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Salvatore Zappala
Project Manager
Highways England
By email

Your Ref:

Our Ref: TR010006

Date: 11 August 2016

Dear Mr Zappala

Planning Act 2008 (as amended) – Section 51

Application by Highways England for an Order granting development consent for the proposed M20 Junction 10a

Advice following issue of decision to accept the application for examination

On 11 August 2016 the Secretary of State decided to accept the above application for examination.

This letter comprises advice to the Applicant provided under section 51 of the Planning Act 2008 (PA2008). It should be read in conjunction with the M20 Junction 10a s55 Acceptance of Applications checklist (the Checklist) issued alongside it.

In application of the acceptance tests to the Works Plans (Doc 2.3) and the Book of Reference (Doc 4.3), the Checklist reflects the conclusion drawn by the Planning Inspectorate that these documents are not of a satisfactory standard. In addition, the Planning Inspectorate has identified areas of the Environmental Statement (Doc 6.1) which should be improved in advance of the examination of the application.

Other advice is issued in respect of the Applicant's pre-application consultation duties.

The Applicant should pay close attention to the content of this letter, and consider carefully how appropriate action might be taken in response to the advice issued within it.

Section 42(1)(a) persons prescribed

As the published Checklist sets out, it appears on the basis of the information provided by the Applicant that the below listed potentially relevant bodies were not consulted at the pre-application stage:

- Thurrock Council ('D' authority);
- Smeeth Parish Council ('B' parish council);
- The Crown Estate;
- The Secretary of State for Defence (The Ministry of Defence);
- Network Rail Infrastructure Ltd;
- High Speed 1 Ltd;
- Highways England Historical Railways Estate;
- Energy Assets Pipelines Ltd;
- ESP Connections Ltd;
- Indigo Pipelines Ltd;
- Harlaxton Energy Networks Ltd;
- Peel Electricity Networks Ltd; and
- UK Power Distribution Ltd.

Unless there is a good reason in each case on the basis of which the Applicant is confident that these bodies are not relevant to the proposed development, the Applicant is advised to include these bodies, or their appropriate successors, in its s56 notification exercise, or to otherwise draw their attention to the relevant representation period.

Section 42(1)(d) persons

To ensure all those with an interest in the Order lands have the opportunity to make their views on the application known, we advise the Applicant to either include the following persons in its s56 notification, or otherwise draw their attention to the relevant representation period:

- William James Mitchell in respect of Category 1 and Category 3 interests; and
- Phillip Batt in respect of Category 1 and Category 3 interests.

Any notification or other form of correspondence with the above named persons should highlight the opportunities for them to become involved in the examination of the application. In particular, it should explain the process by which they may make relevant representations during the advertised period.

Environmental Statement

In respect of the Environmental Statement (ES) (Doc 6.1), in box 32 of the Checklist the Planning Inspectorate records its opinion that the document provides limited information on the dimensions of the different elements of the proposed scheme.

To clarify how the development parameters provided in the Works Plans (Doc 2.3) and the Draft DCO (Doc 3.1) have been assessed in the ES, the Examining Authority, once appointed, may well ask questions and require other information about this during or ahead of the examination.

Works Plans

In respect of the Works Plans accompanying the application (Doc 2.3), the Planning Inspectorate considers that the 'indicative' features expressed are insufficiently precise for the purposes of the examination of the application. In particular they do not provide a sufficient level of detail or certainty about the works proposed within the DCO boundary/limits of deviation for the works. This reiterates advice previously provided to the Applicant on the basis of draft application documents, which was provided on 19 May 2016.

In box 32 of the Checklist the Planning Inspectorate has also identified what appears to be inconsistent or missing labelling.

On this basis, it is anticipated that an appointed Examining Authority is likely to request updated works plans in the pre-examination period. Further, questions are likely to be asked during the examination about the flexibility that the Works Plans provide in respect of all indicative parameters expressed.

Book of Reference

In respect of the Book of Reference (Doc 4.3) and the issues identified in box 32 of the Checklist, in its preparation of the document the Applicant does not appear to have had regard to some of the statutory guidance set out in Annex D of DCLG guidance 'The Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land'. The departures from this statutory guidance are recorded in box 32 of the Checklist.

It is therefore anticipated that an appointed Examining Authority will be likely to request for the Applicant to comprehensively review the book of reference, and to provide an updated version in the pre-examination period.

I trust that this advice is useful to you and that it will aid your preparation for the examination of the scheme. If you have any questions about the content of this letter, please do not hesitate to contact me using the details provided.

Yours sincerely

Richard Price

Richard Price
National Infrastructure Case Manager

Tel. 0303 444 5654

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.