



## Meeting note

<b>Project name</b>	A585 Windy Harbour to Skippool Improvement Scheme
<b>File reference</b>	TR010035
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	21 August 2018
<b>Meeting with</b>	Highways England
<b>Venue</b>	Temple Quay House, Bristol
<b>Meeting objectives</b>	Comments
<b>Circulation</b>	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

Highways England (HE) acknowledged The Inspectorate's comments relating to draft documents submitted by the Applicant. HE had a few queries regarding the comments made and asked for more clarity on certain issues. The Inspectorate's response to specific queries is shown in Annex A.

HE enquired about the possibility of merging unregistered plots in the Book of Reference (BoR) for final submission, due to a large number of very small land plots. HE was concerned that it would make the plans look cluttered. The Inspectorate asked for a mock up to be provided before giving advice.

### Post meeting note

Advice note 15: (Drafting Development Consent Orders) had been recently republished in July 2018.

## Annex A

	Q No.	Topic	Extract from BoR	PINS Comment
<b>Book of reference</b>	3	Introduction	Para 1.1.2	PINS advised the applicant to be consistent with terminology across all documents for the purpose of continuity.
	7	Part 4		PINS acknowledge that the Book of Reference has not been populated and will be completed for submission.
	8	Part 1	Cross-reference to the relevant Articles contained in the Development Consent Order	The Inspectorate noted examples in other applications such as the preferred approach in M20 Junction 10a or that taken for Lake Lothing Third River Crossing.
<b>Land Plans</b>	4	General	Uncoloured and unidentified plots within the red line boundary	The Applicant acknowledges the concerns and specified the plots were coloured pink.  The issue will be resolved at submission.
	3	Limits of deviation		The Applicant clarified the limits of deviation will vary at specific points and will be adjusted accordingly in the final submission.
<b>Work Plans</b>	6	Sheet 1	Access to temporary Environmental Mitigation Area	HE clarified that these access points already exist and no additional work is required.
	12	R3(1)		The applicant is advised to look at Advice note 15: Drafting Development Consent Orders which has been recently republished.
<b>DCO and Draft Explanatory Memorandum</b>	13	R4		The Applicant is advised to provide justification in explanatory memorandum using Testos as a precedent.
	14	R5(2)		The Applicant is advised to provide justification for the 2 year period opposed to 5 years.
	16	R7		The Applicant is advised to look at the M20 Junction

				DCO as a template, noting that A19 Testos is currently at the decision stage.

## **A585 Windy Harbour to Skippool: Comments on the draft Development Consent Order and Explanatory Memorandum**

These queries relate solely to matters raised by the draft documents, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

### General Drafting Points

1. The applicant should ensure that when the development consent order (DCO) is finalised all internal references and legal footnotes are checked and that the drafting follows best practice in the Planning Inspectorate's Advice Notes 13 and 15 and any guidance on statutory instrument drafting.
2. The applicant should ensure that all typos and formatting issues are corrected.
3. The applicant should ensure that all legislative references in the DCO are to the extant provisions
4. The Explanatory Memorandum (EM) should state whether the article replicates a precedent article. It would also be helpful if the EM clarified whether the change is minor and has been made where in the applicant's view the precedent is unclear, or does not follow standard statutory instrument drafting practice. Where a precedent article is substantially changed, the EM should clearly explain how that alters the effect. Ideally (and particularly if an article is novel), the power on which each article is based should be identified.
5. Notwithstanding that drafting precedent has been set by previous DCOs, whether or not a particular provision in this DCO application is appropriate will be for the Examining Authority (ExA) to consider and examine taking account of the facts of this particular DCO application and having regard to any views expressed by the relevant authorities and interested parties.
6. If any provisions in the draft DCO relate to changes to statutory provisions made by or related to the Housing and Planning Act 2016 and differ from the corresponding provisions in the M20 Junction 10a DCO 2017 the applicant is advised to explain how and why they differ in the Explanatory Memorandum.

<b>Q No.</b>	<b>Section</b>	<b>Question/Comment</b>
<b>1.</b>	Article 2(1)	Definition of 'maintain' - the applicant may wish to consider the definition used in the M20 Junction 10a DCO 2017 which includes the wording 'to the extent assessed in the environment statement'.
<b>2.</b>	Article 2(7)	The applicant may wish to consider whether this article is necessary as the relevant provisions of the Neighbourhood Planning Act 2017 are not yet in force. The applicant may like to consider what wording would be appropriate if they were to be brought into force at some point following any acceptance of the proposed application.
<b>3.</b>	Article 3(3)	<p>This article allows for a number of works to be carried out prior to approval of the CEMP (see requirement 4). The applicant should explain why this is necessary and clarify any impacts of these works, so that the ExA can consider whether this article is justified in relation to all these works and whether it is more appropriate that the works be controlled by a requirement.</p> <p>The inclusion of works pursuant to mitigation licences in this article is unusual and the ExA is likely to want to have more information regarding the nature and extent of any such works to consider whether this is appropriate.</p>
<b>4.</b>	Article 8(4)	The applicant should explain why it is considered not necessary to obtain the consent of the Secretary of State prior to a transfer or grant to the specified utility companies.
<b>5.</b>	Article 17(1)	Should the drafting reflect that these rights are subject to the restrictions in the following paragraphs e.g. 'Subject to paragraphs (3) and (4) the undertaker may [...]'
<b>6.</b>	Article 20(1)	Should the words and 'as described in the Book of Reference' be added to the end of this paragraph?
<b>7.</b>	Article 34(1)	Where any trees covered by this article are protected by virtue of being situated in a conservation area, they should be identified in a Schedule.
<b>8.</b>	Article 34(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. An additional paragraph should be added 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. Please see the Planning Inspectorate's Advice Note 15 Drafting Development Consent Orders paragraph 22.1 and Good Practice Point 6. for more advice on this.
<b>Requirements</b>		

<b>9.</b>	R1	Should there be a definition of `commence`?
<b>10.</b>	R1	HEMP is already defined in Article 1 so this definition should be removed
<b>11.</b>	R1	Should the definition `REAC` refer to where this document is located in the Environmental Statement?
<b>12.</b>	R3(1)	<p>The applicant is advised to take account of the Planning Inspectorate's Advice Note 15 Drafting Development Consent Orders paragraph 17:</p> <p>"17.3 Applicants should be aware that details fixed by the terms of the DCO can only be changed if authorised, and following adherence with the prescribed approach explained in section 153 of and Schedule 6 to the PA2008. Furthermore, it is not acceptable to circumvent the prescribed process in Schedule 6 by seeking to provide another route to approving such changes or variations, by a person other than the Secretary of State who made the DCO, for example by applying the provisions of section 73 and/ or section 96A of the TCPA1990.</p> <p>17.4 Therefore, adding a tailpiece such as the one below would not be acceptable because it might allow the discharging authority to approve a change to the scope of the Authorised Development applied for and examined, thus circumventing the statutory process:</p> <p><i>"The authorised development must be carried out in accordance with the principles set out in application document [x] [within the Order limits] unless otherwise approved in writing"</i></p> <p>The drafting of R3(1) currently appears to fall within 17.4 above and therefore the applicant is advised to redraft this requirement.</p>
<b>13.</b>	R4	Should there be an additional requirement inserted after R4 which deals with the details of consultation – please see requirement 4 of the M20 Junction 10a Improvement DCO 2017.
<b>14.</b>	R5(1)	<p>Should this be redrafted to read:</p> <p><i>No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.</i></p> <p>This would enable a timetable for the landscaping works to be agreed in advance as part of the written scheme before commencement.</p>
<b>15.</b>	R5(2)	The applicant should explain why a period of 2 years rather than the usual 5 years is specified in this requirement.
<b>16.</b>	R7	The applicant should consider redrafting this requirement to align with R10 of the M20 Junction 10a DCO 2017 or provide a detailed justification for any alternative approach to the drafting.

## A585 Windy Harbour to Skippool: Comments on the draft Land Plans and Works Plans

These queries relate solely to matters raised by the drafting of the Plans and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

### Land Plans

<b>Q No.</b>	<b>location</b>	<b>Description of issue</b>	<b>Question/Comment</b>
<b>1.</b>	Para 1.1	'This document is submitted to the Secretary of State through the Planning Inspectorate (as responsible agency)'	Consider rephrasing to 'This document is submitted to the Planning Inspectorate on behalf of the Secretary of State'.
<b>2.</b>	Key	'Land to be Acquired or Used permanently for construction, operation and maintenance works. Land to be used temporarily and rights to be acquired permanently Land to be used temporarily'	Consider rephrasing. The Key should be consistent with the terminology used across the suite of documents. The Statement of Reasons (SoR) provides tables with the following terminology: <ul style="list-style-type: none"> <li>• Permanent acquisition of land</li> <li>• Temporary Acquisition of Land and Permanent Acquisition of Rights</li> <li>• Land to be Used Temporarily</li> </ul> <p>Previous DCO applications e.g. M20 Land Plan key refers to 'Land to be permanently acquired'.</p>
<b>3.</b>	Key	Area not included within the DCO boundary	There are no yellow plots currently shown on the land plans, which the Key identifies as 'Area not included within the DCO boundary'.
<b>4.</b>	General	Uncoloured and unidentified plots within the red line boundary	Between plot 3/21f and 3/21j on sheet 3 and various sections of the A585 Mains Lane within the red line boundary identified on sheets 1 – 3, there are uncoloured and unidentified plots.  There are two small areas within the redline boundary and within the area of plot 1/58b, that are uncoloured and unidentified plots.

5.	General	Identifying plots which continue across individual sheets	<p>Plot 4/02a is identified on sheet 4, but not identified on sheet 3.</p> <p>Plots 3/01, 3/01a, 3/01b, 3/02, 3/02a and 3/01c are identified on Sheet 3 but not identified on Sheet 2</p> <p>Each plot which continues across more than one sheet should be identified on each sheet to which it relates.</p>
6.	General	Cut lines	It would assist the reader if the cut lines were extended. Currently the way the plans are drafted the red line boundary appears incomplete.
7.	General	Insets	<p>It would assist the reader if insets were provided where;</p> <p>there are clusters of small plots, for example;</p> <ul style="list-style-type: none"> <li>• Sheet 3 – Plots 3/21i, 3/21g, 3/21h and 3/20c</li> </ul> <p>and, where there are individual plots which are difficult to see, for example:</p> <ul style="list-style-type: none"> <li>• Sheet 3 - Plot 3/21b</li> </ul>
8.	Land Plans	Plots outside of the red line boundary	<p>Plots 1/7c and 1/7e which are identified as land to be acquired permanently, appear to both be outside of the red line boundary, on both the Key Plan and Sheet 1.</p> <p>Plot 2/04a which is identified as land to be acquired permanently, appears to be outside of the red line boundary, on both the Key Plan and Sheet 2.</p> <p>Please ensure all plots that are to be included within the Development Consent Order Application have been included within the redline boundary, consulted on appropriately and included within the appropriate supporting application documents. Or that the redline boundary appropriately covers all relevant land.</p>
9.	Land Plan Sheet 2	Incomplete red line boundary	A section of the red line boundary is missing, where the road marking of the A585 Mains Lane is identified on both the Key Plan and Sheet 2.

<b>10.</b>	Land Plan Sheet 1	Plots with more than one plot reference	There are several plots with more than one plot reference, examples listed below: <ul style="list-style-type: none"> <li>• 1/5 and 1/29</li> <li>• 1/5a and 1/29a</li> <li>• 1/5b and 1/29b</li> <li>• 1/5c and 1/29c</li> <li>• 1/5d and 1/29d</li> <li>• 1/44 and 1/47</li> </ul>
<b>11.</b>	Land Plan Sheet 1	Plots without plot references	There is a plot between Plot 1/28 and Plot 1/33 identified as land to be acquired permanently, which does not have a plot reference.  There is a plot between Plot 1/6 and Plot (1/5a 1/29a) identified as land to be acquired permanently, which does not have a plot reference.
<b>12.</b>	Land Plan Sheet 2	Unidentifiable plot	Plot reference marker 2/04 appears to not be attached to a plot.
<b>13.</b>	Land Plan Sheet 2	Colour coding	It is unclear from the land plan whether Plots 2/01i and 2/06 are land to be acquired permanently, or land to be used temporarily and rights to be acquired permanently.

### Works Plans

<b>Q No.</b>	<b>Location</b>	<b>Description of issue</b>	<b>Question/Comment</b>
<b>1.</b>	Para 1.1	'This document is submitted to the Secretary of State through the Planning Inspectorate (as responsible agency)'	Consider rephrasing to 'This document is submitted to the Planning Inspectorate on behalf of the Secretary of State'.
<b>2.</b>	Notes	Query DCO Application document reference	Note 2 of the Works Plans gives the Development Consent Order Application document reference as: TR010035/APP/2.3). Should this be TR010035/APP/3.1?



<b>3.</b>	Limits of Deviation (LoD)		<p>The Works Plans (Doc 2.3) sheets 1 to 4 show centrelines and LoD for utility diversions. They show works boundaries for non-linear works. They show centrelines for linear (highway) works but do not show LoD for these works. The highway works LoD are shown subject to a pink overlay. This also includes non-highway related works, such as Work no. 45 (Culvert).</p> <p>Consider re-drafting the plan to show the culvert as a non-highway work.</p> <p>The Applicant should consider adding more accurate LoD for the highways works.</p>
<b>4.</b>	General	Scale	The Applicant should consider the scale of the Works Plans and possibly the use of inserts or additional plans, as currently it is difficult to differentiate between the various Works especially around the Skippool junction.
<b>5.</b>	General	Cut lines	It would assist the reader if the cut lines were extended. Currently the way the plans are drafted the red line boundary appears incomplete.
<b>6.</b>	Sheet 1	Access to temporary Environmental Mitigation Area	There are two access points to the temporary environmental mitigation areas. Are works required here?

### **A585 Windy Harbour to Skippool: Comments on the draft Book of Reference and Consultation Report**

These queries relate solely to matters raised by the draft documents, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

#### **Book of Reference (BoR)**

<b>Q No.</b>	<b>Section</b>	<b>Extract from BoR</b>	<b>Question/Comment</b>
<b>1.</b>	Title Pages and header	A585 Skippool to Windy Harbour TR10035	Please ensure each document is named correctly, including the name of the project and the case reference.
<b>2.</b>	Introduction	Para 1.1.1	The Introduction should be consistent across all documents

<b>3.</b>	Introduction	Para 1.1.2	Consider rephrasing. The Key should be consistent with the terminology used across the suite of documents.
<b>4.</b>	Contents	PART 2: (Land outside the Development Consent Order Boundary): Names and addresses for service of each person within Category 3 that would or might make a relevant claim as defined by section 57 of the 2008 Act	The Contents states Part 2 is for Land outside the DCO boundary  The BoR at Part 2 is separated into Part 2A (Land inside the DCO boundary) and Part 2B (Land outside the DCO boundary).
<b>5.</b>	Part 2		Category 3 Parties within the BoR has not yet been populated.  Section 4.6.1 at bullet point 3, of the SoR states: <i>'District Valuer Services input: discussions were held with a district valuer to identify persons within 'Category 3' for the purposes of Section 44(4) of the Act, who might have a claim as defined by Section 44(6) of the Act.'</i>
<b>6.</b>	Part 3		This part of the BoR has not yet been populated. However, the SoR at Para 5.4.1 states: <i>'Existing rights and easements that affect the Land are listed in part 3 of the BOR (document reference TR010035/APP/4.3), to the extent that they are known.'</i>
<b>7.</b>	Part 4		Para 2.4.2 of the BoR states:  <i>'For the avoidance of doubt, any land held by the Applicant no longer constitutes Crown Land.'</i>  Part 4 of the BoR has not yet been populated. However, the SoR at Para 6.1.1 states:  <i>'There is one parcel of land that is Crown Land for the purposes of Section 135 of the Planning Act 2008.'</i>
<b>8.</b>	Part 1	Cross-reference to the	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land

		relevant Articles contained in the Development Consent Order	<p>– Annex D Para 10 states:</p> <p><i>'Where it is proposed to create and acquire new rights compulsorily they should be clearly identified. The book of reference should also cross-refer to the relevant articles contained in the development consent order.'</i></p> <p>The Book of Reference should cross-refer to the relevant Article in the DCO. It may be helpful to include a separate column incorporating this in Part 1.</p>
<b>9.</b>	Plot 1/2 and 1/2a	Square metre measurement (sqm)	<p>For Plot 1/2 the sqm is stated as being 703sqm. For Plot 1/2a the sqm is stated as being 9317sqm.</p> <p>It appears these may be confused.</p> <p>Please ensure all measurements are correct in the final form of the BoR.</p>
<b>10.</b>	Plot 1/5a and 1/29a		<p>There are a number of plots including 1/5a and 1/29a with two plot references (as described in the Land Plan comments). These plots have individual entries in the BoR.</p> <p>Para 3.13 in the 'Book of Reference Notes' states:</p> <p><i>'Each plot of land shown in this Book of Reference has been given a unique reference.'</i></p> <p>Each plot should be listed only once in the BoR.</p>
<b>11.</b>		Land marks and road names missing from plans	<p>There are several land marks or road names identified on the plans which are not in the description of land in the BoR for example, Poulton Sewage Works and Pumping Station and Skipool Bridge.</p> <p>This makes cross-referencing land parcels with the description in the Book of Reference difficult and is contrary to Annex C of the 2013 guidance.</p>

## Consultation Report

<b>Q No.</b>	<b>Section</b>	<b>Extract from Consultation Report</b>	<b>Question/Comment</b>
<b>1.</b>	Paragraph 3.5.2	<i>In accordance with Regulation 8(1)(b) of the Act, a notification letter was issued to PINS ...</i>	Suggest reference to "the Act" should be to The Infrastructure (Environmental Impact Assessment) Regulations 2017?
<b>2.</b>	Table 4-5	Relevant local authorities	Table 4-5 lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) of the PA2008. However, half of the 'A' authorities and the majority of the 'D' authorities have not been included in the table. Please see the Inspectorate's interpretation of the relevant local authority's status provided at the end of this document.
<b>3.</b>	Appendix H		A list of land interests, which total 1241 in total, has been provided at Appendix H of the Consultation Report. If you wish to append the list of persons identified as having an interest in the land, please provide them under a unique identifier instead of listing the person's name.
<b>4.</b>	Section 4.8	Additional statutory consultation	Section 4.8 notes additional statutory consultation may be carried out. Please ensure this is comprehensively explained in the Consultation Report, with sample letters provided in the appendices, and clearly set out how regard was had to responses under s49.
<b>5.</b>	Paragraph 4.3.1	Draft SoCC	Paragraph 4.3.1 states that Fylde Borough Council (FBC) ('B' authority) and Wyre Council (WC) ('B' authority) were consulted on the content of the draft SoCC on 17 January 2018 whilst Lancashire County Council (LCC) ('C' authority) was consulted on 19 January 2018. The Applicant states that a deadline of 16 February 2018 was provided for receipt of responses. However, the sample of the notification email used to consult the relevant local authorities on the draft SoCC is provided at Appendix G of the Consultation Report (Do 5.1) provides a deadline of 14 February 2018 for receipt of responses. This deadline appears provides 28 days for FBC and WC and only 26 days for LCC.

<b>6.</b>	Appendix H		<p>Responses to the draft SoCC, provided at Appendix H of the Consultation Report (Doc 5.1), indicate that although the Applicant consulted LCC on 19 January 2018, the draft SoCC was omitted from the email and not provided until 29 January 2018. A response from LCC was then requested again on 20 February 2018, which LCC provided on 22 February 2018, and accepted after the deadline. There is no mention of this in the Consultation Report (Doc 5.1).</p>
<b>7.</b>	Table 4-3	SoCC	<p>Table 4-3 of the Consultation Report (Doc 5.1) lists the locations in which printed copies of the SoCC were placed in for inspection. The table lists the date the SoCC was available from but does not include a date it was available to.</p> <p>A log of when the deposit locations were checked and an audit of persons inspecting the SoCC would also be helpful.</p> <p>It may be helpful to include a plan identifying the locations which had the SoCC available for public inspection in relation to the redline boundary to illustrate whether the SoCC was made available for inspection conveniently for people living in the vicinity of the land.</p> <p>It could be helpful if the following supporting documents to evidence how the consultation was carried out in line with the finalised SoCC are appended to the Consultation Report (Doc 5.1):</p> <ul style="list-style-type: none"> <li>• Screenshots of the webpage.</li> <li>• Screenshots of advertisements via the Highways England North West Twitter feed.</li> <li>• Audit information of the consultation brochure/ A4 flyer campaign.</li> <li>• Meeting notes/ minutes of the Council briefings and Community Reference Group Meeting.</li> <li>• Published advertisements within one national newspaper and at least three locally circulating newspapers at the</li> </ul>

			<p>launch of consultation. If this commitment has been fulfilled by the s48 notice, please advise this and signpost to the published s48 notices.</p> <ul style="list-style-type: none"> <li>• A copy of the press release issued on 15 March 2018.</li> </ul>
<b>8.</b>	Table 2-1 and Section 4.2		It is noted that Table 2-1 and Section 4.2 of the Consultation Report detail how certain commitments from the SoCC have been fulfilled; that would be more helpful to provide in Section 4.6.
<b>9.</b>	Appendix K		The s48 notice is included in the s42 consultation documents provided at Appendix K. It would be helpful to append a standalone copy of the s48 notice/ wording to the Consultation Report for easier reference.
<b>10.</b>	Paragraph 4.4.6		Paragraph 4.4.6 states that a copy of the s48 notice was provided as part of the consultation documents sent to all s42 consultees. It would be helpful to have a short paragraph confirming the s48 notice has been sent to the consultation bodies in accordance with Regulation 13 of the EIA 2017 regs.

<b>Local authority</b>	<b>Status</b>	<b>Local authority</b>	<b>Status</b>
Fylde Borough Council	'B' authority	Wyre Council	'B' authority
Lancashire County Council	'C' authority	Lancaster City Council	'A' authority
South Ribble Borough Council	'A' authority	Ribble Valley Borough Council	'A' authority
Preston City Council	'A' authority	West Lancashire Borough Council	'A' authority

Blackpool Council	'A/ D' authority	Yorkshire Dales National Park Authority	'D' authority
Knowsley Council	'D' authority	Rochdale Borough Council	'D' authority
Sefton Council	'D' authority	St. Helens Council	'D' authority
Wigan Council	'D' authority	Bolton City Council	'D' authority
Bradford Metropolitan District Council	'D' authority	Bury Council	'D' authority
Calderdale Council	'D' authority	Blackburn with Darwen Council	'D' authority
North Yorkshire County Council	'D' authority	Cumbria County	'D' authority

## A585 Windy Harbour to Skippool Improvement Scheme: Comments on the draft HRA Report

These queries relate solely to matters raised by the drafting of HRA Report, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

<i>Point no.</i>	<i>Report para</i>	<i>Extract from Report</i>	<i>Question/Comment</i>
1	n/a	n/a	<b>Consultation with the Statutory Nature Conservation Body (SNCB)</b>  It is noted that Natural England (NE) has been consulted, with references to meetings and correspondence made throughout the HRA Report, and a summary of comments included in Appendix 5. A record of this engagement should be appended to the HRA Report and/or through cross reference to a signed Statement of Common Ground (SoCG), where available. This may reduce the need for the Examining Authority to ask questions in this regard.



<b>Point no.</b>	<b>Report para</b>	<b>Extract from Report</b>	<b>Question/Comment</b>
<b>2</b>	2.5.9; 5.9; 6.8.2	<p><i>"AWAITING CONFIRMATION OF FINAL LIST OF IN COMBINATION PLANS/PROJECTS" (para 2.5.9)</i></p> <p><i>"TO BE COMPLETED ONCE LIST OF OTHER PLANS/PROJECTS TO BE CONSIDERED HAS BEEN FINALISED" (5.9 – screening of in combination effects).</i></p> <p><i>"Only the effects of other plans or projects which would not be likely to be significant alone, need to be included in the in-combination assessment. If the effects of other plans or projects would already be significant on their own, they are not added to those associated with the Scheme as they already have their own measures in place to mitigate for those effects" (para 6.8.2).</i></p>	<ul style="list-style-type: none"> <li>• There are currently 18 in combination plans/projects identified in the HRA Report, but these are awaiting confirmation. Evidence of consultation and agreement with relevant consultation bodies (such as NE and the local authorities) on this point should be provided as per point 1 above.</li> <li>• The Inspectorate notes the release of a new NE Guidance Note, <i>Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations</i><sup>1</sup>. The Applicant should explain in the HRA report how they have taken this new guidance into account.</li> <li>• With reference to paragraph 6.8.2 of the draft HRA report, it should be explained further why a mitigated plan or project could not give rise to significant in-combination effects with the Proposed Development.</li> </ul> <p>Unable to make any further comments on the consideration of in combination effects as the assessment has not been completed at this stage.</p>
<b>3</b>	3.3.5	<i>"The farmland within and adjacent to the southern end of the Scheme is within the IRZ, and therefore has the potential to be functionally-linked to the Morecambe Bay and Duddon Estuary SPA/ Morecambe Bay Ramsar site".</i>	It should be clear what value/importance has been attached to the potential functionally-linked land and this should be clearly identified on a plan (possibly link to Figure 7?).
<b>4</b>	Table 7	n/a	<p>Have the 2km and 10km study areas (30km where bats are noted as a qualifying interest), and the list of European sites identified in Table 7 in Chapter 5, been agreed with NE?</p> <p>Evidence of consultation and agreement by NE on this point should be provided as per point 1 above.</p>

<sup>1</sup> Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001) - <http://publications.naturalengland.org.uk/publication/4720542048845824>

<b>Point no.</b>	<b>Report para</b>	<b>Extract from Report</b>	<b>Question/Comment</b>
<b>5</b>	5.2.1	<i>"The location of the Scheme, in the context of nearby European sites, is shown on Figure 2, Appendix 1".</i>	Figure 2, Appendix 1 illustrates the location of the Morecambe Bay Ramsar site and Morecambe Bay Duddon Estuary SPA. Suggest that the full extent of these sites, as well as the locations of the other European sites identified in Table 7, are also illustrated on figure/s in the HRA report.
<b>6</b>	5.3.3	<i>"There are 16 potential pressures / threats which have been identified for these European sites within the Site Improvement Plan (SIP) for Morecambe Bay (Natural England, 2014). [...] The potential pressures/ threats relevant to this assessment would comprise: air pollution, water pollution and changes in species distribution."</i>	<p>It is explained that 16 potential pressures/threats are identified in the Site Improvement Plan for Morecambe Bay, but only three have been considered "relevant to this assessment" (air pollution water pollution and changes in species distribution).</p> <p>It is not explained why the other pressures/threats were not considered relevant; the Applicant is advised that the HRA report should provide a clear justification to support this approach. (NB. This point applies throughout Chapter 5 where potential pressures/threats are discounted but justification is not provided).</p> <p>Evidence of consultation and agreement by NE on likely effects of the NSIP at each European site should be provided as per point 1 above.</p>
<b>7</b>	5.3.12	<i>"The Morecambe Bay and Duddon Estuary SPA and Morecambe Bay Ramsar site have been screened in for further assessment, but only in relation to potential impacts on qualifying bird species and potential effects associated with water quality."</i>	<p>Has NE made comments on the conclusion of the screening stage – in particular, are they in agreement with the impacts and features taken forward for appropriate assessment?</p> <p>Evidence of consultation and agreement by NE on this point should be provided as per point 1 above.</p>
<b>8</b>	5.11.1	<i>"Those sites and features subsequently taken forward into the AA stage as a result of the screening exercise are included in".</i>	Incomplete sentence/ missing reference to Table?
<b>9</b>	6.4.4	<i>"shows information on disturbance/displacement for the 4 individual qualifying species scoped in to the AA".</i>	Incomplete sentence/ missing reference to Table?
<b>10</b>	Chapter 6	n/a	Where reference is made to specific measures such as restrictions on night time working (paragraph 6.4.12); provision of a construction phase lighting scheme (paragraph 6.4.13) and avoidance of works during the winter period (paragraph 6.4.15), it should be stated in the HRA report how each measure would be secured through the REAC/DCO.

<b>Point no.</b>	<b>Report para</b>	<b>Extract from Report</b>	<b>Question/Comment</b>
<b>11</b>	Chapter 6	Noise effects; Disturbance/displacement distances	<p>It is acknowledged that the noise modelling has not yet been finalised. The anticipated noise levels which would be experienced by birds within and outside of the 300m zone (during both construction and operation) should be quantified in the final HRA report.</p> <p>With regards to the 300m disturbance/displacement distance which has been utilised in the assessment (as explained in para 6.4.5 of the draft HRA report), suggest adding cross-reference to where evidence of agreement with NE is presented (Appendix 5?).</p>
<b>12</b>	Table 10	Ramsar criterion 4: Assemblages of international importance: Species with peak counts in winter: 223,709 waterfowl (5 year peak mean 1998/99-2002/2003)	Should this be Criterion 5?
<b>13</b>	Table 19	n/a	<p>It is noted in Table 19 that the details of mitigation measures relating to impacts from disturbance are yet to be agreed with NE, but that discussions are ongoing. Specific measures relating to water quality have not yet been defined.</p> <p>The HRA Report should include a detailed description of all mitigation measures (including how each is secured in the REAC/DCO – with reference to specific DCO requirements), and should provide an agreement by NE as per point 1 above.</p>
<b>14</b>	Table 19; para 7.1.4	Mitigation Strategy	A Bird Mitigation Strategy is referenced in Requirement 4 of the draft DCO. Presumably this is the same as the 'Mitigation Strategy' referenced in Table 19 and para 7.1.4 of the HRA report, but for the avoidance of doubt suggest amending the references in the HRA report.

<b>Point no.</b>	<b>Report para</b>	<b>Extract from Report</b>	<b>Question/Comment</b>
<b>15</b>	Screening matrices 1 and 2	n/a	<p>Para 5.3.9-10 state that <i>“However, further assessment is required as to whether the Scheme would lead to any likely significant indirect effects, in terms of water quality, on the qualifying features of the Morecambe Bay Ramsar site or the Morecambe Bay and Duddon Estuary SPA. This potential impact has been screened in to the AA”</i>.</p> <p>It is not apparent from the corresponding screening matrices (1 and 2) that this impact has been screened into the AA –should the ‘Change in water quality’ column be amended to include ticks rather than crosses in some instances? Footnote G to these matrices indicates that LSE cannot be excluded for construction phase impacts to water quality.</p>
<b>16</b>	n/a	n/a	<p>The HRA report would benefit from a brief explanation of why impacts from decommissioning have not been considered.</p> <p>Reference should also be made to any likely maintenance works, including confirmation of whether any likely significant effects could occur as a result of such works.</p>