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Sophie Diver  
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Your Ref:  
Our Ref: TR010007  
Date: 29 November 2013

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Dear Ms Diver

## **A160 - A180 Port of Immingham Improvement – TR010007**

### **Planning Act 2008 as amended (PA2008) – Advice under S51**

Thank you for sharing with us drafts of the following documents on 1 November 2013, which you anticipate will form part of your application for a development consent order:

- Consultation Report
- Draft Development Consent Order
- Explanatory Memorandum
- Lands Plans
- Works Plans
- Book of Reference
- Traffic Regulation Plans
- Crown Land Plans
- Streets, Rights of Way and Access Plans
- Key Plan
- General Arrangement Plans
- General Arrangement Longitudinal Sections
- Environmental Statement Appendix 2.1 – Environmental Masterplan

We note that these documents are working drafts, and are likely to be incomplete or inaccurate, or to contain inconsistencies with any final submitted application.

The documents have been reviewed by officers. Following that review, I am writing to provide advice under s51 of the PA2008. This is the advice referred to in the published note of our meeting on 21 November 2013.

The review was not at the level of detail that will be required to inform a decision under S55 of the PA2008; and does not pre-judge any future decision of the Secretary of State. Similarly, it does not predetermine any matter that is properly for the examining authority appointed to consider any application, who may take a different

view.

## **Overall Summary**

No concerns were raised that the documents (when completed) will not be of a satisfactory standard to proceed to examination.

Following our meeting, some concerns have been expressed that the documents are not at the level of completeness that we would expect given the proposed submission date of 8 January 2014 which you confirmed at the meeting, particularly the draft Development Consent Order and Consultation Report.

The following specific points were raised during the review

### **Compliance with Preapplication Procedure**

There is no reason to expect that the applicant will not have complied with Chapter 2 of Part of 5 of the PA2008 at the time an application is submitted.

The draft Consultation Report was clear but incomplete. It is important that the submitted report makes clear how the specific duties under S42, S47, S48 and S49 have been undertaken, by reference to supporting appendices.

You are encouraged to provide a GSI shape file for the final form of the scheme as soon as possible, so that an authoritative review of statutory parties for the purposes of S42 can be undertaken. On a shallow review, no significant concerns were raised.

We note the approach taken to the identification of consultees for the targeted consultation round described as "Land Requirements Consultation" of 14 October 2013 to 12 November 2013, which appears consistent with CLG Guidance. We are particularly encouraged by the involvement of the relevant local authority consultees in the formulation of the approach.

Responses to consultation are summarised in the report, and consequent alterations to the scheme are set out; it should be made clear in the final report how regard has been had to responses that did not lead to changes. It is also important that regard is had to responses to the Land Requirements Consultation, and that this is shown.

### **Standard of the Application**

There is no reason to expect that draft documents, when completed, will not be of a standard that the Secretary of State can consider satisfactory.

It appears that some mitigation works, as shown on the Environmental Masterplan, are outside the Development Consent Order limits and land. Consideration will need to be given as to how these are secured.

We note the consistency in the layout of plans against the key plan across the application, which we welcome where appropriate; however, we advise that each plan comprising three or more sheets is accompanied by its own key plan for clarity. We understand that these Key Plans may be functionally identical.

The DCO appears to be at an early stage of drafting. Provisions are included within the DCO which do not relate to the scheme as proposed. Full advantage should be taken of any lessons learned as the examination of the A556 Knutsford to Bowdon Scheme progresses.

It is important that the scheme is described consistently across the plans, and that the limits of the DCO are shown clearly. Consideration should be given to the formatting of the Land Plans, particularly with regard to accessibility, legibility, and ease of economic reproduction.

It is not clear whether the DCO has been prepared on the SI template. Access can be provided for a specific officer to the TSO SI template; please contact me if this is necessary.

The Book of Reference is correctly laid out and clearly structured; the identification of land interests is a matter for the applicant.

If you have any questions about the above letter, please do not hesitate to contact me.

Yours sincerely

*Robert Ranger*

**Robert Ranger**

This communication does not constitute legal advice.

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