



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: A585WindyHarbourtoSkeppool@pins.gsi.gov.uk

Highways England
By email only

Your Ref:

Our Ref: TR010035

Date: 26 November 2018

Dear Sir/Madam

Planning Act 2008 – Section 51

Application by Highways England for an Order Granting Development Consent for the A585 Windy Harbour to Skeppool Improvement Project

Advice following issue of decision to accept the application for examination

On 26 November 2018 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's s55 Acceptance of Applications Checklist (the Checklist) has been published and made available on the project page of the National Infrastructure Planning website.

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

Section 42(1)(a) persons

As detailed in the published Checklist (Box 6) there are a number of potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the Pre-application stage. These are:

- Network Rail
- Harlaxton Gas Networks Ltd
- Murphy Gas Networks Ltd
- Eclipse Power Network Ltd
- Energy Assets Networks Ltd
- Fulcrum Electricity Assets Ltd
- Murphy Power Distribution Ltd

- Vattenfall Networks Ltd

Unless there is a good reason in each case why the Applicant considers that these bodies are not relevant to the Proposed Development, the Applicant is advised to include these bodies, or their appropriate successors, in the notification process for the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular notification should explain the process by which they may make Relevant Representations during the advertised period.

Duty to publicise

As detailed in the published Checklist (Box 19) the Applicant is advised to publish their notice of acceptance of the application in Lloyds List and an appropriate fishing trade journal, in accordance with Regulations 8 and 9 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

Draft Development Consent Order (dDCO)

It is noted in the Checklist (Box 30; Regulation 5(2)(b)) that there are some inconsistencies within the dDCO.

The Applicant is advised to carry out a full review of its dDCO, particularly cross-references between this document and the various related plans, to ensure that all information is recorded accurately.

Book of Reference (BoR)

A number of discrepancies have been noted in the Checklist in relation to the BoR (Box 30; Regulation 5(2)(d)). The Applicant is advised to carry out a full review of the BoR including careful consideration of:

- The persons listed in Part 3 as having an easement, or other private right, over particular plots of land to ensure that these persons are also listed in Part 1 as having an interest in the relevant plot of land
- The cross-references between this document and the Land Plans
- The descriptions provided of various plot locations

The Applicant is advised to ensure that all persons in the BoR are included in the notification process for the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular notification should explain the process by which they may make Relevant Representations during the advertised period.

It is also noted in the Checklist that there are a number of inconsistencies relating to Part 4 of the BoR. The Statement of Reasons (SoR) indicates that the Duchy of Lancaster has an interest in a number of plots of land and the Crown Land Plans identify the Crown Land that belongs to the Duchy of Lancaster. The Applicant is advised that Part 4 of the BoR should record the owner of the Crown interest in a particular plot of land and not the owner of any other interest in that plot.

The Applicant is advised to have regard to Annex D of the DCLG [‘Guidance related to procedures for the compulsory acquisition of land’](#) and Regulation 7(1)(d) of the

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and carefully consider the information recorded in Part 4.

Environmental Statement

As noted in the Checklist (Box 30), the Non-Technical Summary to the Environmental Statement (ES) does not include a description of the alternatives considered by the Applicant, or a summary of the chapter on cumulative effects. The Applicant should address these omissions and submit an updated Non-Technical Summary without delay.

Habitats Regulations Assessment

As noted in the Checklist (Box 31), a number of references in the Screening Matrices need to be updated in light of changes to the draft Habitats Regulations Assessment (HRA) Report.

The Applicant is advised to review and update the draft HRA Report accordingly.

Submission of updated documents

Although the above matters do not amount to the application as a whole failing to be of a satisfactory standard, the Applicant is advised to address these points and is expected to provide the updated information requested within this advice to the Planning Inspectorate **before the Relevant Representations period starts**. This is to ensure that all persons with an interest in the application will have the opportunity to make Relevant Representations based on application documents that clearly describe the Proposed Development.

Where the requested updates are not submitted by the deadline provided above, there may be implications for the date upon which the Preliminary Meeting can be held.

With regard to version control of application documents, the Planning Inspectorate advises the Applicant to refer to the Guide to the Application 'good example document' published on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/application-process/example-documents/>

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

Yours sincerely

Michele Gregory

Michele Gregory
Case Manager

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