



Meeting note

Project name	A12 Chelmsford to A120 Widening
File reference	TR10060
Author	The Planning Inspectorate
Date of meeting	20 May 2022
Attendees	The Applicant and the Planning Inspectorate
Venue	Microsoft Teams
Meeting objectives	Draft documents feedback
Circulation	All attendees

Summary of discussion 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.

The Inspectorate confirmed that it had reviewed the draft documents which were provided by the Applicant in March 2022.

A brief discussion of the Inspectorate's comments on the draft documents took place. Detailed comments are provided in the table below (Annex A). The Inspectorate provided additional feedback on the Design and Access Statement, Environmental Management Plan and Register of Environmental Actions and Commitments, following the meeting this feedback was incorporated into the table.

The Applicant queried the need to provide the vertical limits of deviation for underground works within the draft Development Consent Order (dDCO). Following the meeting the Inspectorate provided further detail in the feedback table below.

The Applicant asked about Ref.79 in the draft documents feedback table, regarding the approach to the assessment of in-combination effects for the purposes of Habitats Regulations Assessment (HRA). The Inspectorate advised that it expected the Applicant to consider credible pathways for in combination effects with other plans or projects and to provide sufficient justification for the approach taken.

The Applicant asked whether the Statement of Community Consultation (SOCC) had been reviewed. The Inspectorate had not received it and agreed to review the document if the Applicant were to provide it.

The Applicant asked for advice on setting out a navigation document, and whether their existing guide would be sufficient. The Applicant will provide the document following the meeting. Post-meeting note, the document was supplied, and the feedback entered into the table below.

Pre-submission actions

The Applicant acknowledged the warmup letter sent by the Inspectorate on 12 May 2022. They confirmed that they expect to submit the application to the Inspectorate at the end of

July 2022. The Inspectorate agreed with the Applicant that a meeting should be held prior to submission to discuss practicalities around submission.

Pre-examination activities

The Applicant is looking at potential venues for a Preliminary Meeting and Examination Hearings if the application were to be accepted and the Examining Authority (ExA) consider that events will be held in person and online.

Cadent

The Applicant is in discussion with Cadent in respect of the high-pressure pipeline that is affected by the proposal. The Applicant confirmed that they are aware of the need to notify the Department for Business, Energy and Industrial Strategy if necessary.

Next steps

The following actions were agreed:

- The Inspectorate will provide clarification on vertical limits of deviation.
- The Applicant will provide the SoCC if it would like a review.
- The Case team and Applicant will test the method for submitting documents before submission, and will provide further feedback
- The Applicant will provide their Introduction to the Application document for the Inspectorate to provide further advice on document navigation.

TR010060 - A12 Chelmsford to A120 widening

Section 51 advice

On 25 March 2022 National Highways (the Applicant) submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

Documents supplied by the Applicant		
Document Number	Document Reference	Document Name
2.1	TR010060/APP/2.1	Location Plan
2.2	TR010060/APP/2.2	Work Plans – Sheets 10, 11, and 12 of 21 <ul style="list-style-type: none">- Permanent- Temporary- Utility diversion plans- Utility diversions, amended presentation – Sheet 12 of 21
2.3	TR010060/APP/2.3	Traffic Regulation Measures Plans <ul style="list-style-type: none">- Revocations of existing orders plans – Sheets 10, 11, and 12 of 21- Traffic regulations measures movement restrictions plans – Sheets 10, 11, and 12 of 21- Traffic Regulations Measures Speed Limits Plans – Sheets 10, 11, and 12 of 21

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-Applicants/>

2.4	TR010060/APP/2.4	Classification of Roads Plans – Sheets 10, 11, and 12 of 21
2.6	TR010060/APP/2.6	Streets, rights of way and access plans – Sheets 10, 11, and 12 of 21
2.8	TR010060/APP/2.8	Land Plans – Sheets 10, 11, and 12 of 21
2.10	TR010060/APP/2.10	General Arrangement Plans – Sheets 10, 11, and 12 of 21
2.11	TR010060/APP/2.11	De-trunking and stopping up Plans – Sheets 10, 11, and 12 of 21
2.12	TR010060/APP/2.12	Engineering Section Drawings
2.13	TR010060/APP/2.13	Structures Engineering Drawings and Sections – Sheets 12, 13, 14, 16, 17, 18,
2.16	TR010060/APP/2.16	Construction Phase Plans – Sheets 10, 11, and 12 of 21
3.1	TR010060/APP/3.1	Draft DCO
3.2	TR010060/APP/3.2	Explanatory Memorandum
3.3	TR010060/APP/3.3	Consents and Licences Position Statement
4.3	TR010060/APP/4.3	Book of reference – sheets 10-12, Part 1 only
5.1	TR010060/APP/5.1	Consultation Report – main body only, no appendices
6.1	TR010060/APP/6.1	Environmental Statement Chapters 1-5 – Introduction, Proposed scheme, Assessment of alternatives, Consultation, Environmental assessment methodology.
6.5	TR010060/APP/6.5	Environmental Management Plan
6.5	TR010060/APP/6.5	Register of Environmental Actions and Commitments (REAC) – Appendix B only
6.9	TR010060/APP/6.9	Habitats Regulations Assessment and Figures 1 - 5
7.4	TR010060/APP/7.4	Design and Access Statement
7.6	TR010060/APP/7.6	Interrelationship Document
7.8	TR010060/APP/7.8	Borrow Pits Report

Planning Inspectorate comments on the draft documents as provided.

General	
Ref No.	Comment or question
1.	<p>The documentation refers to a high-pressure gas pipeline, please could you update us on progress with your decision as to whether the pipeline work constitutes a NSIP in its own right.</p> <p><i>“The Proposed Scheme requires the diversion of a high-pressure gas pipeline (Work No. []) (Pipeline) which will be treated as NSIP as it meets the thresholds as set out in section 20 of the PA 2008.”</i></p>
2.	<p>We recommend that documents are searchable. This includes plot references and works numbers on plans, and Consultation Report appendices.</p>

Draft Development Consent Order		
Ref No.	Article, Requirement or Schedule	Comment or question
3.	Art 2 Interpretation (definition works plans)	<p>The Applicant might want to consider whether the definitions of the various plans should refer to Schedule 11. Permanent works plans, temporary works plans, and utilities works plans are not listed in Schedule 11, despite the definitions in Article 2 saying that they are to be certified by the Secretary of State.</p> <p>A comma is needed to separate the plans; <i>‘[...] permanent works plans temporary works plans’</i></p> <p>The justification for taking this approach found in 4.6 (d) of the Explanatory Memorandum (EM) is reasonable, but a judgment will need to be made as to whether it achieves its aim of making the details of the individual works more comprehensible for stakeholders and Interested Parties, and whether this has any negative impact on the potential for stakeholders and Interested Parties to understand the overall project. See below in relation</p>

Draft Development Consent Order		
Ref No.	Article, Requirement or Schedule	Comment or question
		to Article 10 - there may be areas of works such as the borrow pits where a combined permanent and temporary works plan could assist.
4.	Art 10 Limits of deviation <i>10 (1) (a)</i>	The Applicant is advised to provide full justification for the approach to this Article in the EM. The Article does not include a figure for how much deviation would be permitted, in particular for underground of utilities and for overhead works. The plan should clearly show the extent of the potential deviation in a way that is accessible and understandable by members of the public and Interested Parties.
5.	Art 10 Limits of deviation <i>10 (2) and (3).</i>	The Applicant should justify why the limits of deviation are necessary, (which are specified by way of reference to the extent shown on the Works plans). The Applicant should ensure that this approach to depicting the extent of the potential deviation is clear to those examining it, for Interested Parties and members of the public. In particular, the permanent and temporary borrow pit limits should be clearly identifiable on the plans together with the scope of the works which fall within each category. For the borrow pits it may be helpful to provide an additional set of plans showing the extent of both the permanent and temporary works.
6.	Art 10 Limits of deviation <i>10(4)</i>	The Applicant is advised to provide full justification in the EM. The Applicant may wish to consider whether this Article should be drafted to provide for consultation to be carried out by the SoS and not the undertaker and to potentially widen the scope of that consultation.
7.	Limits of deviation general comment	The assessment and control of a vertical limit of deviation (LOD) underground is a normal inclusion in highways DCOs. These limits ensure that construction and operation is in accordance with the ES assessments and potentially avoid the need for excessive ground condition surveys The Applicant may wish to consider that the planning balance and the final recommendation to the SoS must take the worst reasonable case outcomes into account. So, if vertical LODs are generous or removed the worst outcome would be greater than a project with defined LOD.

Draft Development Consent Order		
Ref No.	Article, Requirement or Schedule	Comment or question
		The Applicant is advised to review granted DCOs to gain an understanding of the ways in which to secure these requirements. For example, A19 Downhill Lane, A1 Birtley to Coalhouse have vertical LODs and A14 Cambridge to Huntingdon and A19 Testo's Intersection. If there is a concern regarding the impact that LOD would have on buildability or project costs then it should be noted that two of the previously mentioned schemes have already been constructed within time and budget. Other examples are available on the Planning Inspectorate's website.
8.	Article 16	Article 16, Speed Limits in the dDCO is missing from the EM.
9.	Art 56 disapplication of local legislation	Section 120 of the Planning Act 2008 (PA2008) allows a Development Consent Order (DCO) to disapply legislation. Whilst the EM indicates the works proposed to be carried out, it does not explain why the provisions of the 1793 Act represent a potential impediment to the carrying out of those works. The EM should provide further justification for this provision. The Applicant should demonstrate that the views of the navigation company have been considered and protective provisions included, if required.
10.	Schedule 1 Authorised development	There isn't a legal requirement for the DCO to distinguish between NSIP works and associated development. It is not unusual to include NSIP and associated development works within a single schedule, (see for example The M20 Junction 10a Development Consent Order 2017). However, suggest that EM should include reference to all of the authorised development as either comprising part of the NSIP or may be lawfully authorised as part of the DCO on the basis that it meets the definition of "associated development" under the 2008 Act <i>and related Guidance</i> . The EM should also cover the points made in the AD Guidance.
11.	Other comments	Schedule 1 in effect tags on ancillary works at the end of the schedule. Suggest these should be described as such or perhaps "Other associated development". The works encompassed by this provision are very wide in their scope – should this be prefaced by the words: " <i>For the purposes of or in connection with the construction of any of the works and other development mentioned above, ancillary or related development which does not</i>

Draft Development Consent Order		
Ref No.	Article, Requirement or Schedule	Comment or question
		<i>give rise to any materially new or materially worse adverse environmental effects to those assessed in the environmental statement, consisting of ...”</i>

Explanatory Memorandum		
Ref No.	Article, Requirement, Schedule or paragraph	Comment or question
12.	Paras 2.8 and 2.16	Cadent Gas: This a brief description, so more detail and explanation as to why it is proposed to consider this as part of the application and not as a separate NSIP proposal would be welcome. This brevity of the information provided in the EM should not in itself be an issue that could impact on a decision as to whether the application would be a satisfactory standard for the purposes of Acceptance.
13.	Article 56, para 4.205	No precedent to the proposal of disapplying local byelaws
14.	Article 60, para 4.2.14	No precedent to the proposal of disapplying local byelaws
15.	Schedule 1	A description of Schedule 1 is not provided in the EM.
16.	11.1	Should this be linked back to the relevant article?
17.	Article 23	Paragraph 4.95 – typo between ‘..development..’ and ‘..adapted..’.

Consultation Report		
Ref No.	Report ref	Comment or question
18.	General	Please clearly demonstrate how you addressed the criteria for both statutory consultations. Could the Report make it clear whether the targeted consultation was considered statutory or not, and if not, why that wasn't required.
19.	General	If any personal data is to be included in the Consultation Report, please flag on submission as this will not be published during the Acceptance period. It would be preferable to keep any personal data to a separate annex to reduce redaction.
20.	General	The Annexes weren't provided so comments cannot be provided. Please carefully cross-reference between the Annexes and the Report and ensure that Annexes are fully searchable to help us locate the information required by the PA2008.
21.	General	The Inspectorate must test that all relevant local authorities were consulted – host and neighbouring. Please can you make it clear who you have consulted for each consultation.
22.	Page 162, row 38	Row 38 states ' <i>host local authorities</i> ' but the report doesn't use the word 'host' anywhere else. Please can you define this word, eg when setting out the list of authorities consulted.
23.	Para 5.2.5 and 4.1.5	This paragraph lists 'b' authorities. Lists for 'a', 'c', and 'd' authorities have not been identified.
24.	Para 5.2.8	Could you set out how 'diligent enquiry' was carried out, or cross-reference to the relevant location.
25.	General	The SoCC wasn't provided, therefore we are unable to check whether it set out that the project is EIA. It would be useful if the Consultation Report cross-refers to the relevant sections of the SoCC.
26.	SoCC section	It might be useful to cross-refer to 5.4, the stat cons, from the SoCC chapter
27.	Table 5.3	Consider numbering the rows.
28.	Table 5.3 - 6 th row down	The table states – 'Section 48 notice is detailed'. Please consider providing the detail or cross-referring to where this is provided.

Consultation Report		
Ref No.	Report ref	Comment or question
29.	Table 5.3 - 7 th row down	Lists the papers which the consultation was advertised in. The first sentence below the list states that adverts only went to four publications. Could the table clearly set out whether the requirements were met.
30.	Table 5.3	If you needed to deviate from the SoCC please could you provide justifications.
31.		Could the Report confirm whether the supplementary consultation was only advertised once, and why this was appropriate for this consultation?
32.		Could you confirm the Greater London Authority was consulted?
33.	Para 5.1.9	Typo - a 'non-technical summer'

Works Plans	
Ref No.	Comment or question
34.	The separation of plans into permanent, temporary and utilities is helpful to visually understand the impact on the area. This is mirrored in the dDCO which is a useful layout.
35.	The plans are contained in one large document which is difficult to navigate, and for people with slower internet speeds it is likely to be problematic. It's not advised to lose any detail, or searchable elements, however perhaps you could consider small sized documents.
36.	There is a master legend sheet, however, on Works plans for other projects there is a legend on each sheet. You could consider whether this would make the plans easier to follow.
37.	The "cut line" for Sheet 9 on the Permanent Works Sheet 10 of 21 is not in the right place.
38.	Permanent Works Sheet 11 of 21. Work No.24b. There are 2 arrow lines indicating the works, one of them could be made more accurate.

Works Plans	
Ref No.	Comment or question
39.	Permanent Works Sheet 11 of 21. Work No. 42a and Work No.42b are only referred to in the dDCO as Work No. 42
40.	Permanent Works Sheet 12 of 21. Work No. 53 New Pedestrian Bridge, there is no key on the legend for permanent works
41.	Temporary Works Sheet 11 of 21 & Sheet 12 of 21. Work No. T35 and T37. The description of the work in the dDCO could be reworded for clarity. On the plan the perimeter of the work is difficult to discern.
42.	Temp works Sheet 11 and 12 - T35. A label for the temporary footpath would be useful or consider whether this could be avoided with an improved or available legend.
43.	Temporary Works Sheet 12 of 21. T38 – could you consider the labelling of the haul road which appears to be in two parts. Would this require two works numbers or clearer labelling.
44.	General note – the Works plans contain many different graphics. Could they be made easier to read or described in the legend?
45.	Temporary Works Sheet 12 of 21. There are black lines with no labelling. These are possibly highway verges but adds to the confusion with the other graphics or colours. There is no reference on the legend to these lines.
46.	Utility Diversions Sheet 10 of 21. The Limits of Deviation – Utilities colour key is of a different shade to that on the plans
47.	On the single Utilities plan - the legend is missing some colour coding, for example, there are pink, green, and blue lines on the plans but nothing in the Legend to indicate what this is.
48.	On the Utilities plans, the indicator arrows point to areas on the plan, however, it's not always clear where the specific work is.

Land Plans	
Ref No.	Comment or question
49.	Only 1 plan was reviewed, please consider checking cut lines, plot descriptions and plot boundaries.
50.	Sheet 10 of 21. Plot refs 10/1j, 10/20c & 10/20d do not continue on Sheet 11 of 21. See cut lines

Land Plans	
Ref No.	Comment or question
51.	Sheet 10 of 21. Plot ref 10/3c continues onto Sheet 11 of 21 into Plot ref 11/3b. There is no red line dividing these plots and there is no mention in the Book of Reference descriptions that they merge
52.	Sheet 10 of 21. Plot refs 10/5a, 10/6a & 10/7a continues onto Sheet 9 of 21 but there is no mention in the BoR that this plot is on Sheet 9
53.	Sheet 10 of 21. BoR refers to a Plot 10/20g but there is no Plot 10/20g on the plans
54.	Some of smaller plots difficult to make out on plan e.g. Plot 10/9b states to be permanent acquisition which should be pink but marker on plan pointing to what looks like a red line – larger scale inset for these small plots?

Book of Reference (BoR)	
Ref No.	Comment or question
55.	Part 1 of the BoR was provided for comment. The Inspectorate was not provided with the introduction which would explain the different parts and how it is intended to deal with Category 3 parties, Crown interests and special category land (if any).
56.	It is noted that the 'Extent of acquisition or use' specifies this each time (e.g. land to be acquired permanently, land to be used temporarily, land to be used temporarily and rights to be acquired permanently) whereas with some NSIPs BoRs are defined by reference to particular classes of rights and only the class number included in the table.
57.	It is noted that for some plots the Category 2 ownership is stated to be 'unknown'. The Statement of Reasons needs to explain investigations undertaken to date and what ongoing investigations are proposed to ascertain ownership.
58.	It is noted that categories of permanent acquisition of airspace, and land excluded from DCO, are included in the BoR

Inter-relationship document	
Ref No.	Comment or question
59.	The document should include Rivenhall EWF NSIP (an extension to existing generating plant) which is due for submission Q4 2022. This should be included due to proximity to A12 scheme.
60.	The status of Longfield NSIP will need updating as this project is now in Pre-Examination.
61.	It would be helpful to provide full reasoning to support the assertions in paras 4.2.4 and 4.2.5 that LTC and A12 Chelmsford to A120 Widening schemes are not considered in the cumulative effects assessment part of the Environmental Statement and that it is not considered that there will be any material impact on the A12 Proposed Scheme arising from the LTC Scheme
62.	Appendix A Location Plan – the Inspectorate notes that the document is draft and will be improved.

Consents and Licenses Position Statement	
Ref No.	Comment or question
63.	It might be helpful to split Appendix A into Part 1 and Part 2 or Appendix A and B and separate out into one appendix those where the Applicant is not seeking to disapply the consent within the dDCO. This can then be updated during the Examination. For example, it will be important to know the progress of the Applicant seeking letters of no impediment from NE.

Environmental Statement – Chapters 1 to 5 (Document 6.1)

Ref No.	Paragraph or Section	Comment or question
64.	ES Chapter 1	No comments.
65.	ES Chapter 2, para 2.4.2	Reference is made here to the Agricultural Land Classification (ALC) system. Suggest adding reference to the ALC grades of the land.
66.	ES Chapter 2, para 2.4.13	The Longfield Solar Farm DCO application has now been submitted and accepted for Examination.
67.	ES Chapter 2, para 2.5.30	Reference is made here to “significant lengths” of proposed retaining wall - suggest specifying the lengths.
68.	ES Chapter 2, Table 2.10	ES Table 2.10 states ‘approximate’ dig depths for the borrow pits. It appears that dDCO Article 10(1)(b) (vertical Limits of Deviation (LoD)) wouldn’t apply to borrow pits as these are not shown by reference to a centreline. Article 10(2) also doesn’t appear to specify vertical extents for the borrow pits. The Applicant is advised to demonstrate how this degree of flexibility has been assessed in the ES, please see further advice regarding LoD in the dDCO section above.
69.	ES Chapter 2, para 2.5.44	What are the parameters of the four proposed flood storage areas and where is this secured in the dDCO? Suggest also adding reference to where the locations of the proposed flood storage areas are shown on plans.

Environmental Statement – Chapters 1 to 5 (Document 6.1)

Ref No.	Paragraph or Section	Comment or question
70.	ES Chapter 2, Section 2.10	<p>The lateral LoD appear to allow for all non-utility works to be located anywhere within the shaded area on the draft Works Plans (noting that any detailed design would be subject to dDCO Article 10 (1)(a)).</p> <p>Should the lateral LoD be different for different types of work (more than just borrow pits) – e.g. structures vs the road alignment?</p> <p>At this stage without having seen the aspect chapters, it is difficult to understand the extent to which the LoD has been reduced in response to environmental sensitivities (as stated in ES para 2.10.3). Considering the need to constrain wide LoD is a common theme for Examination questioning, notwithstanding the need for flexibility in detailed design and construction.</p>
71.	ES Chapter 3	No specific comments to make regarding the assessment of alternatives in ES Chapter 3.
72.	ES Chapter 4	No comments.
73.	ES Chapter 5 5.7.5	Notwithstanding the reference to DMRB LA 104, the assessment should be clear on how the additional mitigation reduces the effect if significance is only to be presented as a residual effect.
74.	ES Chapter 5 5.9.2	The reasoning for limiting the assessment of interrelationships to four categories should be fully explained and justified in the ES.
75.	ES Chapters 1 - 5	No concerns with the approach to referencing, which appears to be in line with the updated PINS Advice Note Six.

Environmental Statement – Chapters 1 to 5 (Document 6.1)

Ref No.	Paragraph or Section	Comment or question
76.	N/A	Based on previous Examinations, certification of the ES in the DCO as a 'single' series of document numbers can be problematic, particularly where documents are updated during Examination. The Applicant may wish to consider whether the certification of the ES should be a separate schedule, to capture all documents which form part of the ES (and version control).
77.	General	All sensitive information (eg protected species) should be contained within an appendix which avoids need for redaction of main document.
78.	General	Clearly cross-reference between ES and consultation responses, eg if design or mitigation is noted as being agreed with a statutory body, providing that response, and cross-referencing to it.

Habitat Regulations Assessment no significant effects report (NSER) (Document 6.8)

Ref No.	Paragraph or Section	Comment or question
79.	Paragraph 3.3.7; Section 6	<p>The Applicant considers that the Proposed Development would not contribute significantly to any in combination effects, irrespective of what other plans and projects may or may not be planned or currently being undertaken, because the HRA screening assessment of the Proposed Development alone has concluded that adverse effects to European sites are absent or negligible and so any contribution to a combined effect is considered to be de minimis (inconsequential).</p> <p>The test in the Habitats Regulations is alone <u>or</u> in combination so the competent authority will need to be satisfied on both points – regardless of the scale of impact from the Proposed Development alone. Notwithstanding NE’s apparent agreement with the overall conclusion, the Applicant should provide sufficient evidence to explain why no significant in combination effects are likely. Relying on the absence of a significant effect alone to exclude in combination effects could be questionable when considering the requirements of the Habitats Regulations.</p>
80.	Paragraph 3.4.1	Suggest it would be helpful to confirm here whether NE’s agreement with the HRA conclusion of no LSE takes account of the change to the Proposed Development to include the Cadent gas main diversion.
81.	Appendix A - Abberton Reservoir SPA	<p>The characteristics of this SPA are correctly listed, however the Applicant may wish to consider updating the details based on Natural England’s “European Site Conservation Objectives: Supplementary advice on conserving and restoring site features (March 2019)” found in the link: http://publications.naturalengland.org.uk/publication/5673002612031488</p> <p>Supplementary advice for qualifying features is also shown in Tables 1-2 of this supplementary advice.</p>

Habitat Regulations Assessment no significant effects report (NSER) (Document 6.8)

Ref No.	Paragraph or Section	Comment or question
82.	Appendix A - Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	<p>Article 4.2 - During the breeding season:</p> <p>Appendix A of the HRA NSER does not cite the following details from the JNCC or Natural England description:</p> <p><i>“Over winter the area regularly supports: Branta bernicla bernicla (Western Siberia/Western Europe) 5.1% of the population 5 year peak mean 1991/92-1995/96 Calidris alpina alpina (Northern Siberia/Europe/Western Africa) 2.4% of the population 5 year peak mean 1991/92-1995/96 Charadrius hiaticula (Europe/Northern Africa - wintering) 0.7% of the population 5 year peak mean 1991/92-1995/96.</i></p> <p><i>Limosa limosa islandica (Iceland - breeding) 2% of the population 5 year peak mean 1991/92-1995/96 Pluvialis squatarola (Eastern Atlantic - wintering) 3% of the population 5 year peak mean 1991/92-1995/96</i></p> <p><i>Article 4.2 Qualification (79/409/EEC): An Internationally Important Assemblage of Birds. Over winter the area regularly supports: 109964 waterfowl (5 year peak mean 1991/92-1995/96) Including: Branta bernicla bernicla , Charadrius hiaticula , Pluvialis squatarola , Calidris alpina alpina , Limosa limosa islandica”</i></p> <p>https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9009245.pdf</p>
83.	Appendix A - Essex Estuaries SAC	<p>The correct link for this SAC is https://sac.jncc.gov.uk/site/UK0013690</p>
84.	Appendix B	<p>References to ‘Alde-Ore Ramsar’ should be amended to Alde-Ore Estuary Ramsar in line with the JNCC description; references to ‘Alde-Ore SPA’ should be amended to Alde-Ore Estuary SPA in line with the JNCC description.</p>

Habitat Regulations Assessment no significant effects report (NSER) (Document 6.8)

Ref No.	Paragraph or Section	Comment or question
85.	Appendix B - Essex Estuaries SAC	<p>This is missing habitat details from the JNCC description below in https://sac.incc.gov.uk/site/UK0013690 :</p> <p>1420 Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>)</p> <p>(In this complex of estuarine marshes on the east coast of England the occurrence of Mediterranean and thermo-Atlantic halophilous scrubs is currently artificially restricted by sea-walls. It now occurs principally as a strandline community or at the foot of sea-walls. Recent managed retreat schemes offer the prospect of future expansion of the habitat type. The local variant of this vegetation, which features sea-lavenders <i>Limonium</i> spp. And sea-heath <i>Frankenia laevis</i>, occurs at one location, Colne Point.)</p>

Design and Access Statement

Ref No.	Comment or question
86.	It would be useful to have a note explaining how the DCO will secure compliance with each of the design principles. Para 4.1.3 states that this is one of a number of documents but a further explanation of how they relate to each other would assist.
87.	Para 4.3.4 states that “In the following sections of this chapter the illustrative scheme is set out, explaining how these design principles could be realised through the scheme design”. Provision of indicative examples of good design would represent best practice in design terms e.g. for bridges, fences, and noise barriers. This would be a good way to show how the design principles could be translated into physical form, as stated in this document.

Design and Access Statement	
Ref No.	Comment or question
88.	STR.05 Value for money – “Cost effectiveness will be weighed against aesthetic value, safety and other design principles discussed in this chapter.” The Applicant may wish to add that the weight to be placed upon the different factors will vary according to the quality and existing aesthetic qualities of various locations with regard to the preservation and enhancement of the local landscape character. It would be useful to indicate locations where other considerations are likely to outweigh those relating to cost.
89.	STR.07 Barriers and fences – The Inspectorate notes that ‘cost’ will become the primary consideration here.

Environmental Management Plan	
Ref No.	Comment or question
90.	Having the Code of Construction Practice (CoCP) included as part of the EMP should be acceptable. It is important that any documents make it clear that all measures are included and can be adhered to. The Inspectorate has not checked whether the EMP contains the measures.

Register of Environmental Actions and Commitments (REAC)	
Ref No.	Comment or question
91.	The inclusion of the DCO securing mechanism for each action in the table is welcomed. This will need to be cross-checked with the DCO when the relevant DCO provisions are actually specified.

Register of Environmental Actions and Commitments (REAC)	
Ref No.	Comment or question
92.	Some of the important elements of mitigation will be provided by means of management plans and method statements for those topics. The means whereby the content of these plans will be controlled, approved and implemented should be made clear in each case, as not all require SoS approval.
93.	The REAC needs to include all actions and commitments and the wording should be as specific as possible. The provision of a Mitigation Route Map would assist in this respect. The Inspectorate has not reviewed the document further.

Suggestions for additional documents and other comments on documents to aid the efficient Examination of the application	
Draft DCO signposting Document	<p>A 'Navigation Document' should include information highlighting the relationships between certain key application documents, the concepts which underpin those documents and the relationship between them. The signposting document should include the following information for each Work number:</p> <ul style="list-style-type: none"> ○ The project descriptions for each Work. There are often numerous descriptions in various documents, please provide each location. ○ The geographic location of each Work if this is expanded within other documents, eg which plan it appears on. ○ The controls which regulate the parameters assessed in the ES for each work. ○ The location within the ES of the assessments for each Work.
Guide to the Application	To facilitate IPs' understanding of the application. This should be updated during the Examination. This should set out in tabular form the master documents list to provide a full list of all the documents submitted and indicating either the latest revision (if applicable) or when a new document was submitted. For ease of navigation, these documents should be grouped in colour coded sections with the latest documents clearly identified in each update. There is a Guide to the Application 'good example document' on the National Infrastructure Planning website .
Status of Negotiations with Owners of the Order Land	This will facilitate regular updates during the Examination. It would be helpful to have as a standalone Examination document including whether there are any outstanding objections and identifying them. In addition, it would be helpful for a separate document to be provided identifying all relevant Statutory

	Undertakers and the position as regards the agreement of Protective Provisions for each one and whether there are any outstanding objections.
A comprehensive NPS Accordance Table or Tracker	The document would be used for any relevant NPSs setting out the relevant NPS paragraph number, the requirement of the NPS, the compliance with the NPS by way of reference to submitted documentation and summary explanation, together with any subsequent update. The updated tracker to be submitted at each Examination deadline as specified in the Examination Timetable. This should record any changes and supplements to the Applicant's position on NPS compliance demonstrated by submissions during the Examination.
Documents of a reasonable size	Keep size of electronic files for documents reasonable (including plans) – consider splitting into parts if necessary to aid ExA and IPs to download and view them.

General

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