



Meeting note

Project name	Hinckley National Rail Freight Interchange
File reference	TR050007
Status	Final
Author	The Planning Inspectorate
Date	24 October 2022
Meeting with	Tritax Symmetry (Hinckley) Limited
Venue	Microsoft Teams
Meeting objectives	Draft Document Feedback
Circulation	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.

Review of comments / issues raised through PINS review

The Inspectorate explained to the Applicant that their Consultation Report should provide evidence that it has considered the comments it has received. The Inspectorate has sent examples of Consultation Reports (which are available on the [National Infrastructure webpage](#)) to assist the Applicant.

The Inspectorate noted that it would like to see evidence in the Consultation Report that the Applicant has considered the feedback received to the Statutory Consultation. The Inspectorate uses this and the local authorities perspective to help determine the adequacy of Consultation.

The draft document feedback is attached to this meeting note.

Statement of Reasons

The Inspectorate confirmed that the extract table from the Statement of Reasons was an acceptable approach to setting out the proposed use of each plot for the purposes of explaining the purpose for which the plot is required for the scheme.



LPA engagement

The Inspectorate conducted an education session on the Nationally Significant Infrastructure Planning (NSIP) process with Councillors on 12 October 2022, informing them of what may be required from them during an Examination, if the submission is accepted.

The Applicant asked if the Councillors referred to a Planning Performance Agreement (PPA). The Inspectorate explained that this was discussed briefly.

Submission process

The Inspectorate asked the Applicant to confirm the programme for submission was still previously indicated (week commencing 21 November 2022) and the Applicant confirmed that was still currently their intention.

The Inspectorate will receive Local Authorities (LA) contact details by 28 October 2022 from the Applicant to alert LAs to a forthcoming submission. The Inspectorate advised the Applicant to look at [Advice Note 6](#) to help with the submission process.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Inspectorate reconfirmed their comments on the Consultation Report, while noting it was a relatively early draft.
- The Applicant will keep in regular dialogue with the Inspectorate around the timescale of their submission date.
- The Applicant noted all the comments received through the draft document review and will set out how these have been addressed as part of the section 55 checklist as part of the DCO application.



Hinckley National Rail Freight Interchange – TR050007

Section 51 advice regarding draft application documents submitted by Tritax Symmetry (Hinckley) Limited

On 12 September 2022 and 26 September 2022 Tritax Symmetry (Hinckley) Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Draft Development Consent Order
2. Explanatory Memorandum
3. ES Chapter 3 (development description)
4. ES Chapter 4 (alternatives and design evolution)
5. ES Chapter 6 (scoping and methodology)
6. Parameter Plan
7. Illustrative Masterplan
8. Land Plans
9. Works Plans

10. Access and Rights of Way Plans

11. Highway Plans

12. Highway Classification Plans

13. Traffic Regulations Plans

14. Speed Limit Plans

15. Rail Plans

16. Consultation Report

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

The advice can record in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

Draft Development Consent Order		
Ref No.	Article/ Requirement/S chedule	Comment/Question
1.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate for its views on the “...<i>proposed drafting approach to the closure of level crossings</i>”.</p> <p>Article 13 (Public Rights of Way (PRoW) – creation, substitution, stopping up and closure of level crossings) and Schedule 5 (PRoW), Parts 1 and 2 of the draft Development Consent Order (dDCO) appear to be the parts of the dDCO relevant to this question. The only reference to level crossings appears to be at Article 13(5) of the dDCO, where it states, “<i>Subject to the provisions of this Article the level crossings shall be stopped up and discontinued at the relevant stage of the authorised development specified on Parts 1 and 2 of Schedule 5.</i>”</p>
		<p>In general terms the article appears to work, and the drafting itself does not appear to be likely to be contentious, but it is possible that the Article and the way it works will be of interest to any examination.</p> <p>It is noted that the Explanatory Memorandum (EM) says it is based on similar articles in other made railway DCOs, but it doesn’t explain what the differences are and why they are necessary. Indeed, the other DCOs referred to do not appear to mention or deal with the closure of level crossings and it would be of assistance if the EM could signpost where such closures in previous DCOs occur.</p> <p>It should be noted that the general lack of explanation, as mentioned above, appears to be common throughout the EM in relation to other Articles/ Provisions, etc and should be reviewed and corrected, where required.</p>



2. Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate for its views on the “...description of the site wide works in Schedule 1” noting a further and final ‘sense check’ against the final project description is yet to be undertaken.</p> <p>The element of Schedule 1 of the dDCO that relates to ‘Further works’ appears to be very broad and will potentially provide considerable flexibility. These ‘Further works’ and their flexibility will need to be justified and the more detail that the Applicant can provide on these within the EM the better. It is likely that the ‘Further works’ highlighted in Schedule 1 would be explored during examination, so providing more detail in the EM and other documents, when submitting the application, would be helpful.</p> <p>The interpretation of Authorised Development will also require thorough justification in the EM.</p> <p>The Applicant is advised that some formatting in schedule 1 may need to be altered as part of the DCO validation process.</p> <p>It is noted that the question from the Applicant regarding schedule 1 is broad and that a further sense check is being undertaken by the Applicant in the meantime. The Planning Inspectorate is content to receive a more detailed question from the Applicant if required.</p>
3. General comment	<p>Many sections of the dDCO contains large areas of blank space where text needs to be inserted. Sometimes the area is marked in square brackets (i.e. “[]”) but the majority of times the areas are left blank. These include, but are not limited to, Schedule 2, Part 1 Requirements; Schedule 5, Parts 1, 2, 3 and 4; Schedule 6, parts 1, 2 and 3; Etc. These areas need to be completed in full and this Section 51 advice document cannot</p>
	<p>provide any comment on areas where the dDCO is incomplete/ missing text and can only provide limited comment on areas or text which are cross-referenced to areas of missing text.</p>
4. General comment	<p>Throughout the dDCO references within the text to Article numbers are incorrect. Whilst there are some correctly referenced Articles these are by far outweighed by incorrect referencing. The referencing of Article numbering within the texts must be reviewed and corrected.</p>



5.	General comment	Where the dDCO would allow changes or alterations to the Proposed Development, this is predicated on the basis that such changes or alterations would not result in any materially new or materially different significant environmental effects from those assessed in the environmental statement. This occurs on a number of occasions throughout the dDCO. The Applicant should carefully consider the use of the word 'significant' and, if retained, be prepared to qualify/justify its use.
6.	General Comment	Many of the Articles make provision for conferred powers not to be implemented without the consent of a third party (ie Article 10(2), Article 12(7), Article 14(3), Etc). However, it also makes provision for where that third party fails to notify the developer of its decision within a specified timescale. Despite this provision, there does not appear to be any reference within the Article as to what happens in the event of the third party refusing consent within the specified period. Schedule 2, Part 2 (Procedure for approvals etc under requirement) of the dDCO is noted. However, this is specific to requirements. The Applicant should consider what happens in the event of a third party refusing the details submitted to it for discharge pursuant to the terms of an Article and amend the dDCO accordingly, if required.
7.	General comment	When referring to a section of an Act, the definition of the section that appears in brackets sometimes appears after the section number and at other times after the name of the Act. The dDCO should choose a consistent approach in regard to this matter and ensure it is followed throughout the dDCO.
8.	General comment	The DCO does not include a limit on the generating capacity of the Proposed Development. The Environmental Statement (ES) project description (paragraph 3.6 (d) and (e)) includes a gas-fired Combined Heat and Power (CHP) Plant generating a maximum of 5 megawatts (MW) and roof-mounted photovoltaics generating a maximum of 42.4 MW, together equalling a total of 47.4 MW. The maximum generating capacity of the CHP should be secured in the DCO.
9.	Article 2 (Interpretation)	"Chief Officer of Police" only references the Chief Constable of Leicestershire Police Force, despite elements of the proposed development laying across more than one County boarder. As such, is this reference correct?
10.	Article 2 (Interpretation)	"Trunk Road" subheading (b) refers to "of that Act;". Whilst it is noted that preceding sub-paragraph refers to "...the 1980 Act;" the dDCO should be specific in each reference and not leave any chance of interpretation being ambiguous. The whole dDCO should be checked for any similar instances and correct, where necessary, being specific.



11. Article 8 (Transfer of the benefit of certain provisions of the Order)		Article 8(5)(a)(iv) appears to erroneously refer to Article 8(3)(a). It is advised that this is reviewed and corrected, if required.
12. Article 12 (Temporary closure of streets)		Article 10(2) uses the term “temporary working site.” However, there does not appear to be a definition of this term. It is advised that this is clarified, if required.
13. Article 13 (PRoW...)		Article 13(1)(a), Article 13(1)(d), Article 13(2) and Article 13(4) all refer to the PRoW specified in columns (1) and (2) of Part 1 of Schedule 5 (PRoW to be permanently stopped up for which a substitute is to be provided). Is this reference correct, as only column (2) specifies the PRoW, whereas column (1) is titled ‘area’ and specifies the District within which the PRoW lies? It is advised that this is reviewed and amended, if required.
14. Article 14 (Accesses)		In terms of private means of access (see Article 14(4), (5) and (6)) should there be a provision within this article related to temporary/ permanent closure of a private means of access?
15. Article 18 (Traffic Regulation)		Article 18(2) and (3) appear to refer to incorrect paragraph numbers within the body of the text.
16. Article 23 (Compulsory acquisition of land)		Article 23(1). This article would acquire the land compulsorily, if the DCO were made, however, what about securing the use of any land so acquired? Article 23(1) appears to have an erroneous comma ‘,’ before the final word ‘it’. Article 23(3). Should this sub-paragraph include reference to Article 33 (Temporary use of land for maintaining the authorised development)?



		Is it intended that this Article (Article 23) should apply in relation to any rights of apparatus to which section 138 of the Planning Act 2008 (Extinguishment of rights, and removal of apparatus of Statutory Undertakers, Etc.) or Article 34 (Statutory Undertakers) applies?
17.	Article 27	Article 27. The Article (Time limit for exercise of authority to acquire land compulsorily) is described as Time limit for exercise of authority to acquire land <u>and rights</u> compulsorily in the EM.
18.	Article 28 (Private rights)	Article 28(6). Should this also apply to apparatus? (i.e. “This article does not apply in relation to any right <u>or apparatus</u> to which section 138 of...”)
19.	Article 30 (Application of the 1981 Act)	Article 30(9). Is reference to Schedule 2A correct?
20.	Article 38 (Guarantees in respect of payments of compensation)	Article 38(1)(a) Is the ‘relevant planning authority’ the correct authority in terms of the approval of a guarantee? Article 38(1)(b) provides for an alternative form of security but does not provide any clarity in terms of what. This should be clearly related back to the form and amount of security approved by the appointed person and specify that it relates to the liabilities of the undertaker to pay compensation pursuant to the provision referred to in the paragraph.
21.	Article 43 (Felling or lopping of trees and removal of hedgerows)	What is the meaning of ‘Hedgerow’? Article 43(1) refers to tree, shrub or hedgerow but in sub-paragraphs in this article reference to shrub disappears. Should reference to shrub be included in subsequent sub-paragraphs? Article 43(4) is in square brackets ‘[]’. It is advised that this is amended, if required.
22.	Article 47 (Certification of plans and documents)	Article 47(1) states “...copies of the documents identified in Schedule 16...” should this also refer to ‘plans’?



23.	Article 48 (Service of notice)	Article 48(5)(d). Wording at the beginning of this sub-paragraph appears to be missing. Should it read: “ <i>The notice or document is...</i> ” at the start of the sentence.
24.	Schedule 2, Part 2 (Procedure for approvals etc under requirements)	Throughout this Part reference is made to paragraph 43 and 44. Are these references erroneous? If not paragraphs 43 and 44 of what? (see Paragraphs 2(2)(a), 2(2)(b), 4(1)(b), 4(1)(c) and 4(2)(a)). It is advised that this is clarified.
25.	Schedule 1, Part 2	Work number 20 has the word ‘[CHECK]’ written within the text. It is advised that this is reviewed and amended as necessary.

Explanatory Memorandum

Ref No.	Paragraph/ Section	Comment/Question
26.	Specific Question asked by the Applicant	The Applicant asked the Planning Inspectorate the following: “ <i>It is proposed that the Guide to Application will contain the detail on why the highway works do not constitute NSIPs in their own right... rather than in the Explanatory Memorandum... Is this acceptable or would PINS prefer that this be contained in the EM?</i> ” The EM is considered to be the right place for this, rather than in a Guide to the Application.
27.	Specific Question asked by the Applicant	The Applicant asked: “ <i>Are PINS content generally with the level of explanation of the articles/schedules?</i> ” A number of the tables need to be completed providing justification (i.e., Table at 5.38 will need to provide the reasons why no substitute is offered). Additionally, the table relating to Requirements will need to be completed, and there is a general concern regarding the use of ‘brief reasons’. While the explanation should be as succinct as the circumstance allow, they need to explain the purpose and justification. It is generally more helpful if the Applicant goes beyond just saying what each requirement does.

28.	General comment	It should be noted that the general lack of explanation, as mentioned in the above response on the DCO, appears to be common throughout the EM in relation to other Articles/ Provisions, etc and should be reviewed and corrected, where required.
29.	General comment	Many of the paragraphs that set out an explanation of various Articles do not state whether those articles have a precedent or whether they are based on a model provision or whether they are novel articles/ provisions (eg Articles 16, 19, 22, etc., that are referred to in paragraphs 5.52, 5.63 and 5.72 etc). It is advised that the
		Applicant checks all Articles are correctly referenced in terms of precedent, model provision or novel article/provision.
30.	1.3	There is no definition of the abbreviation 'HNRFI', prior to this paragraph. It is advised that 'HNRFI' is defined.
31.	2.1	This paragraph states the Proposed Development would meet the criteria set out in section 26 of the Planning Act 2008 but does not state how. It is advised that this is clarified.
32.	2.2	<p>This paragraph lists 'Main Site (Work nos. 1 - 7)' and 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' but is not clear what is 'Authorised Development' and what is 'Associated Development'. It is advised that this is clarified.</p> <p>In addition to the above, it is noted that Work numbers 18 and 19 appear to be missing from the explanation of the scope of the proposed development at paragraph 2.2. Is this an error?</p> <p>Furthermore, it is unclear which elements of the works, items a) to n) inclusive under the heading 'Main Site (Work nos. 1 -7)' and items a) to e) inclusive under the heading 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' relate to which work number. This should be clearly set out.</p> <p>Finally, under the heading 'Highway and railway works (Works Nos 8 – 17 and 20 – 22)' item 'c' refers to 'several junctions'. However, the Explanatory Memorandum (EM) should clearly set out which junctions will be modified.</p>
33.	2.10	Signposting of provisions referred to in this paragraph would be helpful.
34.	3.4	Signposting of the highway mitigation works proposed, as referred to in this paragraph, would be helpful.
35.	4.1	This paragraph needs completing. It is advised that the missing section identified in square brackets '[']' is completed.



36.	5.14	The word 'the' is missing before the words 'Planning Inspectorate'.
37.	5.28	The structure of the third sentence needs review.
38.	5.30	The structure of this sentence needs review.
39.	5.35	Which level crossings and what PRow. It is advised that this is clarified.
40.	5.37	The structure of the third and fourth sentences needs to be reviewed.
41.	Table below 5.37	Needs completing.
42.	5.38 and Table below	Needs completing. Also, in terms of the table, the first field should include reference to document 2.3A, the penultimate field should include reference to document 2.3B and the last field should refer to points 19 and 20, not 9 and 20. It is advised that this is amended, if required.
43.	Table below 5.43 and all subsequent tables	Need to be completed and checked to ensure that the correct document reference numbers are being cross referred to.
44.	5.50	Paragraph needs completing.
45.	5.58 and 5.88	These paragraphs refer to articles 23 and 25, but of what? It is advised that this is clarified.
46.	5.100	The structure of this sentence needs review.
47.	5.115	Does Article 42 only provide a defence against noise and vibration or is the scope of Article 42 wider in terms of providing defence against other proceedings.
48.	5.121	The structure of the second sentence needs review.
49.	5.122	It would be of assistance if the Applicant could provide evidence of the chosen approach in this paragraph.



50.	5.126	Two DCOs are referred to in the final sentence but have deviated from the way other DCOs have previously been referred to. For ease of identifying the DCOs being referred to their title should be provided in full, followed by the relevant Statutory Instrument (SI) number (The SI number can be included as a footnote). It is advised that consistency is ensured throughout the document.
51.	5.128	Can the Applicant provide examples of where a similar provision has been applied in other DCOs?
52.	5.136	The descriptions of the Work Numbers in the dDCO are vague and should be broadened, if at all possible.
53.	5.137	Typographical error, with an extra full stop.
54.	5.149	Preceding paragraphs refer to the different Parts of Schedules and signpost which Article(s) they relate to. However, no signposting has been provided in relation to this paragraph. It is advised that this is reviewed and amended, if required.
55.	5.153	Typographical error. Should 'districted' read 'derestricted'?
56.	5.155	Title above appears to refer to incorrect Part number.
57.	5.156	Typographical error. Should 'position' read 'possession'?
58.	5.159	Schedule 13 of the dDCO is split into two parts, but this paragraph only refers to Schedule 13 in general terms. The EM should provide clarity in terms of each of the Parts within Schedule 13.



59.	5.160	<p>This paragraph relates to Schedule 14 (Protective Provisions) and names the parties who benefit from the Protective Provisions against each Part listed in the Schedule. However:</p> <p>Part 1 refers to Network Rail, but the dDCO refers to Railway Interests. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Part 2 refers to Highways England, but the dDCO refers to National Highways. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Part 3 refers to Leicestershire County Council, but the dDCO refers to the Local Highways Authority. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Part 5 refers to Severn Trent Limited, but the dDCO refers to Severn Trent Water Limited. Which is correct? It is advised that this is reviewed and amended as appropriate.</p> <p>Additionally, it is noted that not all the highway works fall within the jurisdiction of Leicestershire County Council acting as the Local Highways Authority. Has consideration been given to the need for Protective Provisions to any other Local Highways Authorities that would be affected by the proposed highway works?</p>
60.	<p>Bullet points 8, 9, 29, 33, 39, 40, 41 and 43</p>	<p>Why are these set out differently from the other bullet points (see comment re 5.126 above).</p>

ES Chapter 3 (Development description)

Ref No.	Paragraph/Section	Comment/Question
61.	n/a	<p>The chapters provided make no mention of the Energy suite of National Policy Statements (NPSs). Given the significant quantities of energy proposed to be generated, the Inspectorate advises that the ES and other aspects of the application should take account of the relevant Energy NPSs.</p>
62.	Table 3.1	<p>The ES should specify whether the maximum height of the built development includes the roof-mounted photovoltaics.</p>

ES Chapter 4 (Alternatives and design evolution)

Ref No.	Paragraph/ Section	Comment/Question
63.	n/a	The Applicant may wish to include a suitably colour coded table (e.g. red, green, amber) in this chapter to summarise the constraints relating to the seven location options, to allow for easy at-a-glance comparison.

ES Chapter 6 (Scoping and methodology)

Ref No.	Paragraph/ Section	Comment/Question
64.	6.38	The ES states that additional mitigation will be secured pursuant to the DCO (including its requirements) and possibly additional legal mechanisms or agreements. It is recommended that a Register of Environmental Actions and Commitments (or similar) is provided to summarise the committed mitigation measures within the chapters of the ES and associated appendices.
65.	6.7 to 6.19	The Applicant's attention is drawn to paragraphs 2.3.2 and 2.3.3 of the 2020 Scoping Opinion. The Scoping Report made brief reference to an energy centre on the site, but no further details were provided. As per the Scoping Opinion, the Applicant must ensure that the impacts of the roof-mounted photovoltaics and energy services (Combined Heat and power plant, battery storage, substation, etc) are fully assessed within the ES.

Parameter Plan

Ref No.	Plan ref	Comment/Question
---------	----------	------------------



66.	n/a	<p>The dDCO notes that noise attenuation including acoustic fencing or landscape screening along the lengths is indicated on the parameters plan.</p> <p>Although 'Note 2' on the Parameter Plan explains that noise attenuation measures are to be provided within the landscaped areas, Railport and development zones, this could be better 'indicated' (perhaps diagrammatically) on the Parameter Plan.</p>
67.	n/a	<p>The Planning Inspectorate has no further comments to make on the Parameter Plan at this time.</p>

Illustrative Masterplan

Ref No.	Plan ref	Comment/Question
68.	n/a	<p>The draft Illustrative Masterplan would appear to meet the requirements of Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 in so far as the Plans are no larger than A0 size and are drawn to an accurate scale (not smaller than 1:2500) and show the direction of North.</p>
69.	n/a	<p>The draft Illustrative Masterplan would appear to meet the requirements of Regulation 5(2) (o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.</p>

Land Plans

Ref No.	Plan ref	Comment/Question
70.	1842-8018_003341	<p>The plans are easy to navigate with no lag and allow text searches. Both of these features can help stakeholders to identify the plots.</p>

71.	1842-8018_003341	It may be helpful to include the specific title of the plan, i.e., G 'Land Plan Sheet 1 of 8'.
72.	1842-8018_003341	Consider using an inset zoomed section for smaller plots, such as for plot 14 and plots 22-24. The reason for doing so is to enhance clarity; an example of where there is some doubt can be found on a pink plot south-east of plot 22. It is unclear if this is a part of plot 24, or a separate plot. Similarly, there is what appears to be two unnumbered plots adjacent to plot 27 (Burbage Common Road).
73.	1842-8018_003341	The plots are well defined, with good use of colour shading to depict the various land use type. It has not been possible to verify that the shading is correct, as a copy of the Book of Reference has not been submitted for review.
74.	1842-8018_003341	Ensure that each plot is shown in full on at least one sheet. For plots 25 & 26, the Planning Inspectorate was unable to determine if this is the case but the cutlines between sheet 1 and sheet 4 suggest that the plots will be split over the two sheets. This also appears to be the case for plot 37.

Works Plans

Ref No.	Plan ref	Comment/Question
75.	n/a	The draft Works Plans would appear to meet the requirements of Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 in so far as the Plans are no larger than A0 size and are drawn to an accurate scale (not smaller than 1:2500) and show the direction of North.

Works Plans

Ref No.	Plan ref	Comment/Question
---------	----------	------------------



76.	n/a	The draft Works Plans would appear to meet Regulation 5(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 state that, where a plan comprises three or more sheets (such is the case for the Applicant), a key plan must be provided showing the relationship between the different sheets.
77.	n/a	Regulation 5 (2) (j) (ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 should be clearly shown on the works plans, for example on sheet 4.
78.	HRF-BWBLSI-D8-DR-CH-00160	Consistency between road names and number shown on draft Works Plans and stated in the draft DCO should be clear. For example, the draft DCO mentions B518 Broughton Road, but the Works Plans show B581 Coventry Road & B581 Broughton road.

Access and Right of Way Plans

Ref No.	Plan ref	Comment/Question
79.	n/a	The draft Access and Right of Way Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.
80.	n/a	The draft Access and Right of Way Plans would appear to meet Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that, where a plan comprises three or more sheets, a key plan has been provided showing the relationship between the different sheets.
81.	HRF-BWBLSI-D3-DR-CH-00170	Part 1 of Schedule 5 of the dDCO notes that public right of way U8/1 is to be stopped up, and details that this is shown as a dashed green line on Document 2.3C of the Access and Rights of Way Plans. Between points 21 and 22 on Document 2.3C the line appears to be full green (rather than dashed). This would suggest an existing bridleway is to be stopped up rather than an existing public right of way.

Access and Right of Way Plans



Ref No.	Plan ref	Comment/Question
		<p>Furthermore, the dDCO notes that the substitute to be provided here is shown dashed and dotted brown between points 21 and 22. This does not appear to be the case on Document 2.3C.</p> <p>It is also unclear where point 23 is shown on Document 2.3C.</p>
82.	HRF-BWBLSI-D1-DR-CH-00170	Cut lines should match up and be consistent with the key plan provided. This does not appear to always be the case. For example, Document 2.3A shows references Document 2.3B towards the bottom of the plan. Should this read Document 2.3D instead?
83.	HRF-BWBLSI-D4-DR-CH-00170	The dDCO notes that the footpath between point 33 and 34 is shown as dashed brown. This does not appear to be the case.

Highway Plans		
Ref No.	Plan ref	Comment/Question
84.	n/a	The draft Highway Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.
85.	n/a	The draft Highway Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.
86.	n/a	The draft Highway Plans would appear to meet the requirements of Regulation 5(2) (o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

Highway Plans		
Ref No.	Plan ref	Comment/Question
87.	n/a	The legend should contain what document is to be read alongside the Highways Plans.
88.	HRF-BWBLSI-D7-DR-CH-00100	Speed shown on the Highway Plans should be consistent with what is said in the dDCO, for example, sheet 7.

Highway Classification Plans		
Ref No.	Plan ref	Comment/Question
89.	n/a	The draft Highway Classification Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.
90.	n/a	The draft Highway Classification Plans would appear to meet Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in that the plans are no larger than A0 size; are drawn to an identified scale (not smaller than 1:2500) and show the direction of North.
91.	n/a	The draft Highway Classification Plans would appear to meet the requirements of Regulation 5(2) (o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.
92.	n/a	Drawing 1.dwl and Drawing 1. dwl2, these document types should not be submitted.
93.	n/a	Anything appearing on the Highways Classification Plans Sheet should be within the Legend.

Traffic Regulations Plans		
Ref No.	Plan ref	Comment/Question
94.	HRF-BWBLSI-XX-DR-CH-00150	TRAFFIC REGS PLANS KEY PLAN (Document 2.6) The Plan clearly shows the area depicted by the individual sheets in this set of plans (2.6A & 2.6B).
95.	HRF-BWBLSI-D1-DR-CH-00150	TRAFFIC REGULATIONS SHEET 1 OF 2 (Document 2.6A) The Plan clearly shows highways subject to traffic regulations (Clearways) as described in Part 1 of Schedule 9 of the dDCO.
96.	HRF-BWBLSI-D2-DR-CH-00150	TRAFFIC REGULATIONS SHEET 2 OF 2 (Document 2.6B) The Plan clearly shows highways subject to traffic regulations (No Waiting) as described in Part 2 of Schedule 9 of the dDCO. It is noted that this plan appears to show items which are currently not present in Schedule 9 of the dDCO.

Speed Limit Plans		
Ref No.	Plan ref	Comment/Question
97.	HRF-BWBLSI-XX-DR-CH-00190	SPEED LIMIT PLANS KEY PLAN (Document 2.7) The Plan clearly shows area depicted by the individual sheets in this set of plans (2.7A, 2.7B & 2.6C)



98.	HRF- BWBLSI-D1- DR- CH-00190	<p>SPEED LIMIT PLANS SHEET 1 OF 3 (Document 2.7A)</p> <p>The Plan clearly shows highways subject to ‘highways subject to 40 mph speed limit’, as described in Part 2 of Schedule 8 of the dDCO. It is noted that this plan appears to show items which are currently not present in Schedule 8 of the dDCO, specifically Part 1 (existing orders).</p>
Speed Limit Plans		
Ref No.	Plan ref	Comment/Question
99.	HRF- BWBLSI-D2- DR- CH-00190	<p>SPEED LIMIT PLANS SHEET 2 OF 3 (Document 2.7B)</p> <p>The Plan clearly shows highways subject to ‘highways subject to 40 mph speed limit’, as described in Part 2 and ‘derestricted highways’, as described in Part 3 of Schedule 8 of the dDCO.</p> <p>It is noted that this plan appears to show items which are currently not present in Schedule 8 of the dDCO, specifically speed limits in relation to roundabouts K, L, S, T & M, N, V, W.</p>
100.	HRF- BWBLSI-D2- DR- CH-00190	<p>SPEED LIMIT PLANS SHEET 3A & 3B OF 3 (Document 2.7C)</p> <p>Sheet 3A clearly shows highways subject to ‘derestricted highways’, as described in Part 3 of Schedule 8 of the dDCO.</p> <p>Sheet 3B clearly shows highways subject to ‘highways subject to 40 mph speed limit’, as described in Part 2 of Schedule 8 of the dDCO. It is noted that this stretch of highway is, in part, outside of the order limits. No explanation is given.</p>

Rail Plans		
Ref No.	Plan ref	Comment/Question



101.	70080518WSP- DRGETR- 000201	Key Plan (Document Ref 2.25a) Revision number differs in file name from that given on the plan. Areas depicted on the key plan do not correspond to the areas shown on the three General Arrangement plan sheets (Doc 2.25a - 2.25c).
------	-----------------------------------	--

Rail Plans		
Ref No.	Plan ref	Comment/Question
		<p>The shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p> <p>Plan text is not searchable.</p>



102.	70080518WSP-DRGETR-000202	Sheet 1 (Document Ref 2.25b) Revision number differs in file name from that given on the plan. Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a). Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc). Order limits are clearly shown but are not listed in the legend. Plan text is not searchable. No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. It is noted that this plan has a significantly large file size 2.25b & 2.25c. This currently has no effect on the operation of the plan, but often large plans can lag and become unresponsive.
------	----------------------------------	---

Rail Plans		
Ref No.	Plan ref	Comment/Question



103.	70080518WSP- DRGETR- 000203	<p>Sheet 2 (Document Ref 2.25c)</p> <p>Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a). Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p> <p>Plan text is not searchable.</p> <p>No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>Comments have been left in the drawing which will need removing before submission.</p>
104.	70080518WSP- DRGETR- 000204	<p>Sheet 3 (Document Ref 2.25d)</p> <p>Revision number differs in file name from that given on the plan.</p> <p>Areas depicted on this plan do not correspond to the areas shown on the General key plan (Doc 2.25a). Shading used in the legend doesn't correspond to the shading used on the plan. It is either different (Existing tracks, acoustic fence etc.) or is either missing from the legend or the plan (green shading on the plan, blue lines within the site etc).</p> <p>Order limits are clearly shown but are not listed in the legend.</p>
Rail Plans		
Ref No.	Plan ref	Comment/Question



		<p>Plan text is not searchable.</p> <p>No cardinal point to north is provided as required by Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>
105.	70080518WSP-DRGETR-000200	<p>Document Ref 2.21a</p> <p>This drawing is not to scale, nor is it aligned to North. As a visual guide to the construction phasing of the lines, it is easy to comprehend, with good use of colour. It is unclear what the X symbol represents on the electrified tracks.</p>
106.	70080518WSP-DRGETR-00020911	<p>Document Ref 2.22</p> <p>File name given (...ETR-000209-211 - P02) doesn't match the drawing number on the plan (...ETR-000209-11 - P01). It appears that the figure 2 is missing from 211.</p> <p>The Plan text is not searchable.</p> <p>The drawing is well labelled.</p> <p>The location of sections is easy to find on the Key Plan (Doc Ref 2.25a).</p>

Consultation Report

Ref No.	Comment/Question
---------	------------------



107.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether the Section 42 responses should be summarised for the DCO submission or whether it is acceptable to provide the responses in full.</p> <p>The Applicant will be aware that under section 49 of the Planning Act 2008, it has a duty to take account of responses to consultation and this must be shown within the Consultation Report. The Planning Inspectorate advises that a summary of the individual responses received should be provided and categorised in an appropriate way. Further information can be found in Advice Note 14. Furthermore, the Applicant may wish to have a look at past good examples of Consultation Reports. Further detailed information regarding section 49 should be included in the Consultation Report.</p> <p>The Applicant should be aware that the Planning Inspectorate may request copies of the relevant responses during the acceptance period, so these should be available to be sent at short notice, if required.</p>
108.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether the process taken in regard to Planning Performance Agreements (PPAs) should be included within the Consultation Report.</p> <p>This may be something to include within the Consultation Report. A paragraph on the PPAs agreed with specific Local Authorities, rather than a detailed section on the process should be sufficient.</p>
109.	Specific Question asked by the Applicant	<p>The Applicant asked the Planning Inspectorate whether summarising the liaison with the Local Planning Authorities on the Statement of Community Consultation (SoCC), rather than providing all complete correspondence, is an acceptable approach to adopt. Summarising the liaison with the Local Planning Authorities (LPAs) on the SoCC is an appropriate approach to take, however, evidence must be provided. For example 3.14 of Advice Note 14 states:</p> <p><i>“Evidence should be submitted as part of the Consultation Report which shows:</i></p> <ul style="list-style-type: none"><i>• Which local authorities were consulted about the content of the draft SoCC;</i>



Ref No.		Comment/Question
		<ul style="list-style-type: none"> • <i>what the local authorities' comments were;</i> • <i>confirmation that the local authorities were given 28 days to provide their comments; and</i> • <i>a description about how the Applicant had regard to the local authorities' comments."</i>
110.	n/a	Paragraph structures should be coherent throughout. The Applicant should avoid spelling mistakes which could result in an alteration to the meaning of the sentence.
111.	Appendix 3.1	Without an updated consultee spreadsheet it is hard to determine if all statutory consultees and Local Authorities have been consulted.
112.	n/a	It was unclear at certain places which documents were being referenced within the Appendix, for example the list of prescribed bodies are set out in Appendix 10.1. It is not clear where in Appendix 10.1.
113.	n/a	Formatting should be consistent throughout the document. For example, bullet points and numbering within appendix 3.1.
114.	n/a	There should be consistency between information within the report and appendixes when referring to consultation dates. For example, the extended S42 consultation.
115.	Appendix 6.14	Anything highlighted, does not need to remain highlighted.
116.	Appendix 6.13	Track changes are still visible.
117.	Appendix 6.11	Linked items lead to blank documents; however this may be a SharePoint issue.
Consultation Report		

Ref No.		Comment/Question
118.	Appendix 6.7	The images appear pixilated.
119.	Chapter 13	Adding appendix numbers next to 'prescribed' and 'non-prescribed' parties would make locating the list easier. Within Appendix 10.1 and 10.2 it is unclear where the list of prescribed and non prescribed person can be found.
120.	n/a	The header on every page of the Consultation Report states that it is the 'Environmental Statement'. This appears to be an error and will also impact on searching the report for those terms.
121.	n/a	No information could be found in relation to a Screen Opinion, or alternatively a notification in writing to the Planning Inspectorate that it is proposed to provide an Environmental Statement (as required by Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations).

General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be 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."*