



Meeting note

Project name	Lower Thames Crossing
File reference	TR010032
Status	Final
Author	The Planning Inspectorate (the Inspectorate)
Date	27 February 2020
Meeting with	Highway England (the Applicant)
Venue	Temple Quay House, Bristol
Meeting objectives	Project update and draft documents feedback
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant talked through how the current supplementary consultation had been progressing. The Applicant summarised the elements on which the consultation was concentrating. It explained the profile of responses received to date, noting the profile of responses to previous rounds of statutory consultation.

The Applicant indicated that, to date, comments being raised in responses covered matters such as carbon emissions, ancient woodland, noise and air quality. The Inspectorate queried the basis on which ancient woodland had been identified. The Applicant said in reply that it had surveyed and was classifying on the basis of what was indicative of ancient woodland rather than just what was officially classified as such.

The Applicant provided an overview of the engagement programmes with many of their stakeholders. The Inspectorate queried the on-going discussions and engagement with Thurrock Council. The Applicant noted a framework was in place, covering matters such as the principles of how the organisations would seek to work together.

The discussion noted an increased tendency for requests from Nationally Significant Infrastructure Projects (NSIP) Applicants for post-submission changes. It was noted that this was inadvisable and could create risks to delivery of the project through the ability of an examination to adequately examine any changes within the statutory examination timetable, particularly so where a change might trigger The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

In respect of road and river freight strategy options, the Inspectorate advised the Applicant to be careful in assessing the reasonable worst-case scenario.

The Applicant provided an overview of the progress with its Habitats Regulation Assessment and indicated that it was in discussion with Natural England.

Draft Documents

The Inspectorate reviewed the following draft documents provided by the Applicant to the Inspectorate on 31 January 2020:

- Draft Development Consent Order
- Explanatory Memorandum
- Land Plans
- Work Plans
- Consultation Report

A brief discussion of the Inspectorate's comments on the draft documents was held. The Inspectorate's detailed comments are provided in the table appended to this note.

Lower Thames Crossing (TR010032)

Section 51 Advice – draft Application Documents provided by Highways England for review by the Planning Inspectorate

This advice relates solely to matters raised upon the Planning Inspectorate’s review of the draft Application Documents submitted by Highways England (the Applicant), and not the merits of the Proposed Development. The advice is limited by the time available for consideration and raised without prejudice to an Acceptance decision.

General drafting points

1. The Applicant should ensure that when the draft Development Consent Order (dDCO) is finalised all internal references and legal footnotes are checked and that the drafting follows best practice in Advice Note (AN) 13 and AN15 and any guidance on statutory instrument drafting.
2. A thorough justification should be provided in the draft Explanatory Memorandum (dEM) for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. The extent of justification should be proportionate to the degree of novelty and/or controversy in relation to the inclusion of that particular power.
3. Notwithstanding that drafting precedent has been set by previous Development Consent Orders (DCO), whether or not a particular provision in this application is appropriate will be for the Examining Authority (ExA) to consider and examine taking account of the facts of this particular application and having regard to any views expressed by the relevant authorities and Interested Parties.

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
1.	General	The Applicant should ensure that all cross references within the dDCO are checked and corrected where necessary/relevant, this includes references to any plans.

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
2.	General	To note, the Applicant will be asked to maintain a list of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process, and supplied to the ExA before the close of the examination.
3.	General	The DCO is proposed to be a Statutory Instrument (SI) and so should follow the statutory drafting conventions. The draft DCO (and any subsequent revisions) should be in the form required by the statutory instrument template (see Planning Inspectorate AN15) and validated as such using the current SI template, including detailed footnotes to all statutory references.
4.	General	The Applicant should ensure all legislative references throughout the dDCO are to extant legislation.
5.	General	There should be no unpopulated gaps in the dDCO submitted with the application.
6.	General	In the Articles and Requirements the phrase " <i>agreed in writing by the Secretary of State following consultation with the relevant planning authority</i> " is used. It is not clear whether the consultation is to take place by the undertaker prior to the submission to the Secretary of State with the consultation details provided to the Secretary of State, or by the Secretary of State following submission.
7.	General	A number of Articles make provision for compensation to be determined, in case of dispute, under Part 1 of the 1961 Act. It is acknowledged that a provision in this form is in the various Model Provisions and is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. In order for there to be certainty that it would apply in other situations (eg Article 12, Article 23), should a modification be included as with the other compensation provisions in Schedule 9? If not, why not?
8.	Preamble	There is no mention in the preamble of s131(4) but Article 39 implies that replacement land is being sought in accordance with this provision to enable the CA of open space land. If this is correct, the preamble should include reference to this subsection.
9.	Article 2	The effect of these Articles is to permit a wide range of works before discharge of the Requirements. The Applicant may wish to consider further explanation for the necessity and acceptability of this, particularly with

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
		<p>reference to Requirements directed at the works, such as the environmental management Requirement (Requirement 4), archaeology Requirement (Requirement 9) and fencing Requirement (Requirement 12).</p> <p>The dEM should explain why it is necessary to undertake these works before discharge of Requirements and clarify any impacts of these works, so that the ExA can consider whether this is justified or whether it is more appropriate that the works be controlled by Requirement.</p> <p>The Applicant should explain in the dEM if the works excluded from the definition of commence are de minimis or have minimal potential for adverse impacts, and if so, how this is secured in the dDCO.</p> <p>The DCO should not permit works outside those assessed in the ES and Applicant should consider limiting these works to those assessed within the ES.</p>
10.	Article 2	<p>The definition of maintain as drafted could enable a wide range of works to take place outside of those assessed within the ES. The Applicant should consider limiting the works to those assessed within the ES or, if some flexibility is required, to those that would not give rise to any material new or materially different environmental effects to those assessed within the ES.</p> <p>The EM says that the power to maintain is constrained by the provision that maintenance works must not give rise to any materially new or materially different environmental effects in comparison with those reported in the ES, but this is not secured in the dDCO. The Applicant should consider either amending the definition in Article 2 or Article 4 on maintenance of the Authorised Development.</p>
11.	Article 6	<p>The Applicant should explain and justify the need for additional flexibility to that already incorporated within the limits of deviation themselves.</p> <p>The Applicant should also explain what process is in place for the SoS to determine whether exceeding the vertical limits would not give rise to any materially new or materially worse adverse environmental effects.</p>
12.	Article 8	<p>The Applicant should explain why it is considered unnecessary to obtain the consent of the SoS prior to a transfer or grant to the specified companies.</p> <p>In particular, as the CA and TP powers can be transferred to these bodies without consent, the Applicant will need to satisfy the SoS that the companies have sufficient funds to meet these costs.</p>

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
13.	Article 22	Article 22 deals with removal of human remains. In paragraph 12 there is reference to the Secretary of State. Under Article 2 'Secretary of State' defined as the Secretary of State for Transport. Normally, approval for reinternment is given by the Secretary of State for Justice.
14.	Article 23(4)	Where it is known that specific hedgerows need to be removed, they should be listed in a Schedule and this Article amended to refer to the Schedule. Where this is not possible the Applicant should consider adding an additional paragraph to this Article to the effect that any other hedgerows should only be removed once the prior consent of the local planning authority has been obtained. The Applicant should have regard to paragraph 22.1 and the good practice point 6 in the Planning Inspectorate's AN15. If the Applicant wishes to adopt a different approach it is advisable to justify this in the dEM.
15.	Articles 23 and 24	Article 23(1)(b) refers to " <i>persons using the authorised development</i> ". Article 24(1)(b) refers to " <i>passengers and other persons using the authorised development</i> ".
16.	Article 23(1)	To note the recent request for more information on A63 Castle Street. The Secretary of State is concerned to ensure that the loss of trees is limited to those included within the Environmental Statement and is thus proposing to amend Article 35 of any DCO that might be granted by the Secretary of State. The amended Article proposed is: <i>Felling or lopping of trees and removal of hedgerows</i> <i>1.-(1) The undertaker may fell or lop any specified tree or any shrub within or overhanging land within the Order limits (other than a tree which is the subject of a Tree Preservation Order), or fell, lop or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub— ... "specified tree" means a tree which is shown as a tree to be removed on the drawing with drawing title "Volume 2 Figure 9.9 Tree Removed Proposals" in the environmental statement.</i>
17.	Article 28	The title of Article 28 gives the impression it provides for the acquisition of restrictive covenants rather than the imposition of restrictive covenants.
18.	Article 28(1)	This grants wide power for the creation of new rights and restrictive covenants over all of the Order land.

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
		This power is not limited to the creation of specific rights and restrictions in Schedule 8 in the dDCO (where the CA granted over the plots in that schedule is limited to a right / restriction required for the specific purpose identified). The Article permits the CA of undefined new rights over the rest of the Order land. Although the BoR describes the land use for each plot there is nothing in the dDCO which secures the CA authorised to that described in the BoR. This is potentially unclear for persons with an interest in the land. The drafting of the dDCO should ensure that it only authorises the CA that has been consulted on (ie that described in the BoR and SoR and shown on the Land Plans).
19.	Article 28(3), (4) and (5)	<p>The effect of these provisions, in-combination with Article 8(5), is to grant CA powers to as yet unidentified Statutory Undertakers (SU). It is unclear how the SoS will be able to be satisfied that these unidentified statutory undertakers will have sufficient funding to ensure payment of all compensation associated with CA.</p> <p>The Applicant may like to include a requirement for the SoS to consent prior to these powers being exercised or to list the specific undertakers to which this will apply and provide evidence to satisfy the SoS that they will have sufficient funds to meet any CA costs.</p> <p>Subsection (4) refers to an SU exercising these powers being treated as if they were the undertaker for the purpose of the order except in relation to the payment of compensation. It is unclear what the applicant is attempting to achieve with this drafting. The Applicant should explain the intention of the provision in the dEM and ensure that the drafting of the provision, in combination with Article 8(5), achieves its intention.</p>
20.	Article 34	<p>Article 34 deals with the temporary use of land for carrying out the authorised development. Paragraph 2 relates to the River Thames. With reference to the made Silvertown Tunnel DCO (Article 30(2)) caveats this by stating <i>"but Tfl is not permitted by this article to take temporary possession of the entire width of the river Thames within the Order limits except in an emergency"</i>. Similarly, there are then paragraphs (3) and (4) which apply when Tfl had taken such temporary possession relating to the suspension of the public right of navigation.</p> <p>Equivalent provisions are not included in the LTC draft DCO.</p>
21.	Article 34(10)	Article 34(10) limits the undertaker's CA powers in the land listed in Schedule 11 to the acquisition of any part of the subsoil under Article 32 and the acquisition of new rights under Article 28. As set out above, under Article 23 the creation of new rights is permitted over all of the Order land. The effect of this is that all of the land in

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
		<p>Schedule 11 will be subject to the CA of new rights. The drafting does not limit this to the new rights described in Schedule 8.</p> <p>The Applicant's intention in relation to the land in Schedule 11 is unclear. If the Applicant is seeking to CA new rights in all of the land in Schedule 11, it must ensure that all persons with an interest in that land have been consulted on this basis.</p> <p>The SoR, BoR and the Land Plans imply that there is some land which is for temporary use only (for example, see table 4 in the BoR and the description of land coloured green on the Land Plans). This is not secured in the dDCO. The dDCO permits CA over all of the land in Schedule 11. This includes the CA as set out in Schedule 8 and CA of undefined new rights over the rest of the land.</p> <p>If the Applicant only intends to CA rights in the plots listed in Schedule 11 which are also listed in Schedule 8, the Applicant should amend the drafting to ensure this is achieved. For example, this could be done by amending the drafting to say:</p> <p><i>(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from—</i></p> <p><i>acquiring new rights or imposing restrictive covenants over any part of that land under article 28 (compulsory acquisition of rights) to the extent that such land is listed in column (1) of Schedule 8;</i></p> <p>The Applicant must ensure that it is clear exactly what powers and rights are being sought over each plot of land and that this is secured in the dDCO.</p> <p>The Applicant must be able to demonstrate that all persons with an interest in the land in Schedule 11 have been correctly consulted and understand the nature of powers and rights the Applicant is seeking over their land.</p> <p>Drafting precedent is insufficient justification for the imposition of CA powers. The Applicant is referred to the SoS decision letter for the A30 Chiverton to Carland Cross DCO and the ExA report, where this issue was expressly considered. The SoS did not grant the CA sought.</p>
22.	Article 35(2)	Is there consistency between the article, the section in the Explanatory Memorandum and the Silvertown Tunnel DCO (Article 30(5))?

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
23.	Article 39	It would be helpful if the Applicant could explain the difference / interaction between the “common land / replacement land” and the “Special category land / (rights) land” in the dEM.
24.	Article 42(3)	Article 42(3) deals with the operation of the tunnel and planned closure. Sub-paragraph (a) requires at least 7 days’ notice, and (b) notice during the closure period. However, there is nothing in the paragraph to deal with the period running up to the closure ie from the giving of notice to the start of the closure.
25.	Article 45	The equivalent provision contained in Article 52 of the made Silvertown Tunnel DCO appears significantly more detailed.
26.	Article 46	The made Silvertown Tunnel DCO (Article 44(7)) requires the custodian, if the vehicle contains a UK Registration mark, in the event that a vehicle is removed to inquire, effectively, from the DVLA, of the details of the registered keeper. In the dDCO (Article 46(7)) the custodian is only required to make reasonably practical inquiries.
27.	Article 48(1)	The Applicant should explain why this power is necessary in addition to the confirmation of the byelaws in Schedule 13 and why the byelaws cannot be identified at this stage. The Applicant should explain why each of the byelaws in Schedule 13 is required and should be consented by the SoS.
28.	Article 49	The equivalent article in the made Silvertown Tunnel DCO (Article 49) includes an additional paragraph dealing with definitions.
29.	Article 50	The Applicant should ensure that any consent required by s150 PA2008 is obtained prior to submission of the application.
30.	Schedule 1	In Schedule 1 for works U1 and U2 (diversion of overhead electric lines) it is not clear whether the ‘No.’ refers to the existing or proposed number of pylons.

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
31.	Schedule 1	<p>The draft DCO states Work No. FCA1 is shown on Works Plan Sheet 12. Work No. FCA1 appears to be shown on Sheet 17.</p> <p>The cut line on Sheet 17 suggests Work No. FCA1 should also appear on Sheet 18. Work No. FCA1 is not annotated on Sheet 18.</p>
32.	Requirement 3	<p>The Applicant will need to justify the tailpiece which effectively permits the SoS to allow changes to the preliminary scheme design after the DCO has been made. Although limited to changes which do not give rise to any materially new or materially different environmental effects to those assessed within the ES; it will still enable changes to be made to the design assessed during examination. The Applicant should explain the necessity and appropriateness of this Requirement in the EM.</p> <p>The Applicant is referred to AN15 para 17.3 – 17.6.</p> <p>The Applicant should also explain what processes are in place to enable the SoS to approve any such changes.</p>
33.	Requirement 3	If a designs principle document is proposed, this will need to be provided in order to understand how detailed design is proposed to be controlled.
34.	Requirement 3 etc	Will the General Arrangement Drawings (GAD) be certified to rationalise the Work Plans? Will the dDCO include provision that " <i>works must be carried out in substantial accordance with GAD</i> ", or similar?
35.	Requirement 4	This Requirement states that no part of the development can commence until the construction environmental management plans and control documents have been approved by the SoS. Schedule 16 of the dDCO (documents to be certified) is unpopulated, but the Explanatory Note implies that these documents will be certified. What environmental management plans and control documents does the Applicant intend to submit as part of the application? Will they be certified separately? The Applicant should make clear in the application the relationship between the individual environmental management plans and any control documents.
36.	Requirements 4, 7, 8, 9, 10	It is unclear what a "part" of the development is. This would appear to enable the undertaker to discharge the Requirements on a piecemeal and undefined basis. The Applicant should consider explaining what a "part"

Draft Development Consent Order (dDCO)		
Q No.	Article/ Requirement	Comment/Question
		means and how this will be communicated to persons with an interest in the scheme and the relevant local planning authorities.
37.	Requirements 13 to 16	<p>The Applicant should be asked to explain why the template for discharge of Requirements in Appendix 1 of AN15 has not been used and justify the use of its version.</p> <p>In particular the Applicant should provide justification for the deemed consent provision in Article 13(2) given the importance of the detail being approved under the Requirements, which includes essential mitigation for the scheme.</p>
38.	Schedule 3	In relation to Sheet 20 of the Streets Subject to Temporary Restrictions of Use Plans Ref N11: This is shown as two, unconnected lines on the plan. It may be clearer if N11 was divided into two different annotations and Schedule 3 amended.
39.	Schedule 8	<p>Is the reference "17-82-90" at the end of the first row under Sheet 17 correct? Does it mean 17-82 to 17-90?</p> <p>If so, plots numbers 17-83, 17-84, 17-85, 17-87 and 17-89 are not used in the Book of Reference. Plots 17-86 and 17-88 are shaded green (temporary possession of land only) and therefore Schedule 8 does not apply to them.</p>
40.	Schedule 10 and Article 32	It is unclear how the (vertical) limits of deviation apply to the figures in the middle column of Schedule 10.
41.	Schedule 16	On submission this schedule will be populated that will enable the Inspectorate to establish how, in conjunction with the Requirements, the parameters of works and operations within Limits of Deviation are intended to be controlled.

Draft Explanatory Memorandum (dEM)		
Q No.	Paragraph	Question/comment
1.	General	<p>Further explanation and evidence (including the outcomes of any consultation) is required to explain why the content of each article, schedule etc to the dDCO is relevant and required for this proposal. Please refer to AN15.</p> <p>The EM should provide explanation and justification where a provision departs from the model provisions or a precedent. (See AN13 and 15).</p> <p>This should include reference to the particular circumstances of this development and an explanation as to why this is necessary or desirable.</p> <p>The Applicant should also check that all references to legislation and guidance are accurate.</p>
2.	Paragraph 3.5	Whilst there may be no requirement for a development consent order to distinguish between associated development and works which form part of the NSIP, an Examining Authority may ask questions related to these matters during the examination.
3.	Article 43	In discussing Article 43 (User charging) the use of the word " <i>mirror</i> " (and derivatives) is used. A mirror reflects something and can lead to it being an opposite. While the dictionary definition of " <i>mirror</i> " can refer to a copy, it may be clearer to use the phrase " <i>be the same as</i> ".

Draft Statement of Reasons (SoR) and Book of Reference (BoR)		
Q No.	Paragraph/Section	Question/Comments
1.	Statement of Reasons	<p>As explained above on Article 34(10), the drafting in the dDCO does not secure any land for TP only. This is because the drafting enables the creation of new rights over all of the land in Schedule 11 and this not limited to the plots which are also included in Schedule 8 (creation of new rights). As a consequence, the SoR inaccurately describes the powers sought in the dDCO.</p> <p>The Applicant must be clear about the powers it is seeking over each plot of land in the SoR, BoR and Land Plans and ensure that the powers granted in the dDCO are limited to those described.</p>

Draft Statement of Reasons (SoR) and Book of Reference (BoR)		
Q No.	Paragraph/Section	Question/Comments
		It is extremely important that the dDCO does not purport to grant powers of CA that have not been properly consulted on.
2.	Book of Reference 3.4.1	<p>This para states that <i>"The description of each plot of land includes reference to the principal land use power(s) sought in the dDCO in respect of that plot."</i></p> <p>The current drafting of the dDCO does not achieve this. See comments above on Articles 28 and 34 and the SoR above. The Applicant should ensure that the drafting of the dDCO reflects the description in the BoR.</p>
3.	Book of Reference part 4	<p>The BoR does not identify any Crown interests within the Order limits. This appears contradictory to the SoR which states at 7.1 that:</p> <p><i>"The Applicant has made provision in the draft DCO for the acquisition of those land interests in Crown land comprising plots which are not held by the Crown as shown in Part 4 of the Book of Reference (Application Document 4.2)"</i></p> <p>The Applicant should ensure that all Crown land is identified in the BoR and that relevant consent sought under s135. If there is no Crown land within the Order limits the application should amend the BoR to reflect this and remove Article 41 (Crown Rights).</p>
4.	Book of Reference table 3.1	The Applicant should explain the difference between the pink land and the grey land. Both are described in the table as being <i>"all interests and rights in..."</i> and <i>"Compulsory acquisition of all interests and rights in land (including as required, subsoil, surface land or airspace)"</i> by Article 25.

Draft Land Plans		
Q No.	Land Plan Ref	Question/Comments
1.	General	Both plot boundaries and the Order Limits are annotated with a red line. It may be clearer if plot boundaries are expressed in a different colour.

Draft Land Plans		
Q No.	Land Plan Ref	Question/Comments
2.	General	Because of the scale of the project, and the size of the files, it may be assist the reader to separate plans into geographic 'sections' ie a northern section, a middle section and a southern section; or similar.
3.	General	It could be useful if the keys or legends for the sets of drawings were published separately. This means that the relevant key could be opened separately but at the same time as the substantive drawing and thus be interpreted more easily.
4.	Drainage Plans	The key includes 'Flood Zones'. This is not clear since all land in England is Flood Zone 1, 2 or 3 of the Environment Agency's map. The working assumption is that the land identified under this legend is either Flood Zone 2 or 3, but it could also refer to zones subject to groundwater flooding.
5.	Tunnel Limits of Deviation Plans	As Schedule 16 is unpopulated, it is unclear the relationship between these plans, the Works Plans, Article 6, interpretation " <i>the works plans</i> " and Schedule 16.
6.	Statement of Reasons	Justification for Temporary Possession against plots, as expressed in Table 1 in the Statement of Reasons, in some instances is very vague/generalised eg plot 17-38, plot 14-57 etc

Draft Works Plans (WP)		
Q No.	Work Plan Ref	Question/Comments
1.	General	The Works Plans do not annotate numeral works? eg at Work no. 6B on Sheet 18 the reader cannot differentiate between Work no. 6B(i), (ii), (iii).
2.	General	Across the WPs, because of the palette it is generally difficult to differentiate between side roads and private means of access.
3.	General	Yellow shading is applied to 'islands' of land within the overall envelope of the Order Limits which is " <i>land not included within order limits</i> ". In some cases, this annotation is inconsistently applied eg Sheet 14, Sheet 25. It

Draft Works Plans (WP)		
Q No.	Work Plan Ref	Question/Comments
		would be helpful if the Applicant could explain in the Statement of Reasons how the yellow shading applies to 'island' features only and is not applied to wider lands that are outside of the Order Limits. Should shading for " <i>land not included within order limits</i> " be consistent across plan types? ie at present it is yellow in Works Plans, grey hatch Land Plans, annotation absent from the General Arrangement Drawings.
4.	General	Should construction compounds be identified/annotated on the Works Plans? It will assist in the Examination if compounds are easy to identify 'up front', rather than having to locate information in the Statement of Reason. The made A30 Chiverton to Carland Cross DCO and the made M4 Junctions 32 to 12 Smart Motorway DCO, amongst others, provide precedent for this approach.
5.	Work no. 6 series etc	These works rely on " <i>illustrative</i> " Rights of Way and Access Plans to control their scope. How do illustrative plans provide sufficient certainty?
6.	eg Work No. 6(c)	The WPs legend indicates Work 6(c) is a footpath, however the dDCO describes a bridge for motorised vehicles. This problem applies to all 'footpaths' annotated on the Works Plans.
7.	Sheet 14	The hatching identifying the Environmental Mitigation (EM) works obscures detail at southern portal. Should the hatching stop on the highway sections up to the portals.
8.	Sheets 12-14	The transition from Work no. 4A-5B-5A-4A across sheets 12-14 is unclear.

Draft Consultation Report (CR)		
Q No.	Paragraph/Section	Question/Comments
1.	Page 2 – Table of contents	Information sent to the consultees and copied to the Inspectorate stated that the supplementary consultation was non-statutory consultation.

Draft Consultation Report (CR)		
Q No.	Paragraph/Section	Question/Comments
		<p>This needs to be clearly articulated and cross-referenced within the Consultation Report. Please ensure that the dates are correct as the consultation is being carried out between January and March 2020.</p> <p>The Inspectorate notes that the proposed Chapter 8 of the Consultation Report will provide an account of the responses submitted to the supplementary consultation and will consist of the same topics covered in Chapter 7. Also, the proposed Appendix Q will contain supplementary consultation material.</p>
2.	Chapter 7 - 1.1.2	<p>The Inspectorate cannot take a view on the adequacy or acceptability of the information in the 'HE response' column at this stage, but the level of detail appears comparable to the detail provided in other Consultation Reports.</p> <p>The approach to referencing appears to be sound.</p>
3.	Chapter 7 – 1.1.3	<p>The Inspectorate considers that the approach here is appropriate and proportionate.</p> <p>The Applicant is advised to explain the approach in appropriate detail at an appropriate location in the body of the of the Consultation Report.</p>
4.	Chapter 7 -1.1.4	<p>Whilst the anonymisation of responses is acceptable from the Inspectorate's point of view, it may prevent those who made representations from easily identifying how the Applicant has had regard to them. This may lead to later comments from consultees that the Applicant did not respond/have regard to their comments.</p> <p>The Applicant should therefore be prepared to proactively communicate to individuals and organisations the code(s) that their consultation responses are allocated to.</p> <p>The Inspectorate reiterates the advice offered in its 11 October 2019 meeting with the Applicant that:</p> <p><i>"[The grouping of issues] could be helpful provided that the 'grouping' process was carried out in a transparent manner and did not obscure important or specialist points or unduly smooth the detail of significant matters. For issues that had very large number of respondents then the Inspectorate noted particular care should be taken to differentiate between genuine single points with a mass response (such as from petitions) and lots of people responding on similar topics but with different or multifaceted points."</i></p>
5.	Appendix N	Any notices relating to the supplementary consultation should be also included in this appendix.

General

1. Where references are provided to other Application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of sign-posting) as well as their respective reference number.
2. [DCLG: Application form Guidance](#), paragraph 3 states: *The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*