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To the Applicant, Interested Parties,
Statutory Parties and Other Persons
invited to the Preliminary Meeting

Your Ref:

Our Ref: TR010035

Date: 25 September 2019

Dear Sir/ Madam

**The Planning Act 2008 – Section 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rule 9, Rule 8(3) and Rule 17**

**Application by Highways England for an Order Granting Development Consent
for the A585 Windy Harbour to Skipool Improvement Scheme**

**Procedural decision in relation to the proposed Design Changes and
Additional Land, Notification of change to the Examination Timetable and
Request for Further Information**

The Examining Authority (ExA) would like to draw your attention to the following documents submitted by the Applicant: the draft Development Consent Order, the Works Plans, the Land Plans, the Book of Reference, the Environmental Masterplan, the Environmental Statement Changes and Corrections document, the Hedgerows and Protected Trees to be Removed Plans.

On 17 May 2019 the Applicant submitted a request for two design changes to the application [AS-027]:

- Design change 1 - construction of a dwarf wall and widening of northern footway / cycleway from Skipool Road, including removing length of hedgerow.
- Design change 2 – provision of a link to the main farm land with the plot to the north – east of Culvert 1, construction of a farm access track and provisions of fencing and farm gates.

At the time of making the change request, before the ExA made a decision whether to accept the changes, the Applicant erroneously incorporated the changes into formal application documents submitted for Deadline 2. These included the draft Development Consent Order [REP2-016] and [REP2-017], the Works Plans [REP2-

005] and [REP2-006], the Land Plans [REP2-003] and [REP2-004] the Book of Reference [REP2-022] and [REP2-023], the Environmental Masterplan [REP2-034], the Environmental Statement Changes and Corrections document [REP2-042], the Hedgerows and Protected Trees to be Removed Plans [REP2-013]. The changes relate to new works (117 – 123 in Schedule 1 of the dDCO) and land plots 1/04b, 1/05, 1/05a, 1/05b, 4/06c, 4/06d, 4/06k, 4/06l, 4/07a and 4/13a.

The ExA's decision to refuse to accept the proposed design changes was issued on 3 June 2019 [PD-011]. The Applicant submitted further information in support of the changes and made a second request for them to be accepted on 20 August 2019 [AS-029]. The ExA again refused to accept the proposed changes on the 29 August 2019 [PD-014].

On 19th September 2019 the Applicant submitted a further request for acceptance of the changes [REP7-025] whilst stating that all necessary consents had been obtained. However, the consents from United Utilities Group PLC [REP7-030] and Electricity North West [REP7-026] were conditional. In the absence of unconditional consent from United Utilities Group PLC and Electricity North West, the Infrastructure Planning (Compulsory Acquisition Regulations) 2010 (the CA Regs) require certain procedures to be followed. These prescribed procedures cannot be accommodated within the examination timetable. The ExA is therefore unable to accept the proposed design changes.

Unfortunately, it does not appear that the changes erroneously made to the application documents at Deadline 2 were removed by the Applicant at subsequent deadlines when revised versions of the documents were submitted.

The ExA would like to make it clear that these changes were not accepted into examination and should not have been considered by any Interested Party or Affected Person as part of the application being examined. The Applicant is instructed to submit versions of the application documents without the changes as soon as possible, at the latest by **1 October 2019 (Deadline 8)**. The Applicant must submit track change versions of all affected documents and a list of all items removed, amended or added in relation to the design change request.

The ExA requests any comments or submissions from IPs and APs on this matter by **midday** on Monday **7 October 2019 (new Deadline 9)**. In particular, if any party has made a representation since Deadline 2 on 17 May 2019 in respect of works 117 - 123; or in the belief that the changes to land acquisition or other documents identified above regarding the design changes were accepted into examination; the ExA asks whether they would like to submit a revised representation. Alternatively, if any party did not make a representation due to the mistaken belief that the design changes were accepted, the ExA asks that they make a representation at this time.

Yours faithfully

Max Wiltshire

Max Wiltshire
Examining Authority

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