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Mott Macdonald Sweco Joint Venture  
FAO John McKenna

Your Ref:

By email only

Our Ref: TR010016

Date: 18 October 2018

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Dear Mr McKenna

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Highways England for an Order Granting Development Consent for the A63 Castle Street Improvement Scheme**

#### **Advice following issue of decision to accept the application for examination**

On 18 October 2018 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content, and consider how appropriate action might be taken in response.

#### **Environmental Statement**

Chapter 10 of the Environmental Statement (ES) assesses the Earl de Grey public house, which is proposed for demolition, as having high roost suitability for bats in accordance with the methodology of L Hundt (2012) Bat Surveys: Good Practice Guidelines. As the Applicant could not gain access to the interior of the Earl de Grey public house due to safety reasons, the 2012 Good Practice Guidelines suggest that greater than three emergency/re-entry survey visits are required to assess the presence of bats. Four emergence/re-entry surveys were conducted in 2013, during which no presence of bats was recorded. As survey results are reliable for a period of two years only, an update survey was then conducted in 2015, consisting of only three visits.

A further update of only one visit was conducted on 24 August 2016 and interrupted prematurely due to bad weather. The conclusion remained that no bats were present in the building. The ES states that this update followed the J Collins (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition guidance. As the roost suitability of the building remained high, and the Applicant was still unable to gain access to the interior, the 2016 Good Practice Guidelines suggest that greater than three emergency/re-entry survey visits are required to assess the presence of bats between May to September with at least two visits between May and August. The ES does not present the detail of any consultation with Natural England regarding the survey effort.

The Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the ES. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.

### **Notice of acceptance of the application**

We note that the Section 48 notice was not published in Lloyds List and an appropriate fishing trade journal, because the Applicant considers the scheme is not offshore development.

As the submitted application does include a Deemed Marine Licence, on that basis the Secretary of State considers that it is now for a proposal relating to the offshore environment and the established means of providing notice to marine and fishing communities should be followed. For this reason the Applicant is advised to publish their notice of acceptance of the application as described in Regulation 8(1) and 4(2)(d) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

### **Minor errors and omissions**

There are minor errors and omissions across the application documents, as reflected in Box 30 of the acceptance checklist.

### **Consultees identified on a precautionary basis**

Given the individual circumstances of this case, and taking a precautionary approach, the Inspectorate suggests that the Applicant may wish to include the bodies listed in Box 6 of the checklist amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008, unless there is a specific justification why this is not necessary.

### **Possible need for updated documents**

It may be, in response to this advice, you wish to provide updated documents. Please contact the Planning Inspectorate in due course to discuss the procedural implications of any additional document submissions.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Robert Ranger*

**Robert Ranger**  
Case Manager

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