1.11 – Heads of Terms 5.1 – Planning Statement</p>	



	<p>5.2 – Alternative Site Assessment Report  5.3 - Need Assessment  5.4 – WRATE, Carbon and Efficiencies of Scale report  5.5 – Economic Statement  5.6 – Health Impact Assessment  5.7 - Sustainability Statement  6.1 – Design and Access Statement  6.2 – Engineering Design Statement  6.3 – Combined Heat and Power Development Strategy  6.4 – Rail Feasibility Report</p> <p>The Secretariat considers that these documents have satisfactorily complied with the standards required.</p> <p>Also refer to the submissions noted under (l) and (m) referred to above.</p>	
(r) if requested by the Commission, three paper copies of the application form and other supporting documents and plans.	Yes, three copies provided of all application documents.	
<ul style="list-style-type: none"> <li>- <b>Regulation 5(3)</b> requires that any plans, drawings or sections submitted under Regulation 5(2) shall be no larger than AO size, shall be drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, shall show the direction of north.</li> <li>- It is not intended that information provided in other documents, such as any Environmental Statement submitted, should be duplicated. It is possible therefore to cross refer to the location of relevant information - see CLG Guidance on NSIP projects Application form guidance paragraphs 33 - 38.</li> <li>- <b>LEGAL ADVICE</b> should be sought if there is any uncertainty as to whether the plans etc. submitted are in compliance.</li> </ul>	<p>The plans/drawings/sections required to be submitted under Reg 5(3) are no larger than AO size, are drawn to an identified scale not smaller than 1:2500 and, for plans, show the direction north. The only two with a smaller scale are plans 2.2 (1:3500) and 2.6 (1:7500) but these are the key plans and are therefore the Secretariat considers these to be appropriate.</p> <p>For clarification the interpretation of Reg 5(3) is those plans, drawings or sections identified as such under Reg 5(2) (eg a land plan (i) or a works plan(j)), and not any other plans that have been submitted as part of prescribed documents such as the Environmental Statement (a) or the Flood Risk Assessment (e).</p> <p>The appended tables D, E &amp; F detail the particular plans, drawings or sections in relation to the Regulation 5(3) requirements (along with the standards set out in IPC Guidance Note 2 (see below for further information).</p>	
<b>Regulation 5 (4)</b> Where a plan comprises three or more separate sheets a key plan must be provided showing the relationship between the different sheets.	<p>Yes, key plans have been provided for plans 2.2 and 2.6</p> <p>These plans satisfactorily meet the Commissions standards.</p>	
<p>5. Commission Guidance Note No. 2 on the preparation of application documents gives guidance about how requirements under subsection (3) are to be complied with. CLG have also issued guidance 'Planning Act 2008: Nationally significant infrastructure projects Application Form Guidance' (September 2008). IPC Guidance Note 2 (in paragraphs 9,10, 11 and 12) sets the following minimal standards for all application documents:-</p>		
Para. 9 Summaries of documents	<p>Summaries have been provided for all documents apart from:</p> <p>APP DOC REF 1.4 (Draft DCO),</p>	

	<p>APP DOC REF 1.5 (Explanatory Memorandum),  APP DOC REF 1.6 (Statement of APP DOC REF 1.7 (Funding Statement),  APP DOC REF 1.8 (Book of Reference),  APP DOC REF 1.9 (Statement of Engagement),  APP DOC REF 1.11 (Heads of Terms).</p> <p>In relation to summaries, IPC Guidance Note 2 states that <i>“it is important for the IPC to be able to quickly identify issues that will be both important and relevant to its decision.....It is therefore essential that each document includes a summary highlighting what in the applicant’s view such issues might be. This will assist all parties because these issues will be fed into the discussion to take place at the preliminary meeting....”</i></p> <p>The documents listed above, without summaries, are not documents that raise particular issues (e.g. environmental, social, economic) in the same way as the Environmental Statement or Flood Risk Assessment for example. These documents are also relatively short in length, more legalistic in their nature and are thus less suited to the need for a summary as set out in the IPC Guidance. All the submitted documents that do raise issues contain summaries relating to the issues. Therefore, the Secretariat does not considered that the lack of summaries, in these cases, is an issue that justifies not accepting the application.</p>	
Para. 10 Format of documents:		
Paginated and paragraph numbered	Yes	
Clear title page to every document identifying:	Yes	
- The project	Yes	
- Date of revision	Yes. Where no date of revision is given it is assumed by the Secretariat that the document is the original version and that any further versions will subsequently include a date of revision.	
- Authors	Yes In some cases, reports and plans/drawings/sections state the name of the consultancy responsible for producing it rather than an individually named author. It is our view that either the consultancy name or a named person is an acceptable interpretation of what is an ‘author’. In either case, the Secretariat considers that it is clear who the named person or consultancy is in producing a	

	particular document.	
- Appropriate regulation 5(2) paragraph to which the document relates	Yes	
All documents over two A4 pages in length require Table of Contents setting out Chapter or topic headings	There is no contents page for APP DOC REF 1.11 (Heads of Terms). This is a short document that lists the proposed Heads of Terms and therefore does not lend itself to the requirement for contents to be listed.	
Plans must also be clearly labelled in the bottom right hand corner with:		
"title page" information (as set out above)	Yes	
A list of revisions and identification of version reference	Yes (where applicable) Where plans do not indicate a list of revisions and identification reference, it is assumed that the version submitted is the original version. Any further versions would subsequently be expected to include the appropriate reference.	
	The appended tables (A, B and C) detail how particular documents and plans/drawings/sections have complied with the relevant standards in IPC Guidance Note 2 along with the Reg 5 (3) requirements.	
Para. 11 Copies and Media:		
3 paper copies of full application	Yes	
A list of all of the application documents that accompany the prescribed form (Schedule 2)	Yes (Application form and attached to covering letter)	
10 DVD copies (in format to be agreed in advance with the IPC)	Yes (ten copies of additional DVDs received on 17 <sup>th</sup> August which include Figure 3.19 of the ES (proposed lighting strategy). These were omitted from the originally submitted DVD's but were included within the original paper copies.	
Has the IPC requested additional paper copies?	No	
Has the IPC requested additional DVD copies?	No, but refer to the above note re. the submission of amended DVDs.	
Para. 12 Consultation report		
<b>Consultation Report:</b> Application must be accompanied by the applicants consultation report prepared under s37(7) of the Act. The consultation report should draw together:	APP DOC REF 7.1 AND APPENDICES (7.2) Yes, Ref.7.1 & 7.2 (7.2 comprising two volumes of appendices)	
An account of the statutory consultation, publicity, deadlines set and community consultation activities undertaken at pre-application under s42, 47 & 48	APP DOC REF 7.1 The table in section 9.2 of Consultation Report (doc ref 7.1) refers to the relevant sections of consultation report which go onto describe the pre-application activity for each statutory requirement. The Secretariat is of the view that these references satisfactorily refer to the pre-application requirements carried out under s42, 47 & 48. It is noted that the Consultation	

	<p>Report also includes details of the non statutory consultation that took place beforehand forming an integral part of the applicant's iterative approach to consultation including mailings, exhibitions/drop in sessions, stakeholder groups, the internet and meetings.</p>	
<p>A summary of the relevant responses to the separate strands of consultation</p>	<p>These have been grouped within issue specific headings for each phase of consultation, including both statutory and non-statutory consultation. Including:</p> <p>Para 8.2.7 – Summary of main issues raised through non-prescribed consultation.</p> <p>Para 8.3.1 – Summary of public responses received (Jan to July 2010). This includes responses to s47 consultation and those received before this. Appendix 42 sets out a full list of these.</p> <p>Para 8.3.5 – Summary of responses to s42 highlighting the principle issues that were raised.</p> <p>Para 8.4.12-17 – Summary of written responses received at or following exhibitions.</p> <p>Appendix 52 – Full feedback from 2010 exhibitions</p> <p>Appendix 58 – Further consultation carried out as a result of grid connection changes.</p>	
<p>Account taken of responses in developing the application from proposal to final form, as required by s49(2).</p>	<p>S492(2) requires that the applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>CLG Guidance on pre-application consultation (para 89) acknowledges <i>that promoters and consultees will not always agree about whether or how particular impacts should be mitigated. Therefore, providing the IPC is able to conclude that the promoter has acted reasonably, the IPC is not expected to decide that pre-application consultation was inadequate on the basis that particular impacts had not been mitigated to a particular extent.</i></p> <p>The applicant's response to consultation under s49 is set out in the Consultation Report (section 7.5, 7.6, 7.7, 8.2, 8.3, 8.4, 8.7, 8.8 &amp; 9.7). These references are supplemented by additional details within the Consultation Report appendices.</p> <p>The Consultation Report summarises the 'main' or 'principle' issues that arose from the applicant's consultation and goes on to outline how the responses have influenced the project, or where this is not possible, a justification of why this is so. For example, the report has</p>	

	<p>detailed how the design has been influenced by consultation but also that some consultees have expressed concern at the resulting changes made, with an explanation provided of why the changes were made. This includes summaries and the results of both consultation with prescribed consultees and consultation carried out with the local community and other relevant stakeholder groups.</p> <p>Details are included within the Consultation Report of both iterative statutory and non statutory consultation (the application was originally proposed to be submitted to DEC before the implementation of the Planning Act 2008) carried out by the applicant and how the scheme has responded to the consultation responses.</p> <p>The report also highlights where additional information has been prepared to support the application following the receipt of consultation responses (e.g. a Health Impact Assessment seeking to address concerns on emissions, and photomontages to demonstrate the scale of the proposed buildings within the landscape.)</p> <p>It is recognised that the Consultation Report does not detail every single representation that has been received or the response made to each individual response, nor is it necessarily always the case that the summary of each meeting is agreed by all participants. However, in the Secretariat's judgement, the report appears to provide an accurate summary of main issues that have been raised in representations, how the scheme has been developed as a result, or where it has not resulted in a change, a clear explanation of why this is so.</p> <p>It is also noted that the responses have not been categorised as recommended in Para 13 of IPC Guidance Note 2, but the reasons for doing so, based on the iterative consultation process carried out by the applicant, are accepted as being reasonable.</p> <p>The adequacy of consultation response from Bedford Borough Council makes reference to a formal consultation response not being reported in the applicant's Consultation Report. There is no firm evidence to suggest that this has, or has not been received by the applicant, but the Consultation Report details iterative consultation, including meetings, with Bedford Borough Council throughout the pre-application process. The Secretariat is of the view that, whilst this is some doubt about a particular response, it is clear that the views of Bedford Borough Council were able to be</p>	
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	<p>provided to the applicant throughout the course of the pre-application consultation process and that there are not sufficient grounds for not accepting the application on this basis.</p> <p>The Secretariat concludes that taking into account the information available, including the applicant's Consultation Report, the applicant has acted reasonably in how it has taken account of responses received to pre-application consultation.</p>	
<p><b>c) That development consent is required for any of the application development (is it required?)</b></p>		
<ul style="list-style-type: none"> <li>- Consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project (NSIP) (s.31)</li> <li>- What constitutes a NSIP is defined generally in s.15 with the detailed thresholds for each of the specified categories being set out in sections 14-30 of the Act</li> <li>- The meaning of development is given in s.32 of the Act.</li> </ul> <p><b>NB: LEGAL ADVICE</b> should be sought if there is any uncertainty as to whether the application is for a proposed NSIP development.</p>	<p>The proposal as described falls within s14(1) (a) and 15(b) of the Act. The proposal is for an on shore generating station which has a capacity of more than 50 megawatts.</p> <p>Also refer to the comments provided in relation to the draft DCO above (list of prescribed documents).</p>	
<p><b>d) That the application gives reasons for any IPC guidance (under 37(4)) not followed</b></p>		
<p>Para.13 of IPC Guidance Note 2 dealing with the applicant's Consultation Report, and paras.1-8 and 14-32 of IPC Guidance Note 2, are guidance rather than standards.</p>		
<p>Para.13 - A list of the individual responses received should be provided and categorised in an appropriate way (grouped and in accordance with the SoCC produced under s.47). The list should also be split and sorted according to comments that have led to changes /no changes and responses received after the deadline set by the promoter</p>	<p>Para 9.3.1 of covering letter explains.. 'Whilst this has been possible to some extent, and the Consultation Report reveals this, Covanta's iterative consultation approach is also set out and is not suitable for this type of approach.....'.</p>	
	<p>IPC Guidance Note 2 is issued under s37 and notes that applicants should have regard to it under s50 of the PA 2008. Reasons have been given by the applicant in its covering letter dated 4 August 2010 submitted with the application for departure from guidance in a number of areas, all of which are considered by the Secretariat to provide justification for the departure described.</p> <p>There are no reasons given for departure from guidance that the draft order should contain all provisions necessary (paragraph 16 IPC Guidance Note 2) in particular in respect of the omission of protective provisions in Schedule 7. The Secretariat is of the opinion that it would be unreasonable to reject the application on the basis that a reason had not been given on this matter. This view is based in part of the fact that inclusion of such provisions during the examination of the application would not materially alter the proposal before the Commission; it is also relevant that such provisions</p>	

	would constrain rather than permit development.	
<b>e) That the applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
<b>s42: Duty to Consult</b>		
a) persons prescribed (set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.	These are listed in consultation report appendix (APP DOC REF 7.2 Appendix 34) All relevant prescribed consultees are stated as having been consulted.	
b) each local authority (defined in s43)	The list of local authorities consulted are listed in APP DOC REF 7.2 Appendix 35. All local authorities (A and B as defined in s43 are stated as having been consulted). Refer to the boxes under s43 below for a list of these.	
c) Greater London Authority (if in Greater London area)	Not applicable	
d) each person in one or more of s44 categories	A list of those consulted under s44 is contained in APP DOC REF 7.2 Appendices 30 and 58. The applicant's approach to landowner consultation is set out in APP DOC REF 7.1 Section 7.5.	
When development is EIA development a person who proposes to make an application for an order granting development consent <b>must</b> , before carrying out consultation under section 42 (duty to consult) either –  (a) Request the Commission to adopt a screening opinion in respect of the development to which the application relates; or  (b) Notify the Commission in writing that the person proposes to provide an environmental statement in respect of that development	a) Not applicable b) This notification was provided to the Commission at the same time along with the applicant's formal request for a Scoping Opinion. A copy of this letter does not appear to have been provided within the Consultation Report or its appendices, but a copy of the letter received by the Commission and associated correspondence has been appended to the checklist (Appendix G).	
<i>Was a request made prior to consultation made under section 42?</i>	Yes, the request was received in December 2009, whilst the s42 consultation commenced in February 2010.	
<i>Was notification given in writing prior to consultation under section 42?</i>	Yes, the notification was provided in December 2009, whilst the s42 consultation commenced in February 2010.	
<b>s43: Local Authorities for the purposes of section 42(b)</b>	Yes, these are set out in APP DOC REF 7.2 Appendix 35.	
1) application land is in the authority's area ( <i>is this identified?</i> )	Yes	
<i>If identified name of authority(s):</i> ..... ..... ..... .....	Bedford Borough Council Central Bedfordshire Council	

.....		
2) a local authority ("A") is within this section if		
a) the application land is in the area of another local authority ("B") and b) any part of the boundary of A's area is also a part of the boundary of B's area	Luton Borough Council (A) Cambridge County Council (A) Northamptonshire County Council (A) North Herts District Council (A) South Cambridgeshire District Council (A) St Albans City & District Council (A) Hertfordshire County Council (A) Dacorum Borough Council (A) Aylesbury Vale District Council (A) Buckinghamshire County Council (A) Huntingdonshire District Council (A) East Northamptonshire Council (A) Borough Council of Wellingborough (A) Milton Keynes Council (A)	
<b>s44: Categories for purposes of section 42(d)</b>		
1) Category 1 – known owner, lessee, tenant or occupier of land	These are listed in App Doc Ref 7.2 Appendix 30. Also refer to page 129 of App Doc Ref 7.1 (Consultation Report).  The applicant's approach to landowner consultation is set out in App Doc Ref 7.1 Section 7.5.	
2) Category 2		
a) Known person interested in the land	These are provided within APP DOC REF 7.2 Appendices 31 & 33. The approach taken is set out in the Consultation Report (APP DOC REF 7.1 (paragraphs 7.5.5 – 7.5.6)).  In the Consultation report paragraph 7.5.5, it refers to the database (appendix 30) which lists all landowners and those with rights over land. S44(1) of the act also refers to lessees and tenants which aren't mentioned in the report. Covanta did, however, obtain their information from HM Land Registry and Companies House. It is assumed, therefore, that there are no lessees and tenants applicable in this case.  For both Category 1 and Category 2 consultees, based upon the information provided in the application, the applicant appears to have gone to reasonable lengths to identify the relevant parties.	
b) Has power:		
i. to sell and convey the land: or	Referred to in APP DOC REF 7.2 Appendix 31.	
ii. to release the land	Referred to in APP DOC REF 7.2 Appendix 31.	
<b>s45: Timetable for Consultation under section 42</b>		
1) notification to person(s) under section 42 of deadline for receipt of response to consultation ( <i>check if notification apparent?</i> )	APP DOC REF 7.2 Appendix 36 Letter sent on 18 February 2010 with a deadline for responses of 5 April	



	2010.	
2) deadline under 1 must not be earlier than 28 days starting the day after receipt of the consultation documents ( <i>check period given 28 days or over?</i> )	Yes, period given was over 28 days (applicant gave 45 days)	
3) consultation documents mean those supplied by the applicant for the purpose of consultation ( <i>check that documents were stated to be supplied?</i> )	The documents supplied were the Preliminary Environmental Report and Non Technical Summary (Referred to in letter contained within APP DOC REF 7.2 Appendix 36)	
<b>s46: Duty to notify Commission of proposed application</b>		
1) Did the applicant supply information to notify Commission of proposed application?	Yes, letter contained within APP DOC REF 7.2 Appendix 57	
2) Was the information sent to the Commission the same as that sent to the s.42 consultees?	Yes, set out in letter referred to above.	
3) did notification under (1) above take place prior to consultation under s42?; or did it fall under transitional arrangements?	Yes, s46 notification 18 February 2010 and s42 19 February 2010	
<b>s47: Duty to consult local community</b>		
1) Applicant must prepare statement on how it intends to consult people living in the vicinity of the land ( <i>has statement been prepared?</i> )	Yes, APP DOC REF 7.1 page 123	
If the application is for EIA development the consultation statement requirements set out in Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI No. 2263 require that: 10. The consultation statement prepared under section 47 (duty to consult local community) must set out:		
(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and ( <i>is it?</i> )	Yes, refer to APP DOC REF 7.1 page 123	
(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information. ( <i>is this evident?</i> )	Yes, is set out in the SOCC referred to above.	
2) Before preparing the statement under (1) above the applicant must consult each local authority, defined in s43(1) about what is to be in the statement:		
<i>Was the consultation undertaken before the preparation of the statement?</i>	Yes, APP DOC REF 7.1 pages 118 and 119	
<i>Were all authorities defined in s43 (1) consulted?</i>	Yes, Bedford Borough Council and Central Bedfordshire Council	
3) Receipt by applicant of a local authority's response to consultation under (2) above, within 28 days of receipt of the consultation documents ( <i>was this done?</i> )	APP DOC REF 7.1 pages 118 and 119. Also refer to Appendix 23 of Consultation Report (APP DOC REF 7.1)	
4) In (3) above "the consultation documents" means the documents supplied to the local authority under (2) above		
5) Once statement prepared it must be published		
a. In a newspaper circulating in the vicinity of the land, and	Yes, refer to APP DOC REF 7.1 page 121 – Bedfordshire Times and Citizen & Bedfordshire on Sunday.	
b. In such other manner as may be prescribed	No such other manner has been prescribed.	
6) Applicant must carry out consultation in accordance with the proposals set out in the	The Consultation Report sets out how the applicant how the applicant	

statement ( <i>is this evident?</i> )	has complied with the SOCC (Para 7.2.10). The adequacy of consultation representations received from local authorities do not, in the secretariat's view, raise such concerns that would lead to a conclusion that the applicant has not adequately carried out the proposals for consultation as set out in the SOCC.	
<b>s48: Pre-application duty to publicise the proposed application</b>		
1) Applicant must publicise the proposed application in the prescribed form as set out in Regulation 4 of the APFP Regulations ( <i>has this been done? See responses set out under regulation 4 below</i> )	Yes, refer to APP DOC REF 7.1 (Page 125 Para 7.2.9). Published in the Bedfordshire Times and Citizen (two consecutive weeks), The Times and the London Gazette (Copies within Appendix 24 of App Doc Ref 7.2)	
2) Under Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI No. 2263) where the proposed application is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 9(1)(c).		
<i>Has a copy of the consultation notice been sent to the EIA consultation bodies?</i>	Yes, on 18 <sup>th</sup> February 2010 (Refer to Appendix 36 of APP DOC REF 7.2)	
4. – (2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –		
(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;	Yes, 18 and 25 February 2010 in the Bedford and Times and Citizen (Refer to Appendix 24 of APP DOC REF 7.2).	
(b) once in a national newspaper;	Yes, 19 February 2010 in The Times Consultation Report (Refer to Appendix 24 of APP DOC REF 7.2).	
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Yes, 19 February 2010 in the London Gazette. (Refer to Appendix 24 of APP DOC REF 7.2).	
(d) where the proposed application relates to offshore development –	Not applicable	
(i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal.	Not applicable	
(3) The matters which the notice must include are –	Refer to APP DOC REF 7.2 Appendix 24	
(a) the name and address of the applicant;	Yes	
(b) a statement that the applicant intends to make an application for development consent to the Commission;	Yes	
(c) a statement as to whether the application is EIA development;	Yes	
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes	
(e) a statement that the documents, plans and maps showing the nature and location of the	Yes	

	proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;		
(f)	the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));	Yes, 5 April 2010	
(g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	Yes	
(h)	details of how to respond to the publicity; and	Yes	
(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.	Yes, 5 April 2010	
3) Regulations must make provision for a deadline for receipt by the applicant of responses to publicity <i>Regulation 4(3)(i) as set out above</i>			
<b>s49: Duty to take account of responses to consultation and publicity</b>			
1)	Subsection (2) applies where the applicant (a) Has complied with sections 42, 47 and 48, and		
	(b) Proposes to go ahead with making an application (whether or not in the same terms as the proposed application)		
2)	Applicant must have regard to any relevant responses ( <i>is this evident?</i> ) NB: See Part 2 Advice Note for Commissioner for guidance on this.	Iterative process as summarised within the Consultation Report and appendices.	
3) In (2) above relevant response means: a. From a person consulted under section 42 received before the deadline imposed by section 45 in that person's case b. response to consultation under section 47(7) received before the deadline imposed in accordance with the statement prepared under section 47, or c) response to publicity under section 48 received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity			
4) Those Local Authorities consulted by the applicant under s.42 may make representations about whether they consider the applicant has complied with its consultation and publicity duties under sections 42, 47 and 48. The Local Authorities in question are both those in which the proposed application site is situated and neighbouring authorities.			
	Have all relevant local authorities made such representations? NB: The Commission must have regard to such representations when deciding whether or not to accept the application. <b>LEGAL ADVICE</b> may need to be taken on this.	Adequacy of consultation responses have been received from the following local authorities:  Central Bedfordshire Council Bedford Borough Council East Northamptonshire Council Aylesbury Vale District Council St Albans City & District Council Huntingdonshire District Council Buckinghamshire County Council  Copies of each response are appended to this checklist (Appendix H).  In general, after carefully reviewing each of the responses, whilst several comments have been made in relation to specific areas of the pre-	

	<p>application consultation, no significant concerns have been raised about whether the applicant has adequately complied with its consultation and publicity duties under sections 42, 47 and 48, such that they are considered to warrant grounds for non-acceptance.</p> <p>The response from Central Bedfordshire Council highlights concerns raised by Parish Council's (for example Apsley Guise) outside of the agreed 5km consultation area that they feel the applicant has not sufficiently consulted them and addressed their concerns (generally traffic routing and air emissions). It is noted that Apsley Guise Parish Council is not a prescribed s42 consultee and that the 5km consultation area was agreed with Central Bedfordshire Council as part of the consultation on the Statement of Community Consultation. It will also be a matter for the examination to consider any effects of the proposal beyond the area considered for consultation.</p> <p>The responses from Bedford Borough Council and Central Bedfordshire Council make particular representations giving their views on whether they consider that the applicant has had regard to the responses received to the consultation in the development of the final scheme. CLG Guidance on Pre-Application Procedure makes it clear that any adequacy of consultation representation must be about how the promoter has carried out the consultation, and may not be about how the promoter has had regard to responses to consultation (Para 39).</p> <p>All other representations have been carefully considered and, along with the evidence contained in the application documentation, have been taken into account in the Secretariat's conclusion that the applicant has complied with its pre-application duties set out with Chapter 2 of Part 5 of the Act (pre-application procedure).</p>	
<p><b>5) s50: Guidance about pre-application procedure</b></p>		
<p>1) Guidance may be issued by the Commission or the Secretary of State</p>		
<p>IPC Guidance Note 1 on Pre-application stages (Chapter 2 of the Planning Act 2008 – 7<sup>th</sup> December 2009 and CLG Guidance, The Planning Act 2008: Guidance on pre-application consultation</p>		
<p>IPC Guidance Note 1 on Pre-application stages (Chapter 2 of the Planning Act 2008 – Revision 1 29 March 2010 and CLG Guidance, The Planning Act 2008: Guidance on pre-application consultation</p> <p>The applicant must have regard to any guidance under this section (<i>is this evident?</i>) <b>Legal advice should be taken on this where there is any doubt.</b></p>	<p>The secretariat is satisfied that the applicant has appropriately demonstrated that it has had regard to both IPC Guidance Note 1 on Pre-application stages and CLG Guidance, the Planning Act 2008: Guidance on pre-application consultation.</p> <p>IPC Guidance Note 1 (para 9)</p>	

	<p>encourages applicants to submit draft application and supporting documents. The IPC received an earlier copy of the draft DCO although draft copies of other supporting documents were not provided. It is noted, however, from the covering letter accompanying the application that draft copies of some supporting documents were provided to Central Bedfordshire and Bedford Borough Councils and other information was also shared with relevant consultees.</p> <p>The applicants covering letter also acknowledges that the Preliminary Environmental Information was still in preparation at the time of the SOCC consultation under s47(2), but that sufficient information on the project was nonetheless available to ensure a good understanding of the project. The Secretariat considers the justification provided to be acceptable for a departure from the guidance in para 12 of IPC Guidance Note 1.</p> <p>Both IPC Guidance Note 1 and CLG Guidance on Pre-Application Consultation acknowledge that, within the bounds of the legislative requirements, there are various ways for applicants to fulfil their statutory pre-application obligations. The Secretariat considers that the applicant has demonstrated in the consultation report that its pre-application consultation has been carried out to accord with both the guidance and statutory requirements.</p> <p>The Secretariat concludes that the applicant has had due regard to the stated guidance and has acted reasonably in its approach to the pre-application consultation and process.</p>	
<p>IPC Guidance Note 2 on Preparation of application documents under s37 of the Planning Act 2008 – 7 December 2009.</p> <p>The applicant must have regard to any guidance under this section (<i>is this evident?</i>) <b>Legal advice should be taken on this where there is any doubt.</b></p>	<p>Although there are some examples in the application documents of a failure to comply with IPC Guidance Note 2 in some areas (noted in the BDB advice attached), the Secretariat considers that these are relatively minor issues and would not prejudice the examination of the application. For this reason, the Secretariat is of the view that application is acceptable with regard to compliance with s50 as it affects production of the application documents.</p>	
<p><b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b></p>		
<p><b>Fees to accompany an application</b></p>		
<p>5. – (1) The Commission must charge the applicant a fee in respect of the decision by the Commission under section 55 .If the applicant fails to pay the fee, the Commission need not consider the application until payment is received by the Commission.</p>		
<p>2) The fee payable is presently £4,500 (<i>has this been paid?</i>)</p>	<p>Yes</p>	
<p>The fee must be paid at the same time that the</p>	<p>It was transferred prior to submission</p>	

application is made ( <i>has it?</i> )	of the application.	
4) <i>What date was the fee received on and confirmed as bankable?</i> .....	29 <sup>th</sup> July 2010 (CHAPS transfer)	

**Commissioner's Conclusions:**

I have reviewed the complete range of documents submitted as the application dated 4 August 2010 for development consent for the Resource Recovery Facility at Rookery South. In so doing, I have concentrated particularly on the application form, the draft DCO, Explanatory Memorandum, Statement of Reasons, the Environmental Statement, Planning Statement, Economic Statement and the Consultation Report. I have done so in the context of the criteria for acceptance under S.55 of the Planning Act, the APFP Regulations and the IPC Guidance Note No.2, bearing in mind that the decision at this stage is whether the application is sufficiently clear in what is being requested and complete the terms of the supporting documentation to enable it to be satisfactorily examined.

The main issues I identified initially as significant in deciding whether the application should be accepted are:

1. Whether the proposed MRF and visitors centre constitute legitimate associated development.
2. The relationship between LLRS awaiting approval by the two Local Planning Authorities and the base line for the application submitted to the IPC.
3. Whether the elements of other associated development set out at 5(c) of the application form are precisely described in the application documents.
4. The precise role of the covering letter which states it is the application; plainly it is not, though it does explain why the IPC Guidance Notes 1 and 2 have not been followed in certain instances.
5. The failure to provide with the application the necessary certificates of authorisation from the Secretary of State covering the compulsory acquisition of special category land.
6. The wide powers being sought in the draft DCO covering maintenance of the authorised project and to override easements and other rights.
7. How much of the land needed for the authorised project is actually in the control of the applicant.

**[Redacted]**

I have looked in detail at the adequacy of consultation as one of the key requirements of acceptance, both the Consultation Report submitted as part of the application and particularly the responses to it by the local authorities as required during this stage of the process. Central Bedfordshire and Bedford Borough Councils have concluded in similar terms that Covanta have undertaken pre application consultation to reach stakeholders, members of the public and local organisations. Central Bedfordshire consider this to be extensive and comprehensive. However, it is not possible for either local authority to assess the extent of effectiveness of that consultation until they see the full application documents.

I have considered the detailed assessment of the application documents covered in the Secretariat's Comments in this checklist and conclude on this point that the applicant has complied with the requirements of Chapter 2 Part 5 of the Act.

My assessment of the application documents is that they are in general coherently presented and intelligible. I have noted a number of errors and inconsistencies in the application form, the draft DCO and EM, but in my view they do not warrant rejection of the application under the tests S.55 and the Regulations require to be met.

My conclusion is that taken in the round, the application documents meet the submission requirements of the Regulations, and that the consultation requirements of the Act have been met. The two main issues in the application which concern me regarding acceptance, i.e. the MRF and visitor centre as associated development and the LLRS as the baseline for the application, together with the other issues I identified initially, i.e. 3 – 7 above, I conclude can be explored during the examination stage and are not fatal so as to preclude acceptance of the application. My decision therefore is that the application for a DCO for a Resource Recovery Facility at Rookery South is accepted for examination by the IPC.

Paul Hudson  
Commissioner  
26 August 2010