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Paul Watts

By email

Your Ref:

Our Ref: 180109\_TR010030\_

Date: 9 January 2018

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Dear Paul

## **Application by Highways England for an Order Granting Development Consent for the M25 Junction 10 Improvement Scheme**

### **Section 51 advice regarding Evidence Plan process**

Thank you for your enquiry about the Evidence Plan process. I write to set out the background to the process and the role that the Inspectorate has in it.

The Evidence Plan process arises from the commitment in the Habitats and Wild Birds Directive implementation review, and is a formal mechanism to help ensure compliance with the 'Habitats Regulations' (the Conservation of Habitats and Species Regulations 2017).

Evidence plans have a strong uptake amongst NSIP applicants and can facilitate the resolution of Habitats Regulations issues. At the heart of the process is detailed engagement with the relevant statutory nature conservation bodies, in order to reach a clear understanding of the position on these issues by the time of application (and on Environmental Impact Assessment issues given the overlap between this process and Habitats Regulations Assessment). The outcomes of the evidence plan process can contribute to the preparation of Statements of Common Ground (SoCG) with the parties involved.

Essentially the process involves regular meetings, which include both topic specific meetings as necessary and overview 'Steering Group' meetings. We offer attendance and a 'chairperson' role for the Steering Group meetings. The specifics of the process are flexible and will depend on the issues involved, and naturally there is scope for the process to evolve as it progresses, in order to ensure proportionality and maximise the value of the Inspectorate's involvement. Part of our role is to publish a meeting note to record attendees, location of meeting, agenda items, and a summary of any s.51 Advice provided.

I would like to draw to your attention our pre-application prospectus, which is

available at the link below:

<http://infrastructure.planningportal.gov.uk/application-process/pre-application-service-for-applicants/>

The prospectus includes information on our pre-application offer and in particular our ability to review and comment on draft documents and comment on the formulation of SoCG.

As discussed by telephone these comments constitute s.51 Advice and will be published on the NI Planning website.

Yours sincerely,

*Gail Boyle*

Gail Boyle  
Senior EIA and Land Rights Advisor  
on behalf of the Secretary of State

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 National Infrastructure Planning 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.