

# **A585 Windy Harbour to Skippool Improvement Scheme**

**TR010035**

## **1.1 Application Letter and Schedule of Compliance with Section 55**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

Volume 1

October 2018

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009

**A585 Windy Harbour to Skippool  
Improvement Scheme**  
Development Consent Order 201[ ]

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**APPLICATION LETTER AND SCHEDULE OF COMPLIANCE  
WITH SECTION 55**

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<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010035
<b>Application Document Reference</b>	TR010035/APP/1.1
<b>Author:</b>	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	October 2018	DCO Submission

Major Applications & Plans  
3/18 Eagle Wing  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Dear Sir/Madam

**Planning Act 2008**  
**Application for a Development Consent Order for the proposed A585 Windy Harbour to Skippool Improvement Scheme**  
**Highways England**  
**Application Reference TR010035**

## **1 Subject of the Application**

- 1.1 I am pleased to enclose an application on behalf of Highways England (the “Applicant”) under section 37 of the Planning Act 2008 (the “2008 Act”) for an order granting development consent for the A585 Windy Harbour to Skippool Improvement Scheme (the “Scheme”).
- 1.2 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(a) of the 2008 Act.
- 1.3 Further detail concerning the Scheme’s qualification as a NSIP can be found in the prescribed form within the Application Form (document reference TR010035/APP/1.2) and in the Explanatory Memorandum (document reference TR010035/APP/3.2).

## **2 Application fee and documentation enclosed**

- 2.1 A fee of £6,939 has been submitted by BACS transfer to the account of The Planning Inspectorate (“the Inspectorate”).
- 2.2 Further to the advice received from the Inspectorate on 10 October 2018 one paper copy and six USB memory sticks of the full application as listed in Annex A are provided.
- 2.3 A completed Section 55 checklist accompanies this letter in Annex B.
- 2.4 A GIS shapefile was issued to the Inspectorate on 17 October 2018 in accordance with the requirements of ‘Advice Note Six: Preparation and submission of application documents’ (February, 2016).

## **3 Application formalities**

- 3.1 This Application is made in the form required by Section 37(3)(b) of the 2008 Act and the application documents comply with the requirements in Section

37 of the 2008 Act and those set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”)
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
- The Department for Communities and Local Government’s (DCLG) ‘Planning Act 2008: Nationally significant infrastructure projects – Application form guidance’ (June 2013)
- The Planning Inspectorate’s ‘Advice Note Six: Preparation and submission of application documents’ (February, 2016)

3.2 We request that the Inspectorate publishes the application documents on the A585 Windy Harbour to Skippool Improvement Scheme page of the National Infrastructure website from submission of the application with the exception of Appendix 8.6 of the Environmental Statement which is the Confidential Badger Survey Technical Appendix (document reference TR010035/APP/6.8.6) due to the sensitive nature of the information contained in that document).

## **4 Description of the Scheme**

4.1 A non-technical description of the Scheme is provided in the Introduction to the Application (document reference TR010035/APP/1.3). A more detailed and technical description is provided in the Environmental Statement (document reference TR010035/APP/6.2).

## **5 Consent flexibility – Rochdale Envelope**

5.1 The Applicant has considered the National Policy Statement and the Inspectorate’s ‘Advice Note Nine: Rochdale Envelope’ together with pre-application advice provided by the Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) is fundamental to whether the Scheme is deliverable.

5.2 The Environmental Impact Assessment (EIA) which was undertaken in support of the A585 Windy Harbour to Skippool Improvement Scheme has considered and reflected the flexibility sought in the draft DCO (document reference TR010035/APP/3.1). The maximum design parameters referenced in the draft DCO have been assessed in the Environmental Statement.

5.3 Further detail on the Applicant’s approach to the Rochdale Envelope and flexibility within the draft DCO is provided within Chapter 2: Description of the Scheme of the Environmental Statement (document reference TR010035/APP/6.2).

## **6 Habitats Regulations Assessment**

6.1 This Application includes a Habitats Regulation Assessment (HRA) Report

(document reference TR010035/APP/5.4) as required by Regulation 5(2)(g) of the APFP Regulations. This HRA Report identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Scheme is likely to have an adverse effect on the integrity of any European site.

6.2 The HRA Report was prepared in consultation with the Inspectorate's 'Advice Note 10: Habitats Regulations Assessments' (November, 2017).

6.3 It is concluded, on the basis of the information provided within this HRA Report, that the Scheme would not prevent Morecambe Bay and Duddon Estuary Special Protection Area/Morecambe Bay Ramsar site from achieving their Conservation Objectives, and therefore there would be **no adverse effect on the integrity** of any European sites and features as a result of the Scheme, alone (with mitigation in place as outlined in the Bird Mitigation Strategy (refer to the Outline Construction Environmental Management Plan – document reference TR010035/APP/7.2)) or in combination with other plans and schemes.

## **7 Compulsory Acquisition**

7.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the Scheme. Details on the powers sought and negotiations to date are provided in the Book of Reference (document reference TR010035/APP/4.3) and the Statement of Reasons (document reference TR010035/APP/4.1).

7.2 Adequacy of the funding for compensation is provided in the Funding Statement (document reference TR010035/APP/4.2).

## **8 Other consents**

8.1 Details of other consents and agreements not forming part of the Development Consent Order which the Applicant (or others) may be seeking in relation to the construction and operation of the proposed Scheme and associated development, are set out in the Consents and Agreements Position Statement (document reference TR010035/APP/5.5)

## **9 Pre-application consultation**

9.1 As required by section 37(3)(c) a Consultation Report (document reference TR010035/APP/5.1) accompanies this application; the Consultation Report details compliance with sections 42, 47, 48 and 49 of the 2008 Act.

## **10 Pre-Application engagement with the Planning Inspectorate**

10.1 During the pre-application stage a meeting was held with the Inspectorate on 8 January 2018 regarding the Scoping Opinion (document reference TR010035/APP/6.20). The feedback received during this meeting has been incorporated into the Environmental Statement that forms Volume 6 of this application (document reference TR010035/APP/6.1-6.20).

10.2 A phone conference was held on 5 July 2018. The purpose of the phone conference was for Highways England to provide feedback in relation to the statutory consultation held between March and May 2018.

## 11 Other matters

11.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found in the Engineering Section Drawings (document reference TR010035/APP/2.6).

11.2 To reflect the Planning Inspectorate's recent update to 'Advice Note 15: Drafting Development Consent Orders', Hedgerows and Protected Trees to be Removed Plans are provided (document reference TR010035/APP/2.10).

11.3 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required (where applicable) to provide a plan with accompanying information identifying –

- (i) any statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance
- (ii) habitats of protected species, important habitats or other diversity features
- (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development

11.4 The information in relation to Regulation (2)(l)(i) is within Figure 8.1 of Chapter 8: Biodiversity (document reference TR010035/APP/6.8) of the Environmental Statement (N.B. there are no sites of geological or landscape importance within the Draft Order Limits).

11.5 The information in relation to Regulation (2)(l)(ii) is within Figure 8.1.3 within Appendix 8.1: Extended Phase 1 Habitat Survey (document reference TR010035/APP/6.8.1) of the Environmental Statement.

11.6 The information in relation to Regulation (2)(l)(iii) is within Figures 12.1 and 12.3 of Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12) of the Environmental Statement.

11.7 The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development is presented in Chapter 8: Biodiversity (document reference TR010035/APP/6.8) and Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12) of the Environmental Statement.

11.8 There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features, as follows:

- (m) where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, including scheduled monuments, World Heritage sites, listed buildings and other historic structures, archaeological sites and registered battlefields, together with an assessment of any effects on



such sites, features or structures likely to be caused by the proposed development;

- 11.9 The information in relation to Regulation 5(2)(m) is within Figure 7.2 of Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) the Environmental Statement. The assessment of any effects on such sites, features or structures likely to be caused by the Scheme is presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) of the Environmental Statement
- 11.10 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act and can make them available at the request of the Planning Inspectorate.
- 11.11 The Applicant will keep all application documents under review and will endeavor to provide updates (where it considers it necessary to do so) during the examination of the application considering questions and comments received from the Examining Authority and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,



David Hopkin  
Project Manager  
Highways England

Enclosures:

- Annex A: Overview of the Application Documents  
Table of Application Documents
- Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)

## Annex A: Overview of the Application Documents

The reports, drawings and plans that make up the DCO application have been organised into 7 volumes as listed in the table below. The 7 volumes are explained in further detail in the Introduction to the Application (document reference TR010035/APP/1.3).

	VOLUME	CONTENT
1	Application Form / Information / Background	This document, the completed application form and an introduction to the Scheme
2	Plans / Drawings / Sections	These include plans that illustrate the location of the Scheme, the proposed works, the land that will be acquired or used, and engineering details
3	Draft Development Consent Order	This is the document that sets out the legal powers that Highways England is seeking to enable it to build, operate and maintain the Scheme, together with a separate document, the Explanatory Memorandum, explaining the provisions of the Order
4	Compulsory Acquisition Information	Documents setting out in tabular form the land to be acquired or used, and reports justifying the seeking of compulsory acquisition powers over this land
5	Report / Statements	Reports including the Consultation Report and other Reports / Statements relevant for the specific DCO and not dealt with elsewhere in the application
6	EIA Information	An assessment of the likely significant effects (both positive and negative) of the Scheme on the environment and a description of mitigation measures proposed to reduce any negative impacts
7	Other Documents	Additional documents that support the DCO application; these are not legally required but provide useful information on the case for the Scheme



## Table of Application Documents

A list of documents within the application is set out below. If you require a copy of any of the application documents, or parts of them, please contact the A585 Windy Harbour to Skippool Improvement Scheme Project Team. A DVD containing these documents will be provided free of charge; a reasonable charge for printing and distribution of, hard copies will be made.

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
<b>VOLUME 1: Application Form / Information/ Background</b>	1.1	Application Letter & Schedule of Compliance with Section 55 Checklist
	1.2	Application Form
	1.3	Introduction to the Application
<b>VOLUME 2: Plans / Drawings / Sections</b>	2.1	Location Plan
	2.2	Land Plans
	2.3	Works Plans
	2.4	Streets, Rights of Way and Access Plans
	2.5	General Arrangement Plans
	2.6	Engineering Section Drawings
	2.7	Classification of Roads Plans
	2.8	Traffic Regulation Measures and De-Trunking Plans
	2.9	Outline Drainage Works Plans
	2.10	Hedgerows and Protected Trees to be Removed Plans
	2.11	Crown Land Plan
<b>VOLUME 3: Draft Development Consent Order</b>	3.1	Draft Development Consent Order
	3.2	Explanatory Memorandum
<b>VOLUME 4: Compulsory Acquisition Information</b>	4.1	Statement of Reasons
	4.2	Funding Statement
	4.3	Book of Reference

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
<b>VOLUME 5: Reports / Statements</b>	5.1	Consultation Report (including all appendices e.g. consultation material and statutory notices)
	5.2	Flood Risk Assessment
	5.3	Statement in Respect of Statutory Nuisance
	5.4	Habitats Regulations Assessment
	5.5	Consents and Agreements Position Statement
	5.6	Water Framework Directive Assessment
<b>VOLUME 6: Environmental Impact Assessment (EIA) Information</b>	6.1	ES Chapter 1: Introduction
	6.2	ES Chapter 2: Description of the Scheme
	6.3	ES Chapter 3: Consultation
	6.4	ES Chapter 4: Alternatives Assessment
	6.5	ES Chapter 5: Approach to Environmental Impact Assessment
	6.6	ES Chapter 6: Air Quality
	6.7	ES Chapter 7: Cultural Heritage
	6.8	ES Chapter 8: Biodiversity
	6.9	ES Chapter 9: Landscape
	6.10	ES Chapter 10: People and Communities
	6.11	ES Chapter 11: Noise and Vibration
	6.12	ES Chapter 12: Road Drainage and the Water Environment
	6.13	ES Chapter 13: Geology and Contaminated Land
	6.14	ES Chapter 14: Materials
	6.15	ES Chapter 15: Climate
	6.16	ES Chapter 16: Cumulative Effects
	6.17	ES Chapter 17: Summary

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
	6.18	ES Chapter 18: Non-Technical Summary
	6.19	ES Chapter 19: Environmental Masterplan
	6.20	ES Chapter 20: The Planning Inspectorate’s Scoping Opinion
	6.1.1	ES Appendix 1.1: Competent Expert Evidence
	6.2.1	ES Appendix 2.1: Construction Information
	6.5.1	ES Appendix 5.1 The Inspectorate’s Scoping Opinion and Response
	6.5.2	ES Appendix 5.2: Section 42 Comments and Responses
	6.5.3	ES Appendix 5.3: Transboundary Screening
	6.6.1	ES Appendix 6.1: Air Quality Model Verification
	6.6.2	ES Appendix 6.2: Air Quality Model Parameters
	6.6.3	ES Appendix 6.3: Air Quality Monitoring Data
	6.7.1	ES Appendix 7.1: Cultural Heritage Desk-Based Assessment
	6.7.2	ES Appendix 7.2: Geophysical Survey
	6.7.3	ES Appendix 7.3: Geoarchaeological Assessment
	6.8.1	ES Appendix 8.1: Extended Phase 1 Habitat Technical Appendix
	6.8.2	ES Appendix 8.2: Great Crested Newt Technical Appendix
	6.8.3	ES Appendix 8.3: Reptile Technical Appendix
	6.8.4	ES Appendix 8.4: Bird Technical Appendix
	6.8.5	ES Appendix 8.5: Bat Technical Appendix
	6.8.6	<i>ES Appendix 8.6: Confidential Badger Technical Appendix</i>

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
<b>VOLUME 6: Other Documents</b>	6.8.7	ES Appendix 8.7: Otter Technical Appendix
	6.8.8	ES Appendix 8.8: Water Vole Technical Appendix
	6.8.9	ES Appendix 8.9: Biodiversity Metric Calculation
	6.9.1	ES Appendix 9.1: National Character Area 32
	6.9.2	ES Appendix 9.2: Extracts from 'A Landscape Strategy for Lancashire'
	6.9.3	ES Appendix 9.3: Visual Effects Schedule
	6.10.1	ES Appendix 10.1: Baseline NMU Surveys
	6.10.2	ES Appendix 10.2: Driver Stress Calculations
	6.11.1	ES Appendix 11.1: Noise Survey Data
	6.11.2	ES Appendix 11.2: Construction Noise Assessment
	6.11.3	ES Appendix 11.3: Noise Insulation Regulations Assessment
	6.13.1	ES Appendix 13.1: Consultation
	6.13.2	ES Appendix 13.2: UXO Desk Study
	6.16.1	ES Appendix 16.1: Other Development Longlist
	<b>VOLUME 7: Other Documents</b>	7.1
7.2		Outline Construction Environmental Management Plan
7.3		Record of Environmental Actions and Commitments
7.4		Transport Assessment
7.5		Traffic Management Plan
7.6		Ground Investigation Report
7.7		Progress with Statements of Common Ground

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**Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)**

# The Planning Act 2008

## Section 55 Acceptance of Applications\*

(Appendix 3 of advice note six: Preparation and submission of application documents)

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
  - (a) that it is an application for an order granting development consent,
  - (b) deleted
  - (c) that development consent is required for any of the development to which the application relates,
  - (d) deleted
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
  - (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4)  
“local authority consultee” means -



- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
  - (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;
- “adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.
- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which -
    - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
    - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
  - (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
  - (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -
    - (a) notify that view to the applicant, and
    - (b) notify the applicant of the Secretary of State’s reasons for that view.
  - (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

\* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

**NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.**

## Section 55 Acceptance of Applications

### Section 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications			
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date
		<b>29 10 2018</b>	<b>26 11 2018</b>
			Date of decision
			<b>TBC</b>
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments	
<b>S55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>			
2	Is the development a nationally significant infrastructure project <sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order <sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates ie which category or categories in ss14-30 does the application scheme fall)?  If the development does not fall within the	The Scheme is a nationally significant infrastructure project ("NSIP") within Sections 14(1)(h) and 22(1) of the Planning Act 2008 ("2008 Act"). Under Section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. This Scheme is construction of a highway in a case within the meaning of Section 22(1)(a). Whilst the Scheme includes some alteration and improvement of the existing A585, the new carriageway will follow a different alignment requiring construction of sections of new highway with a speed limit in excess of 50 miles per hour on an area in excess of 12.5 hectares. The Scheme is wholly located in England and Highways England Company Ltd, being a strategic highways authority, will be the highway authority for the highway to be constructed as part of the Scheme. The Scheme therefore complies with the requirements of Section 22(2) and 22(4) of the 2008 Act.	

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework Directorate which carries out

functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

<sup>2</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

<sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	As the proposed authorised development is an NSIP, consent under the Act is required (Section 31 of the 2008 Act). Under Section 37 of the 2008 Act, an order granting development consent may only be made if application for it is made (through the Planning Inspectorate) to the Secretary of State.
<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the 2008 Act.
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p>A Screening Opinion was not requested from the Secretary of State.</p> <p>Highways England submitted a request for a Scoping Opinion under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 for the Scheme on the 8 November 2017. A scoping opinion was received from the Planning Inspectorate on 19 December 2017 (document reference TR010035/APP/6.20).</p> <p>Highways England also submitted a notification letter to the Planning Inspectorate to inform them of the intention to issue an Environmental Statement alongside the DCO application for this Scheme. This notification was issued on 24 October 2017. This is detailed in Section 3.5 of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>Both the scoping opinion request and the notification letter were submitted prior to the start of the section 42 consultation period which commenced on 21 March 2018.</p>

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

5	Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p>There are 3 host and 19 neighbouring authorities. No adequacy of consultation representations have yet been received. It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation. This is as set out in the Planning Inspectorate’s Advice Note 14 (April 2012).</p> <p>In accordance with Section 47(2) of the Planning Act 2018, Highways England has consulted with each local authority that is within Section 43(1) of the Act about the content of the Statement of Community Consultation (SoCC). A local authority is within this section if the land is in the authority's area which in the context of the Scheme comprises Fylde Borough Council, Wyre Council and Lancashire County Council. The draft SoCC, letters to the authorities, the comments received back from these councils and the final SoCC are detailed in Appendix C-F of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>The regard had to their comments and the changes made to the SoCC as a result of these comments are detailed in Table 4-2 of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>Section 42 letters were sent to all A, B, C and D authorities as listed in Table 4-5 of the Consultation Report (document reference TR010035/APP/5.1) on the 16 March 2018. A copy of this letter can be found in Appendix K of the Consultation Report (document reference TR010035/APP/5.1).</p>
<b>s42: Duty to Consult</b>		
Did the applicant consult the applicable persons set out in s42 of the PA 2008 about the proposed application?		
6	s42(1)(a) persons prescribed? <sup>6</sup>	Yes. Highways England consulted statutory consultees prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure)

<sup>5</sup>

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>Regulations 2009. A full list of the prescribed consultees is provided in Appendix J of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>Chapter 4 of the Consultation Report (document reference TR010035/APP/5.1) sets out the approach to consultation with the prescribed consultees and compliance with legislation.</p> <p>Appendix K of the Consultation Report (document reference TR010035/APP/5.1) includes sample letters sent to prescribed consultees on 16 March 2018 to notify the relevant consultees of the Section 42 consultation.</p> <p>Due to feedback from consultation, the design was modified to remove the proposed roundabout at Poulton Junction and replace it with a traffic signal-controlled crossroads and pedestrian crossing. A letter and leaflet explaining this design change was sent out on 17 August 2018 to residents who are likely to use this junction to access the bypass rather than Skippool Bridge junction or another junction on the Strategic Road Network. In addition to these residents, all customer who had completed the consultation response form were contacted. Copies of the letter and flyer can be found in Appendix P of the Consultation Report (document reference TR010035/APP/5.1)</p> <p>Additional consultation was undertaken between 28 August and 25 September 2018. A consultation brochure and accompanying letter was sent on 24 August 2018 to notify those who had previously expressed interest in the scheme. Copies of this consultation material are also within Appendix Q of the Consultation Report (document reference TR010035/APP/5.1). This exercise ensured the commitments made within the SoCC were fulfilled, as a record check showed that some individuals who had previously expressed an interest in the scheme may not have received a copy.</p>
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7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	A letter was sent to the Marine Management Organisation on 16 March 2017, providing notice of Highways England’s statutory consultation period, including links to the consultation documents and enclosing a copy of the Section 48 notice and the final date that responses should be received. A copy of this letter can be found in Appendix K of the Consultation Report (document reference TR010035/APP/5.1)
8	s42(1)(b) each local authority within s43? <sup>8</sup>	<p>Yes. There are 3 host and 19 neighbouring authorities which are:</p> <p>Host “B” and “C” Authorities:  Fylde Borough Council  Wyre Council  Lancashire County Council</p> <p>Neighbouring “A”, “D” Authorities:  Blackpool Council  Preston City Council  Lancaster City Council  South Ribble Borough Council  Ribble Valley Borough Council  West Lancashire Borough Council  Yorkshire Dales National Park Authority  North Yorkshire County Council  Cumbria County Council  Bury Council  Blackburn with Darwen Council  Knowsley Council  Sefton Council  Wigan Council</p>

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority



		<p>Bradford Metropolitan District Council  Calderdale Council  Rochdale Borough Council  St Helens Council  Bolton City Council</p> <p>A letter was sent to the relevant local authorities on 16 March 2018 providing notice of Highway England's statutory consultation period, including links to the consultation documents and enclosing a copy of the section 48 notice and the final date that responses will be received. A copy of this letter can be found in Appendix K of the Consultation Report (document reference TR010035/APP/5.1)</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Yes. The proposed development does not fall within Greater London and as a result the Greater London Authority was not consulted.
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p>Yes. A letter was sent to category 1, 2 and a separate letter to category 3 as described under Section 44, providing notice of the statutory consultation, providing details of the public exhibition events and a deadline for when responses should be received. A copy of these letters can be found in Appendix K of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>A number of these documents sent to those with a category 2 interest in the land were returned to the scheme unopened having not reached the intended recipient. To ensure these interests were fully informed of the scheme and that the Applicant has the most relevant information for the Book of Reference (document reference TR010035/APP/4.3), a specialist consultancy was employed to reissue the Land Interest Questionnaires and undertake a door knocking exercise to assist with completion of the documents. The customers were able to return their questionnaires to the consultants directly or return them to the Scheme using the Freepost address</p>

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

		<p>provided. All information gathered by the Applicant was used to update the Book of Reference (document reference TR010035/APP/4.3).</p> <p>Appendix I of the Consultation Report (document reference TR010035/APP/5.1) provides a list of land interests consulted, noting whether they are category 1, 2 or 3 under Section 44 of the Act, and the date on which they were consulted.</p>
<b>s45: Timetable for s42 Consultation</b>		
11	<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes. The sample letters located within Appendix K of the Consultation Report (document reference TR010035/APP/5.1) all stated that responses should be received before 11.59pm on the 8 May 2018. All consultation materials advised of the closing date and time for responses as 8 May 2018. These letters were sent out on 16 March 2018, providing more than 28 days for responses to be received.</p>
<b>s46: Duty to notify Secretary of State of proposed application</b>		
12	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Highways England submitted a Section 46 letter to the Planning Inspectorate on the 16 March 2018 (refer to Appendix L of the Consultation Report (document reference TR010035/APP/5.1). This explained the intent to submit a DCO for the Scheme. Accompanying the Section 46 letter were the following documents on a USB drive:</p> <ul style="list-style-type: none"> <li>• Covering letter <ul style="list-style-type: none"> <li>○ Section 42(a) prescribed consultee letter</li> <li>○ Section 42(aa) Marine Management Organisation Statutory Consultation Letter</li> <li>○ Section 42(b) Local Authority Statutory Consultation Letter</li> <li>○ Section 42(d) Category 1 and 2 Statutory Consultation Letter</li> <li>○ Section 42(d) Category 3 Statutory Consultation Letter</li> </ul> </li> <li>• Section 48 Notice</li> <li>• Consultation Brochure</li> <li>• Consultation response form</li> <li>• PEIR report and Non-technical summary</li> <li>• Associated plans/drawings/reports</li> <li>• Scheme Layout Plan – Red line boundary</li> </ul>

<b>s47: Duty to consult local community</b>		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes. Highways England prepared a SoCC, a copy of the which is provided in Appendix F of the Consultation Report (document reference TR010035/APP/5.1). Chapter 4 of the Consultation Report (document reference TR010035/APP/5.1) details the approach taken to develop the draft SoCC in consultation with the host authorities. Table 4-2 details the suggestions/comment made by the Local Authority, the regard had to the suggestion and the amendment to the SoCC made (as applicable). Table 4-7 details the commitments made within the SoCC and how consultation has been conducted in accordance with each commitment.
14	Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?	<p>Yes. It is confirmed in Table 4-5 of the Consultation Report (document reference TR010035/APP/5.1) that ‘B’ authorities Fylde Borough Council and Wyre Council were consulted about the content of the SoCC on the 17 January 2018 and ‘C’ authority Lancashire County Council on 19 January 2018, however the draft SoCC was not attached to the email sent to Lancashire County Council on this date. Lancashire County Council informed the applicant of this error on 29 January 2018 and the SoCC was sent through on the same day. The deadline response was extended to allow for the full 28 days to account for the draft not being attached.</p> <p>A response was received from all ‘B’ and ‘C’ authorities which can be found in Appendix E of the Consultation Report (document reference TR010035/APP/5.1).</p> <p>A deadline for receipt of response was stated on the communication as the 14 February 2018, providing 4 weeks (28 days) to the Local Authority as per the requirements under Section 45 of the Planning Act 2008. Copies of these communications can be found in Appendix D of the Consultation Report (document reference TR010035/APP/5.1).</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	Yes. Feedback was received from all Local Authorities consulted. These included Fylde Borough Council (“B”), Wyre Borough Council (“B”) and Lancashire County Council (“C”) which were received on the 8, 14 and 22 February 2018. Copies of responses are in Appendix E of the Consultation Report (document reference TR010035/APP/5.1).

		Highways England has had regard to this feedback which is detailed in Table 4-2 of the Consultation Report (document reference TR010035/APP/5.1) and a response of agreed or noted with an explanation of how the SoCC was amended.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Highways England made the SoCC available for inspection in the vicinity of the proposals. These included:</p> <ul style="list-style-type: none"> <li>• Poulton Library</li> <li>• Singleton Village Hall</li> <li>• Wyre Civic Centre</li> <li>• Blackpool Central Library</li> <li>• Thornton Library</li> <li>• Fleetwood Library</li> <li>• The Koi Pool Water Gardens</li> </ul> <p>Further details of these locations can be found in Table 4-3 and Figure 4-1 of the Consultation Report (document reference TR010035/APP/5.1)</p> <p>Notices detailing when and where the SoCC could be inspected were published in the following publications on 14 and 21 March 2018:</p> <ul style="list-style-type: none"> <li>• Blackpool Gazette</li> <li>• Fleetwood Evening News</li> <li>• Lancashire Evening Post</li> </ul> <p>Copies of the notices can be found in Appendix N of the Consultation Report (document reference TR010035/APP/5.1).</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	Yes. The SoCC confirms the Scheme is an EIA Development in the Consulting the Community section on page 4. A Preliminary Environmental Information Report (PEIR) and Non-Technical Summary (NTS) of the PEIR has been produced which was made available at consultation events. These were also available to view online or at the deposit locations listed in question 16.

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

18	Has the applicant carried out the consultation in accordance with the SoCC?	Yes. Highways England has carried out the consultation in accordance with the SoCC. Table 4-7 of the Consultation Report (document reference TR010035/APP/5.1) provides a detailed account of the commitments made within the SoCC and the activities undertaken in compliance with each commitment.	
<b>s48: Duty to publicise the proposed application</b>			
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p>Yes.</p> <p>A Section 48 notice was published in Local Newspapers:</p> <ul style="list-style-type: none"> <li>• Blackpool Gazette (14 &amp; 21 March 2018),</li> <li>• Lancashire Evening Post (14 &amp; 21 March 2018)</li> <li>• Fleetwood Weekly News (14 &amp; 21 March 2018).</li> </ul> <p>London Gazette and National Newspapers:</p> <ul style="list-style-type: none"> <li>• London Gazette (21 March 2018).</li> <li>• The Guardian (21 March 2018)</li> </ul> <p>A copy of the published Section 48 notice can be found in Appendix O of the Consultation Report (document reference TR010035/APP/5.1). Copies of the Section 48 notice as published within each newspaper can be found in Appendix N of the Consultation Report (document reference (TR010035/APP/5.1))</p>	
		<b><i>Newspaper(s)</i></b>	<b><i>Date</i></b>
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Blackpool Gazette	14 and 21 March 2018
		Lancashire Evening Post	14 and 21 March 2018
		Fleetwood Weekly News	14 and 21 March 2018
	once in a national newspaper;	The Guardian	21 March 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh	London Gazette	21 March 2018

	Gazette; and			
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes		
	<b>Information</b>	<b>Paragraph</b>		<b>Information</b>
a)	The name and address of the applicant	1	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the proposed development
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	5	f)	the latest date on which those documents, plans and maps will be available for inspection
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8	h)	details of how to respond to the publicity
i)	a deadline for receipt of those responses by the applicant,	10		



	being not less than 28 days following the date when the notice is last published		
21	Are there any observations in respect of the s48 notice provided above? N/A		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ?	Yes. A copy of the Section 48 notice was sent to the EIA consultation bodies (and to persons notified to Highways England) in accordance with Regulation 9(1)(c) of “the EIA Regulations” on 16 March 2018. The deadline for responses as stated in the notice was 8 May 2018, which exceeds the minimum requirement of 28 days. Sample letters are provided in Appendix K of the Consultation Report (document reference TR010035/APP/5.1).	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes. Table 5-2 and 5-3 of the Consultation Report (document reference TR010035/APP/5.1) provides a summary of responses received from Local Authorities (Section 42(1)(b)), Prescribed consultees (Section 42(a) and (aa)) and the regard had to the response.</p> <p>Table 6-1 of the Consultation Report (document reference TR010035/APP/5.1) details the changes to the scheme as a result of consultation. Table 6-2 Consultation Report (document reference TR010035/APP/5.1) details consultation responses that have not resulted in a design change.</p> <p>Appendix S and Appendix T of the Consultation Report (document reference TR010035/APP/5.1) provides full details of the regard had to the consultation responses received.</p>	
<b>Guidance about pre-application procedure</b>			
24	To what extent has the applicant had	The Consultation Report (document reference TR010035/APP/5.1) concludes with	

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

	regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'? <sup>12</sup>	Table 7-1 which sets out the compliance with DCLG Planning Act 2008: guidance on the pre-application process.			
<b>25</b>	<b>Summary – s55(3)(e)</b>				
<b>S55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>					
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p>Yes. The Application is made in the prescribed form. Box 4 of the Application Form (document reference TR010035/APP/1.2) provides a statement explaining why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form (document reference TR010035/APP/1.2) provides a brief non-technical description of the site and Box 6 provides the location of the proposal. A location plan is also provided (document reference TR010035/APP/2.1).</p>			
27	Is it accompanied by a consultation report?	Yes. The Consultation Report is included in the application (document reference TR010035/APP/5.1).			
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	The application includes documents with plans comprising three or more separate sheets (for example Volumes 2, 5 and 6). All these plans contain key plans showing the relationship between the different sheets with the exception of the location plan.			
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes			
	Information	Document		Information	Document
a)	Where applicable, the	The document in	b)	The draft proposed order	The document in

<sup>12</sup> The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	relation to Requirement (2)(a) are documents within Volume 6 of the application which include the Environmental Statement (document reference TR010035/APP/6.1-6.20).			relation to Requirement (2)(b) is the Draft Development Consent Order (document reference TR010035/APP/3.1).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	The document in relation to Requirement (2)(c) is the Explanatory Memorandum (document reference TR010035/APP/3.2).	d)		The document in relation to Requirement (2)(d) is the Book of Reference (document reference TR010035/APP/4.3).
e)	A copy of any flood risk assessment	The document in relation to Requirement (2)(e) is the Flood Risk Assessment (document reference TR010035/APP/5.2).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them	The document in relation to Requirement (2)(f) is the Statement in Respect of Statutory Nuisance (document reference TR010035/APP/5.3).

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	The documents in relation to Requirement (2)(h) is the Statement of Reasons (document reference TR010035/APP/4.1) and the Funding Statement (document reference TR010035/APP/4.2).	i)	A land plan identifying: -  (i) the land required for, or affected by, the proposed development; (ii) (where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	The document in relation to Requirement (2)(i) is the Land Plans (document reference TR010035/APP/2.2).
j)	A works plan showing, in relation to existing features:  (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and  (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order	The document in relation to Requirement (2)(j) is the Work Plans (document reference TR010035/APP/2.3)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	The document in relation to Requirement (2)(k) is the Streets, Rights of Way and Access Plans (document reference TR010035/APP/2.4)

l)	<p>Where applicable, a plan with accompanying information identifying:</p> <ul style="list-style-type: none"> <li>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance;</li> <li>(ii) habitats of protected species, important habitats or other diversity features; and</li> <li>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</li> </ul>	<p>The document in relation to Requirement (2)(l)(i) is within Figure 8.1 of Chapter 8: Biodiversity (document reference TR010035/APP/6.8) of the Environmental Statement (N.B. there are no sites of geological or landscape importance within the Draft Order Limits).</p> <p>The information in relation to Regulation (2)(l)(ii) is within Figure 8.1.3 within Appendix 8.1: Extended Phase 1 Habitat Survey (document reference TR010035/APP/6.8.1) of the Environmental Statement.</p> <p>The information in relation to Regulation (2)(l)(iii) is within Figures 12.1 and 12.3 of Chapter 12: Road</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p>The information in relation to Regulation 5(2)(m) is within Figure 7.2 of Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) the Environmental Statement. The assessment of any effects on such sites, features or structures likely to be caused by the Scheme is presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7) of the Environmental Statement</p>
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		Drainage and the Water Environment (document reference TR010035/APP/6.12) of the Environmental Statement.			
n)	Where applicable, a plan with any accompanying information identifying any Crown land	The document in relation to this Requirement is the Crown Land Plan (document reference TR010035/APP/2.11). It is identified that the Duchy of Lancaster has an interest in land which is being compulsorily acquired on a permanent basis. Whilst the Duchy's land interest is not being acquired, land is being acquired in which the Crown has an interest.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	The documents in relation to Requirement (2)(o) are: Location Plan (document reference TR010035/APP/2.1) General Arrangement Plans (document reference TR010035/APP/2.5) Classification of Roads Plans (document reference TR010035/APP/2.7) Traffic Regulation Measures and De-Trunking Plans (document reference TR010035/APP/2.8) Hedgerows and Protected Trees to be Removed Plans (document reference

					TR010035/APP/2.10)
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations	The documents in relation to Requirement (2)(p) are the Engineering Section Drawings (document reference TR010035/APP/2.6) and Outline Drainage Works Plans (document reference TR010035/APP/2.9)	q)	Any other documents considered necessary to support the application	The documents in relation to Requirement (2)(q) are: Consents and Agreements Position Statement (document reference TR010035/APP/5.5) Water Framework Directive Assessment (document reference TR010035/APP/5.6) Planning Statement and National Policy Statement Accordance (document reference TR010035/APP/7.1) Outline Construction Environmental Management Plan (document reference TR010035/APP/7.2) Record of Environmental Actions and Commitments (document reference TR010035/APP/7.3)

				Transport Assessment (document reference TR010035/APP/7.4) Traffic Management Plan (document reference TR010035/APP/7.5) Ground Investigation Report (document reference TR010035/APP/7.6)
30	Are there any observations in respect of the documents provided above?			
	<b>N/A</b>			
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? <sup>15</sup>	<p>Yes. A Habitats Regulations Assessment Report (document reference TR010035/APP/5.4) is provided and identifies relevant European sites.</p> <p>The following European sites are included the following within 2km:</p> <ul style="list-style-type: none"> <li>• Morecambe Bay and Duddon Estuary Special Protection Area (SPA)</li> <li>• Morecambe Bay Ramsar site</li> </ul> <p>And the following within 10km:</p> <ul style="list-style-type: none"> <li>• Morecambe Bay Special Area of Conservation (SAC)</li> <li>• Ribble and Alt Estuaries SPA</li> <li>• Ribble and Alt Estuaries Ramsar site</li> <li>• Liverpool Bay SPA</li> <li>• Shell Flat and Lune Deep SAC</li> </ul>		

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



		<p>There are no European Sites within 30km (where bats identified as qualifying features)</p> <p>In the report it is confirmed that there are no direct impacts upon any of the features of any of the designated sites themselves, there is the potential for indirect impacts upon the mobile species associated with the sites, or through pollution/air quality effects.</p> <p>Those European sites within 10km were screened out of further assessment as detailed in the report.</p> <p>The summary of the report concludes that the Scheme would not prevent Morecambe Bay and Duddon Estuary SPA / Morecambe Bay Ramsar site from achieving their Conservation Objectives and therefore there would be no adverse effect on the integrity of any European sites and features as a result of the Scheme</p>
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	One paper copy has been supplied as advised by the Inspectorate on 10 October 2018.
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	Reference to the DCLG guidance 'Planning Act 2008: Application form guidance' has been made in preparing the application. This is evidenced in the Introduction to the Application (document reference TR010035/APP/1.3) that outlines how the application has been prepared and structured.
<b>34</b>	<b>Summary – s55(3)(f) and s55(5A)</b>	
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany the application</b>		

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	
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Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

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<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.