

Meeting note

Project name	Larkshall Mill Aggregate Manufacturing and Carbon Capture Facility
File reference	WS010006
Status	Final
Author	The Planning Inspectorate
Date	13 February 2023
Meeting with	O.C.O Technology Limited
Venue	Microsoft Teams
Meeting objectives	Project update meeting
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.

NSIP and Main Purpose of the Project

O.C.O Technology Limited ('the Applicant') thanked the Inspectorate for the time taken in its feedback on the draft documents submitted on 18 November 2022. The Applicant explained its concerns regarding a number of points raised in the Inspectorate's feedback on the draft documents submitted on 18 November 2022. Within this feedback the Inspectorate had encouraged the Applicant to explain further how the Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP) and advised the Applicant to clarify the proposal's main purpose. The Applicant requested confirmation from the Inspectorate that the Proposed Development was an NSIP and would therefore require an Order granting Development Consent. It was explained that this was to give the Applicant comfort at this stage that it was not wasting time and expense in promoting an application for an Order under the Planning Act 2008. The Inspectorate explained that the status of the Proposed Development comprising an NSIP could not be confirmed during the pre-application stage of the NSIP process and that this would be confirmed under section 55 of the Planning Act 2008 following a 28-day Acceptance period.

The Inspectorate advised the Applicant that the Development Consent Order (DCO) application must be as clear as possible with explicit evidence provided within the Explanatory Memorandum, the Planning Statement and the Environmental Statement, and advised that the application as a whole should read consistently across these documents. It was also advised to look beyond Acceptance and how the comments provided can be used to improve the application with an aim to bring benefits to the Examination.

Construction or Alteration

Within the draft document review comments, the Inspectorate advised the Applicant to make clear in the application if the Proposed Development was to involve an application for

construction of a hazardous waste facility under section 30(1) or the alteration of existing works under section 30(3) .

The Applicant discussed with the Inspectorate those parts of the draft DCO and explanatory memorandum submitted which set out that the proposed authorised development is to comprise all development under an existing planning permission authorising up to 30,000 tonnes of hazardous waste per annum plus all further development required to take that capacity up to 100,000 tonnes, with a transitional arrangement in the DCO for the planning permission no longer to authorise the existing development once the DCO is made and implemented. The Applicant stated that construction would need to take place for the development to reach capacity for 100,000 tons of hazardous waste, alongside the construction of a third production line. Once these elements have been built, all three production lines will be in operation 24 hours a day. The Applicant confirmed that this explanation will be clarified within application documents. The Applicant suggested illustrative only additional plans that assist in understanding what development (i) is currently existing on the site, (ii) is authorised under the existing planning permission and (iii) will be authorised under both the existing planning permission and the DCO until the DCO supersedes that planning permission. The Inspectorate advised that the Applicant ensure that the works described on any additional plans are also explained in the Environmental Statement, in particular with respect to the assessment of the environmental baseline and the assessment of cumulative effects.

Land Interests

The Applicant explained that the draft documents submitted confirmed that no powers were being taken in the draft Order to use, obtain, alter or interfere with land or rights compulsorily, that the Proposed Development would not impact on any third party interest and that the Applicant has the full rights necessary to construct, operate and maintain the Proposed Development, and no further rights would be required to do so. The Applicant noted that this is demonstrated by the fact that a hazardous waste facility at the site up to a capacity of 30,000 tonnes of hazardous waste per annum (with substantially similar built development) can, and is being, progressed under the existing Town and Country Planning Act (TCPA) consent, without the need for any compulsory purchase powers or similar. The Inspectorate asked a number of questions about the consultation undertaken by the Applicant with parties that hold an interest in land under section 42. The Applicant confirmed that Eastern Electricity have a transformer on site and that their access to this would not be obstructed by the Proposed Development.

The Applicant also explained that it has considered that there would be no need for a Book of Reference to accompany the DCO application, as the Proposed Development does not require a change to any rights to access the site under the current consent and the only physical change to the site access will be the remarking of the white lines on the road. Therefore, with this in mind, the Applicant suggested that the draft book of reference submitted might more helpfully be recast as a note of its land interests instead of a book of reference. The Inspectorate advised the Applicant to take account of the draft document feedback on this matter, ensuring compliance with Applications: Prescribed Forms and Procedure) Regulations 2009, Regulation 7.

The Inspectorate also provided advice in relation to the draft land plan and draft Book of Reference plan, pointing towards the Applications: Prescribed Forms and Procedure) Regulations 2009, specifically Regulation 5(2)(i) and 7 for the requirements for these documents.

Natural England

The Applicant's draft Habitats Regulations Assessment (HRA) report provided to the Inspectorate included an appended consultation response from Natural England. It was noted that the comments provided by Natural England in that response related to an earlier draft of the HRA report. The Inspectorate queried whether there had been further consultation with Natural England, particularly with regards to comments of Natural England in that response concerning air quality assessment and ammonia. The Applicant confirmed it has been engaging with Natural England, including on matters of air quality. The Applicant confirmed that the Proposed Development was below the screening threshold for further air quality assessment and Natural England were in agreement with the Applicant in this regard. The Inspectorate advised that it would be helpful to provide a response to all points raised by Natural England, including the matter of ammonia, and demonstrate how it has responded to them in the application documents.

AOB

The Applicant stated that it is working towards submission of the DCO application in March 2023 and will provide the Inspectorate with an exact date shortly. The Inspectorate explained that two weeks before the submission of the application the GIS shapefile of the proposed DCO boundary will be required, and the Local Authorities would be made aware of a forthcoming DCO submission approximately one month prior to the anticipated DCO submission date. The Applicant was also reminded that a submission fee would need to be paid in advance of the submission of the Application.

**Larkshall Mill Aggregate Manufacturing and Carbon Capture Facility –
WS010006****Section 51 advice regarding draft application documents submitted by O.C.O
Technology Limited**

On 18 November 2022 O.C.O Technology Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

- Draft Development Consent Order
- Explanatory Memorandum
- Book of Reference
- Works Plan
- Land Plan
- Book of Reference Plan
- Street Works Plan
- ES Chapter 1 – Introduction
- ES Chapter 2 – The Process
- ES Chapter 4 – Site selection and alternatives
- ES Chapter 5 – Project Description
- ES Chapter 6 – Approach to EIA
- Consultation Report
- Habitat Regulations Assessment Technical Note

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The

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

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.
TB:

The Applicant also submitted a suite of questions it wished for the Planning Inspectorate to review as part of the draft document review process. The remit of the Inspectorate's draft document review service is to give advice on any aspects that would benefit from clarification and to highlight any procedural omissions. The Inspectorate cannot comment on matters of adequacy or appropriateness of content, or other matters outside of the remit of the draft document review service.



Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
1.	General	<p>Having regard to the extant planning permission for a hazardous waste facility (HWF) (the TCPA PP), the current implementation of that permission and the contents of the draft Development Consent Order (dDCO), most particularly Article 6, and the explanation for Article 6 provided in draft Explanatory Memorandum (EM), it is unclear in practice what the purpose of made DCO would be, i.e.:</p> <ul style="list-style-type: none">• the construction of a HWF under sections 14(1)(p) and 30(1) and 30(2)(b) of the Planning Act 2008 (PA2008); or• the alteration of a HWF under sections 14(1)(p) and 30(3) and 30(4)(b) of the PA2008. <p>During the pre-application meeting held on 07 November 2022 it was explained that the HWF benefitting from the TCPA PP is expected to become operational during the summer of 2023. At that point a HWF would be capable of operating with a capacity of up to the NSIP threshold for the purposes of section 30 of the PA2008, i.e. – receiving no more than 30,000 tonnes of hazardous waste per year. Some works/alterations at the site would then need to be undertaken, which would increase the HWF’s capacity to over 30,000 tonnes. It is for the Applicant to make clear within the application documents what it is applying for, i.e. – construction or alteration of a hazardous waste facility.</p> <p>However, under Article 6(2) of the dDCO, further to the undertaking of a material operation authorised by a made DCO, the TCPA PP would for all intents and purposes be revoked (rather than simply being superseded/falling away/being replaced as referred to in paragraph 2.8 of the EM and paragraphs 1.4.5 and Table 6.1 of the ES). Any development that had lawfully been undertaken pursuant to the TCPA PP would thereafter in effect be authorised by what had been a subsequently made DCO.</p>

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		<p>The Applicant may wish to consider its proposal as being an alteration to what may have become an operational HWF during the application’s examination, the ExA’s reporting period or prior to the SoS determining the application (whichever arose first), given the Applicant’s expectation that the HWF would have become operational by the summer of 2023. The Applicant may also wish to reconsider whether a made DCO could authorise “...<i>the construction, operation and maintenance of all development included in the planning permission granted under the TCPA by NCC as well as all development required to achieve the full 100,000 tonne per annum facility</i>” (paragraph 1.4.6 of the ES), given that the HWF’s construction and partial operation would similarly precede any DCO being made.</p> <p>Were the increase in the HWF’s capacity to be treated as an alteration to an operational HWF, benefitting from the extant TCPA PP, a made DCO could incorporate provisions utilising the extant TCPA PP, with any supplemental requirements, as necessary, to address the difference (i.e. – alterations) between the development subject to the planning permission and development intended to be the subject of a made DCO. In that regard, the applicant’s intention is drawn to the recently accepted NSIP application for the ‘Slough Multifuel Extension’, a 50MW power station for which an extant TCPA PP is currently being constructed with the benefit of a TCPA PP. For the Slough case the applicant is seeking to increase (extend) the generating capacity to 60MW via a DCO and the applicant intends that a made DCO would coexist with the extant TCPA PP, with compliance with the latter’s conditions being written into the former’s requirements, without there being any particular concern on the applicant’s part about compliance with one or other of the consents.</p>
2.	General	The Applicant should ensure that all cross references within the dDCO are checked and corrected where necessary/relevant, including references to any plans.



Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
3.	General	The Applicant will be asked to maintain a list of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process (if accepted), and supplied to the ExA before the close of the examination.
4.	General Drafting	<p>The dDCO is proposed to be a Statutory Instrument and so should follow the statutory drafting conventions. The dDCO (and any subsequent revisions) should be in the form required by the statutory instrument template (see Planning Inspectorate Advice Note 15) and validated as such using the current SI template, including detailed footnotes to all statutory references.</p> <p>The DCO should:</p> <ul style="list-style-type: none">• follow guidance and best practice for SI drafting (for example avoiding “shall/should”) in accordance with the latest version of guidance from the Office of the Parliamentary Counsel• follow best practice drafting guidance from the Planning Inspectorate and the Departments in Advice Note 15 – Drafting development consent orders (and see specific references to Advice Note 15 below)• be fully audited to ensure that that there are no inconsistencies within the DCO and its constituent parts such as definitions or expressions in the articles, requirements, protective provisions, other schedules and any book of reference• definitions should be precise, accurate and relatively easily understandable. (e.g. if a definition is drafted in a way that obliges the reader to cross refer to wording in multiple other documents in order to understand the definition, then it is not easily understandable). Where any registered company is referred to in the DCO it should be defined by using its full and precise company name and company registration number (as those appear on the register held by Companies House).

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		<ul style="list-style-type: none"> be kept under constant review by the applicant throughout any examination so that definitions are kept up to date by them as matters evolve – e.g. : any definition of ‘environmental statement’ in the context of how/the purposes for which it is referred to in the DCO; or how plans and drawings are defined (and where possible include drawing/revision numbers). Where the Explanatory Note at the end of a draft DCO states that documents will be available for inspection at a third party location the applicant should be asked to confirm in writing that the stated third party has agreed to that. <p>Precedents</p> <ul style="list-style-type: none"> Notwithstanding that drafting precedent has been set by previous DCOs or similar orders full justification should be provided for each power/provision taking account of the facts of this particular DCO application. Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in the most recent DCOs so that the DCO provisions reflect the SoS’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and DCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, it would be preferable for an explanation to be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).
5.	General	The Applicant should ensure all legislative references throughout the dDCO are to extant legislation.
6.	Article 2 - Interpretation	Definitions of “commence” and “maintain” are likely to be examined thoroughly in any examination, including whether any ‘carve outs’ are justified and the extent of any flexibility provided by the DCO (which should be

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		fully explained in the EM). The Inspectorate notes that the definition of 'commence' includes for a broad range of excluded activities, such as "... <i>site clearance, demolition works...</i> " " <i>remediation</i> " " <i>set up site offices and compounds</i> ". The Applicant may wish to consider whether any requirements, such as Requirement 11 Construction Environmental Management Plan would be applied to such works and whether the dDCO drafting accounts for this.
7.	Article 2 - Interpretation	Definition of "environmental statement" – if the application is accepted, the Applicant will need to consider if the definition should be updated (for example if further documents are submitted) throughout the examination.
8.	Article 2 (2)	<p>Article 2(2) appears to provide flexibility as it states "<i>(2) All distances, directions, levels and lengths referred to in this Order and any document referred to in this Order, are approximate. Distances between points on a work comprised in the authorised development are taken to be measured along that work.</i>"</p> <p>It is unclear if flexibility is being sought, particularly in relation to heights/levels. Other than that provided by Article 5, there are no maximum parameters or limits of deviation included in the dDCO, although the Inspectorate notes that the dDCO secures that the authorised development must be in accordance with the 'development plans', which includes elevation plans with specific heights stated for infrastructure (e.g. - ES Figure 5.7). Draft ES Chapter 5 also specifies heights and areas for some buildings and infrastructure, such as the curing bay building and silos.</p> <p>The Inspectorate is concerned that construction could be for heights that differ from those shown on the elevation plans and/or have been assessed in the ES.</p> <p>The Inspectorate also notes some differences between the heights shown on the elevation plans (i.e. - curing bay building at 12.5m) and ES Chapter 5 (i.e. - curing bay building at 12m). The ES should assess the</p>

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		maximum parameters secured by the dDCO, or the dDCO be amended to reflect that which has been assessed in the ES.
9.	Article 2 - Interpretation	If a Book of Reference (APFP Reg 7) is submitted as part of the application, a Land Plan (APFP Reg 5(2)) will also be required. If a Land Plan is submitted as part of the application, should this not be included in the interpretation and listed elsewhere in the dDCO under Article 12 and Schedule 2?
10.	Article 6 (3)	'Within ten business days' of what? Drafting should be clear and unambiguous.
11.	Article 7	The Applicant should be aware of and mindful of section 146 of the Planning Act 2008.
12.	Part 2 Principal Powers	'Benefit of the Order' and 'Consent to transfer benefit of the Order' are not included in the dDCO. EM Para 5.4 sets out the Applicant's reasoning for this. The Applicant should consider whether the explanation at Para 5.4 is sufficient for its needs in this regard.
13.	Schedule 1 – Authorised Development	The description of Works is less detailed than in other made Orders. For example, is the description given to Work No. 14 (Workshop) sufficient enough to allow Interested Parties to understand the proposed development?

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		<p>Furthermore, the Planning Inspectorate notes that the TCPA PP permits 7 silos and the dDCO adds an additional 7 silos. Does the dDCO limit the silos to 14, or could some or all 7 have been constructed through the TCPA PP and this be an addition of all 14 again?</p> <p>Please refer to comment number 1.</p>
14.	Requirement 8	The drafting appears to be incomplete, and this requirement will need updated with the square brackets removed and the revised so that the meaning is clear.
15.	Requirement 10	<p>Construction hours</p> <p><i>'...outdoor construction work must not take place other than between the hours of 07:00 and 20:00 Monday to Saturday,'</i></p> <p>There is no mention of 'indoor' construction work hours. The EM at paragraph 9.13 does not differentiate between indoor/outdoor construction work hours.</p>
16.	Requirement 11	Should this be 'unless otherwise agreed in writing'? See also comment 6 above.
17.	Requirement 12	How is this being carried out? Is this required to be in the DCO if it is to be carried out under another power, i.e. - the Highways Act?
18.		Specific question asked by the Applicant: <i>Is the draft provided considered to be proportionate to the small-scale nature of the site and project?</i>

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		<p>The Planning Inspectorate cannot provide a view on whether the dDCO is proportionate to the scale and nature of this project in the pre-application stage of the process, as previously explained.</p> <p>The Applicant should include the following when drafting the dDCO:</p> <ol style="list-style-type: none"> 1) A full, precise and complete description of each element of the NSIP, preferably itemised in a Schedule to the DCO; and 2) A full, precise and complete description of each element of any necessary “associated development” (See section 115), which should be clearly identified in a Schedule to the dDCO. Associated development is subordinate to the NSIP, but necessary for the development to operate effectively to its design capacity. <p>The Applicant is advised to apply Advice Note 13 and Advice Note 15 when preparing the dDCO.</p>
19.		<p>It is advised that the Applicant provides two additional documents at submission; a document explaining why/how the proposal constitutes a Nationally Significant Infrastructure Project (NSIP), potentially utilising more fully the opinion the Applicant has received from Alexander Booth KC; and a Technical Guide explaining the process involved in the proposed development. With regard to the submission of a Technical Guide, the Applicant should bear in mind that the SoS and the ExA may be unfamiliar with how combining air pollution control residues with other materials results in the production of manufactured limestone and will be less familiar with the process used by the Applicant than say Norfolk County Council has become. Submitting a Technical Guide that explains the process on a first principles basis may reduce the number of written and/or oral questions the ExA would find necessary to raise with the Applicant during any examination. The Applicant may wish to consider the Technical Guide for solar power generation, storage, maintenance and</p>



Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
		decommissioning, submitted by INRG Solar (Little Crow) Ltd as part of the Little Crow Solar Park application, when drafting such a document.
20.	Protective Provisions (not included in the dDCO)	<p>Are there any Statutory Undertakers that require access to the site or any apparatus within the Order limits? If so, how is this secured through the dDCO?</p> <p>Schedule 1 of the dDCO below the numbered works states: <i>(g) works to construct pipelines and to remove or alter the position of apparatus including sewers, drains and cables;</i></p> <p>The Land Plan has a parcel of land within the Order Limits but not within the Order Land that is identified as being leased by Eastern Power. How is this land / access to any apparatus owned by the Statutory Undertaker proposed to be accessed by the Statutory Undertaker? Are Protective Provisions required? Is there any underground / overhead wires connected to any apparatus that are within the order land?</p> <p>If Protective Provisions are required, they should be included in the dDCO. See Advice Note 15 for further information regarding this.</p>



Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
21.		<p>The Applicant is seeking development consent for the construction or alteration of a hazardous waste facility as per section 14(1)(p) and section 30. Among the criteria set out in section 30, is the requirement 'the main purpose of the facility is expected to be the final disposal or recovery of hazardous waste (section 30(1)(b) and section 30(3)(b)). From the information provided in the EM, there does not appear to be a clear unequivocal justification as to how the 'main purpose' criteria is met. The EM does say that the limestone manufacture and the processing of hazardous waste is part of the same process, but the Applicant needs to justify that the 'main purpose' element of criteria.</p> <p>The Applicant's review of what is being applied for, i.e. – the construction of or alteration to an HWF, as outlined above may assist in providing its reasoning for why it considers the proposed development would be an NSIP.</p>
22.	Para 5.6	Definition of 'maintain' reflects the Hinkley Point C connection project (2016). Why is this Order specifically relevant to the Larkshall Mill Aggregate Manufacturing and Carbon Capture Facility Order?

Book of Reference		
Ref No.	Ref	Comment/Question
23.		Specific question asked by the Applicant: <i>Is the Book of Reference adequate as the Applicant has no need for any Compulsory Purchase Order (CPO) powers?</i>

Book of Reference		
Ref No.	Ref	Comment/Question
		<p>The Inspectorate cannot provide comment on whether the Book of Reference is adequate, however the following comments may be helpful.</p> <p>Regulation 7 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 provides the meaning of a Book of Reference. The Book of Reference means a book, in five parts together with any relevant plan (Land Plan). Only where there are no interests and no land as described in APFP Regulation 7(1)(a) to (e) is it not applicable to provide a Book of Reference.</p> <p>An application must be accompanied by a Book of Reference (if required) in compliance with the Applications Regulations (APFP) Regulation 5(2)(d). The Applicant should prepare a Book of Reference in compliance with APFP Regulation 7 and the Planning Act 2008: procedures for the compulsory acquisition of land guidance. Annex D provides specific guidance in relation to a Book of Reference.</p> <p>The Book of Reference is used for service of notice both by the Applicant and the Inspectorate. This therefore raises an issue of natural justice, if any such persons could be prejudiced without any such notification.</p>
24.		<p>The Book of Reference appears to be lacking certain parties, which may be present due to access rights to parcels outside the order limits that require access over order land. It is also noted that powers in the dDCO appear to apply to land outside the order limits, further parties and rights may be impacted by the development which have not been included within the Book of Reference.</p>
25.	Not included in the Book of Reference	<p>Are there any Statutory Undertakers that require access to the site or any apparatus within the Order limits? If so, why are they not listed within the relevant Part(s) of the Book of Reference?</p> <p>The Land Plan has a parcel of land within the Order Limits but not within the Order Land that is identified as being leased by Eastern Power.</p>

Book of Reference		
Ref No.	Ref	Comment/Question
		<ul style="list-style-type: none"> • How is this land / access to any apparatus owned by Eastern Power proposed to be accessed by the Statutory Undertaker at any stage of the proposed development, i.e. - during construction, operation or decommissioning? • Will protective works be required to any buildings? • Are rights going to be interfered with? <p>When preparing a proposed NSIP application, an Applicant must consider whether consultees have an interest in the land under section 44 of PA2008 and list them within the Book of Reference if required (See APFP Regulation 7 - Meaning of Book of Reference).</p>
26.	Not included in the Book of Reference	<p>The extract below is taken from Paragraph 2.2.4 of the draft Consultation Report:</p> <p><i>“There are a small number of properties immediately adjacent or close to the Scheme boundary. These include two commercial properties to its south and two residential properties immediately to its west. The Applicant recognised the importance of consulting appropriately with these immediate neighbours.”</i></p> <ul style="list-style-type: none"> • How have these persons been consulted / categorised? • Would they be able to make a ‘relevant claim’? • Have they been considered under section 44 of PA2008 as Category 3 persons?









Book of Reference		
Ref No.	Ref	Comment/Question
		When preparing a proposed NSIP application, an Applicant must consider whether consultees have an interest in the land under section 44 of PA2008 and list them within the Book of Reference if required (See APFP Regulation 7 – Meaning of Book of Reference).
27.	Not included in the Book of Reference	<p>The extract below is taken from Table 7-2 of the draft Consultation Report:</p> <p><i>“RG Abrey Farms/AF Machinery Ltd, who are also landlords to C&D Foods & Banham Poultry Pension Fund, share the site entrance with OCO Technology”</i></p> <ul style="list-style-type: none"> • Are rights going to be interfered with? <p>When preparing a proposed NSIP application, an Applicant must consider whether consultees have an interest in the land under section 44 of PA2008 and list them within the Book of Reference if required (See APFP Regulation 7 – Meaning of Book of Reference).</p>
28.		<p>The draft Consultation Report sets out at section 7.3 <i>“Responses under S42(1)(d) of PA 2008”</i></p> <p>Any persons identified as having an interest in the land under section 42(1)(d) should be included in the Book of Reference, unless the Applicant after making diligent inquiry knows that the person is no longer an owner, lessee, tenant or occupier of the land.</p>
29.		The Applicant should be aware that each part in the Book of Reference serves a different purpose and persons may need to be identified in one or more parts.



Book of Reference		
Ref No.	Ref	Comment/Question
		For example, a person entitled to enjoy easements or other private rights over land which the Applicant proposes to extinguish, suspend or interfere with identified in Part 3 should also be recorded in Part 1 as a person within categories 1 or 2 as set out in section 57 of the PA2008.
30.		The descriptions for each plot of land in the Book of Reference do not include the area in square metres. The descriptions of each plot of land included in parts 1-5 of the Book of Reference where it is intended that all or part of the proposed development and works shall be carried out, should include the area in square metres of each plot.
31.		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 dDCO.
32.		If there is a requirement to make funds available in relation to any persons who would or might be able to make a relevant claim, the Applicant should provide a Funding Statement as part of the Application documents.

Works Plan		
Ref No.	Plan ref	Comment/Question
33.		Specific question asked by the Applicant: <i>The Land and Works Plans do not include a “key plan” as there is no benefit to this, bearing in mind the small site. Is what we have provided acceptable?</i>




Works Plan									
Ref No.	Plan ref	Comment/Question							
		There is no requirement for a 'Key Plan' on the plans provided. A Key Plan is required where a plan comprises three or more separate sheets, as per Regulation 5(4) of the APFP Regulations.							
34.		It is not clear from reading across Schedule 1 of the dDCO, Works Plan, Land Plan and Book of Reference Plan what the dDCO Proposed Development actually consists of.							
		For example Works number 14 is provided in the table below:							
		<table border="1"> <thead> <tr> <th>dDCO Schedule 1 Description</th> <th>Works Plan</th> <th>Land Plan</th> <th>Book of Reference Plan</th> </tr> </thead> <tbody> <tr> <td>Work No 14. – Workshop;</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	dDCO Schedule 1 Description	Works Plan	Land Plan	Book of Reference Plan	Work No 14. – Workshop;		
dDCO Schedule 1 Description	Works Plan	Land Plan	Book of Reference Plan						
Work No 14. – Workshop;									



Works Plan		
Ref No.	Plan ref	Comment/Question
		<p>This question applies to all Works as described in Schedule 1 of the dDCO and the Works Plan. What development is currently on site, what is proposed / being built under the TCPA PP granted by Norfolk County Council, what Works are actually required for the dDCO?</p> <p>The Works described in Schedule 1 and on the Works Plan must be clear, with an appropriate level of detail.</p> <p>It may assist the Examination (if an application is accepted) if the Applicant provided the TCPA PP approved plan as part of the Application documents, as well as a Works Plan in compliance with the Regulation 5(2)(j) of the APFP Regulations.</p>
35.		<p>Is Work Number 1 (as described in Schedule 1 of the dDCO) Work Number 1A on the Works Plan? The referencing of works should be consistent across the application documents.</p>
36.		<p>Work No 2 – silos. The silos appear to be numbered (e.g. – A1, B1, etc), although not all are unique. Does the numbering relate to the TCPA PP, for example which specific 7 silos could be constructed under the TCPA PP? It is recommended the Applicant also provide a plan identifying what has been granted permission under the TCPA PP for clarity.</p>
37.		<p>Inconsistencies</p> <p>Work Number 4 – The Key colour is a different shade of green to that used on the plan itself. The Work Plan labels this as a 'feed hopper', the dDCO refers to this as a 'sand hopper'.</p> <p>Work Number 7 – The Work Plan labels this as a 'proposed screening plant building', the dDCO refers to this as a 'portal framed screening building'.</p>



Works Plan		
Ref No.	Plan ref	Comment/Question
		<p>Work Number 8 - The Work Plan labels this as 'existing aggregate storage / processing building [and] existing aggregate storage building', the dDCO refers to this as a 'portal framed storage and vehicle loading building with roof mounted solar array.</p> <p>The above list is not exhaustive. The Applicant should correct any errors / inconsistencies.</p>
38.		<p>There appear to be Works outside of the redline boundary, for example:</p>  <p>This should be rectified.</p>
39.		<p><i>“And in connection with the above Work Nos. further associated development and/or ancillary works within the Order limits including... (b) provision of front gates...”</i>. Where are the proposed gates on the Works Plan as described in Schedule 1 of the dDCO?</p> <p><i>“And in connection with the above Work Nos. further associated development and/or ancillary works within the Order limits including...(e) road marking lines, directional signage, safety signage and entrance signage...”</i></p>



Works Plan		
Ref No.	Plan ref	Comment/Question
		<p>Where will the proposed signage be located? Is this within or outside the Order limits? If this is outside the Order limits how will this be secured?</p> <p>If the site is operational under the TCPA PP from Norfolk County Council, is there adequate space onsite for: <i>“(i) such other works, including working sites, storage areas and works of demolition, as may be necessary for the purposes of or in connection with the construction or operation of the authorised development and which do not give rise to any materially different effects from those assessed in the environmental statement.” ?</i></p> <p>The above examples are not shown on the Works Plan.</p>
40.		<p>Regulation 5(2)(j) of the APFP Regulations notes that an application must be accompanied by a Works Plan. As currently drafted, the Works Plan appears to contain images that would more commonly be found on an Indicative Masterplan.</p>



Land Plan		
Ref No.	Plan ref	Comment/Question
41.		<p>The APFP Regulations require a Land Plan to identify any land over which it is proposed to exercise powers of compulsory acquisition or any right to use land.</p> <p>A 'Land Plan' should be prepared (if required) in compliance with Regulation 5(2)(i) of the APFP Regulations and the Applicant should follow the Planning Act 2008: procedures for the compulsory acquisition of land. Annex C provides specific guidance in relation to a Land Plan.</p>
42.		<p>The Land Plan has a parcel of land within the Order Limits but not within the Order Land that is identified as being leased by Eastern Power. How is this land / access to any apparatus owned by the Statutory Undertaker proposed to be accessed by the Statutory Undertaker? Are Protective Provisions required? Is there any underground / overhead wires connected to any apparatus that are within the order land?</p>
43.		<p>Should the shared access with RG Abrey Farms/AF Machinery Ltd, C&D Foods and Banham Poultry Pension Fund be identified on the Land Plan? Are there any other users of the shared access that may be affected?</p>
44.		<p>The Applicant should ensure that references to the plan in the draft order and other documentation relating to the application correspond exactly with headings on the plan itself.</p>
45.		<p>The plots on the Land Plan should be individually numbered and should correspond with the Book of Reference.</p>



Book of Reference Plan		
Ref No.	Plan ref	Comment/Question



46.

There is no requirement for a 'Book of Reference Plan'. There should be a 'Land Plan' prepared (if required) in compliance with Regulation 5(2)(i) of the APFP Regulations and the Applicant should follow the [Planning Act 2008: procedures for the compulsory acquisition of land](#).


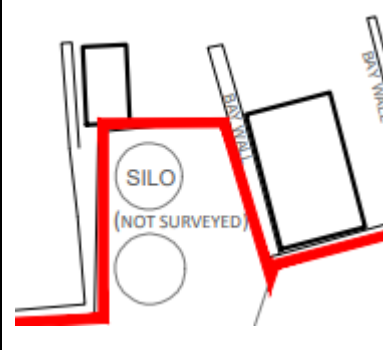
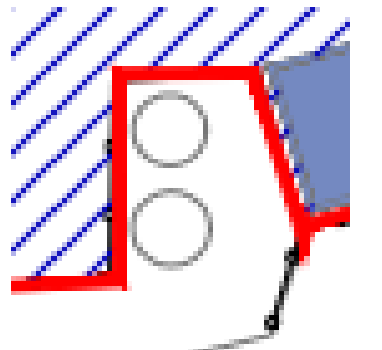
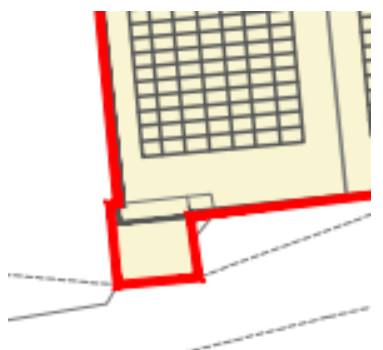
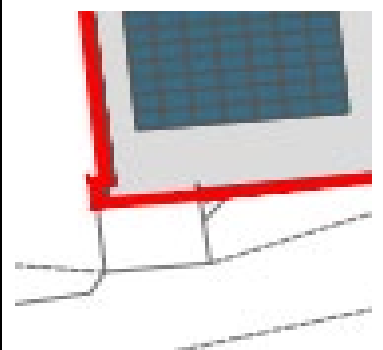
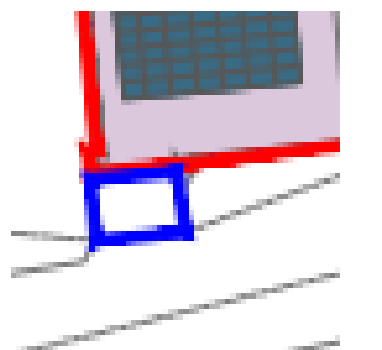

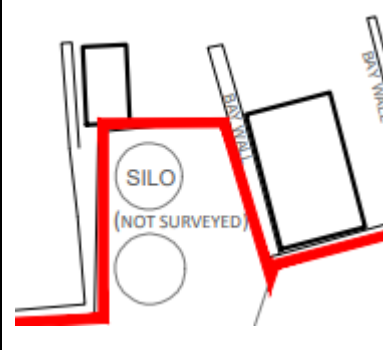
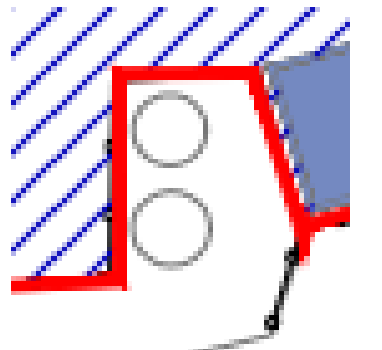
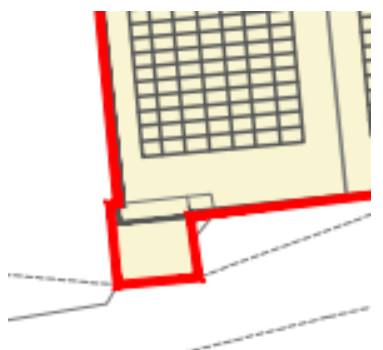
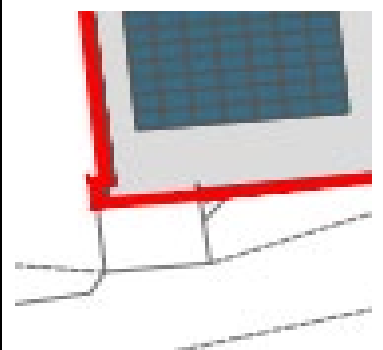
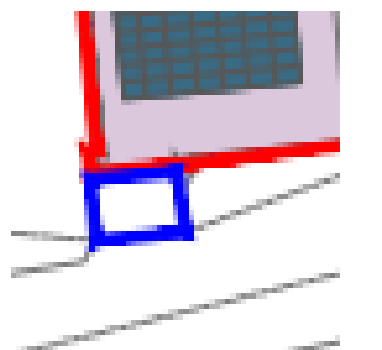

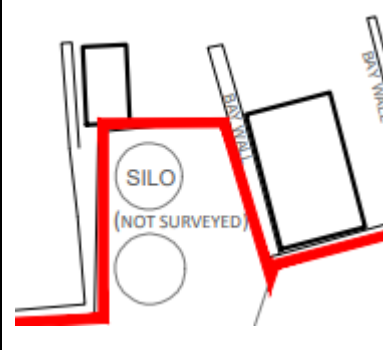
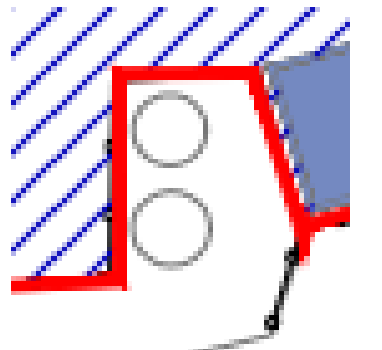
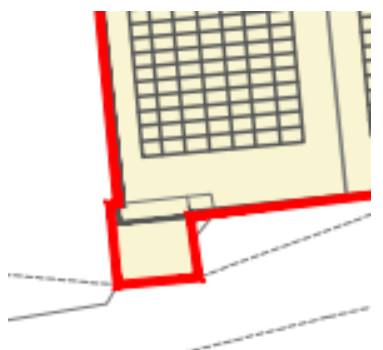
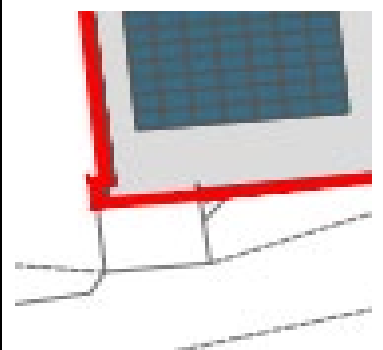
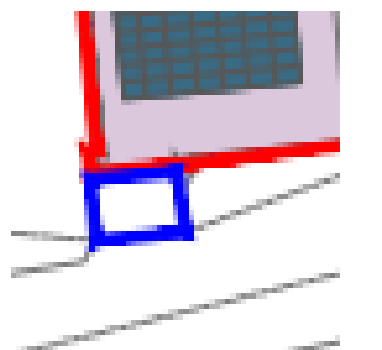
See comment on the Land Plan section of this draft document feedback for further information.

It is unclear what the purpose of the 'Book of Reference Plan' is. However, it is noted that the redline boundary is inconsistent between the Land Plan, Book of Reference Plan and the Works Plan.

In the first row of the table below the Book of Reference Plan shows the silo is within the Order limits (not within the Order land), but the Land Plan and Works Plan shows the silo is not within the Order limits

In the second row the Book of Reference Plan shows the area south west of the Waste Reception Hall being included within the redline boundary, the Land plan shows the area south west of the Waste Reception Hall not being included within the redline boundary and the Works Plan shows the area south west of the Waste Reception Hall as being not in the redline boundary but under the Applicants control.



Book of Reference Plan											
Ref No.	Plan ref	Comment/Question									
		<table border="1"><thead><tr><th>Book of Reference Plan</th><th>Land Plan</th><th>Works Plan</th></tr></thead><tbody><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>	Book of Reference Plan	Land Plan	Works Plan						
Book of Reference Plan	Land Plan	Works Plan									
											
											



Book of Reference Plan		
Ref No.	Plan ref	Comment/Question
47.		The examples provided in the table above are not exhaustive, there are other inconsistencies with the redline boundary. All Plans and application documents should be drafted accurately and consistently.

Street Works Plan		
Ref No.	Plan ref	Comment/Question
48.	1460-CAL-DR-ZZ-DR-D-SK002	The Applicant may wish to review the use of this Preliminary Site Access Design Drawing as presented adequately constitutes a Street Works Plan as required for the changes included within a dDCO to authorise the proposed development. The order contains powers outside the shown Order Limits relating to the provision and maintenance of Visibility Splays and the provision of road markings.
49.	1460-CAL-DR-ZZ-DR-D-SK002	The works made within the Highway Boundary of the Local Highway Network indicated on the Street Works Plan, whilst included in the text of the dDCO presented are located outside the order limits shown on other plans. The order limits are not shown on the Street Works Plan and the relationship between the order limits and land within the extent of land maintainable at public expense (within the Highway Boundary) could be considered to be unclear.



Street Works Plan		
Ref No.	Plan ref	Comment/Question
50.	1460-CAL-DR-ZZ-DR-D-SK002	The Street Works Plan includes tracking assessments for 16.5m articulated lorries entering and exiting the site access in a low forward gear. It could be argued that this does not constitute part of the street works included within the dDCO and therefore could more appropriately be included on other application documents rather than a Street Works Plan.
51.	1460-CAL-DR-ZZ-DR-D-SK002	There appears to be both Topographical Survey data and Ordnance Survey Mapping data as background mapping. Due to variances in the accuracy level of each data set this provides offset lines which impacts the clarity of the plans. The Give Way diagram 1003 and diagram 1009 markings appear to be aligned to the topographical survey which due to the width of the markings appears to be poorly aligned. This should be clarified.
52.	1460-CAL-DR-ZZ-DR-D-SK002	Visibility splays are shown on the Street Works Plan with a 2.4m x distance and a 215m y distance in accordance with the 100kmph y distance in the Design Manual for Roads and Bridges. However, these splays extend beyond the extent of the topographical survey and may be impacted by the inconsistency shown between the topographical survey and the Ordnance Survey mapping. The splays are not shown tangential to the kerb line but may need to be carefully defined and shown for the purposed powers in the dDCO to maintain a clear visibility splay.
53.	7. 1460-CAL-DR-ZZ-DR-D-SK002	It is noted that this Street Works Plan is actually a preliminary site access design sketch and that it is clear it should not be used for construction as this is stated on the Plan.



ES Chapter 1 – Introduction		
Ref No.	Paragraph/ Section	Comment/Question
54.	Section 1.4	<p>Specific question asked by the Applicant: <i>Is the situation with the TCPA planning permission made clear enough in the ES (Chapter 1 – Introduction)?</i></p> <p>The Inspectorate understands from ES Chapter 1 that the intention is for the dDCO (where granted) to supersede the TCPA PP; however, please see the Inspectorate’s comments at points 1 and 8 above concerning the dDCO and also comments made on ES Chapters 5 and 6 below.</p>
55.	Paragraphs 1.5.2 and 1.5.3	<p>In preparing the ES and any other application documentation the Applicant may wish to come to a definitive view for the purpose of the SoS’s decision making whether this would be a case to which section 104 (Decisions in cases where national policy statement has effect), section 105 (Decisions in cases where no national policy statement has effect) or both sections 104 and 105 would apply to some aspects of the proposed development. The way paragraphs 1.5.2 and 1.5.3 have been written in draft Chapter 1 of the ES suggest that the Applicant has not reached a definitive view about the applicability of sections 104 and 105.</p>
56.	Table 1.2	<p>It is noted that Point 18 of Table 1.2 refers to proposed Chapter 5 (“Site Selection and Alternatives”) for the consideration of alternatives; however, Table 1.1 identifies Chapter 4 (“Site Selection and Assessment of Alternatives”) as the alternatives chapter.</p> <p>Please could the Applicant clarify.</p>



ES Chapter 2 – The process

Ref No.	Paragraph/ Section	Comment/Question
57.	Paragraph 2.3.6	The Applicant may wish to confirm the date that the Environmental Permit was submitted to the Environment Agency in this chapter and/or in any 'other consents and licences' document to be provided with the DCO application, for ease of understanding.

ES Chapter 4 – Site selection and alternatives

Ref No.	Paragraph/ Section	Comment/Question
58.	General	Various abbreviations and acronyms (e.g. – B1, B2, B8, ES, EIA, DCO, APCr, TCPA, MoD and RAG) have been included in this Chapter without providing the full unabbreviated term. It should not be assumed that everyone reading the ES will read it in its entirety. Interested Parties may read the parts of the ES of most relevance/interest to them and therefore only encounter an abbreviation in the particular chapters they are looking at without seeing an abbreviation in one of the other chapters.
59.	Paragraph 4.3.2	It is recommended that the distance between the Larkshall Mill site and the Brandon site be stated in the ES to support the statements made in this paragraph regarding 'relative proximity' and the maintenance of staff and contract linkages.
60.	Paragraphs 4.4.2 to 4.4.5	This section refers to alternative technology and treatment options but does not expand on what these specifically could comprise. The Applicant may wish to expand further on the alternative technology/options considered.



ES Chapter 5 – Project description		
Ref No.	Paragraph/Section	Comment/Question
61.	Table 5.1	It is unclear if the areas quoted in this table relate to the infrastructure as it currently exists ('existing use' column) or the infrastructure as proposed under the dDCO (the 'proposed use'). The Applicant should provide further clarification here.
62.	Paragraphs 5.2.9 to 5.2.11 and Figure 5.1	It is recommended the ES include additional cross-reference here to relevant figures supporting the ES that identify the location of the landscape and ecology receptors identified in these paragraphs. Although it is noted that Figure 5.1 – Constraints Plan shows ecology designations, East Wretham Heath Nature Reserve is not apparent on this figure.
63.	Section 5.4, Paragraphs 5.4.6 to 5.4.8 and ES Figure 5.6	<p>Limited information has been provided in the chapter confirming the design parameters for the required infrastructure. Anticipated maximum parameters should be provided for the maximum number, length (m), width (m) and height (m) of all proposed infrastructure. Maximum parameters should be linked to those provided within the dDCO/certified development plans. See also points 1 and 8 above in this regard.</p> <p>There are several discrepancies between the building heights included within ES Chapter 5 and ES Figure 5.6 (Proposed Site Elevations). For example, elevation A-A and C-C of ES Figure 5.6 give a height of 15.52m for the Proposed APCr and Cement Silos, whereas elevation B-B and D-D and the information provided within paragraph 5.4.8 of ES Chapter 5 give a height of 16.2m. Paragraph 5.4.8 refers to a process water tank measuring 6m in height, however, this is not displayed on the associated plans or figures of the ES and is not referred to within Schedule 1 of the dDCO.</p> <p>Labelling is unclear in places on ES Figure 5.6 making it difficult to interpret proposed elevations, figures should be as clear and easy as possible for the reader to interpret.</p> <p>The ES description, ES figures and development plans should be consistent.</p>



ES Chapter 5 – Project description		
Ref No.	Paragraph/Section	Comment/Question
64.	Paragraph 5.8.2	The ES states here that “ <i>The majority of the HGV movements will be between 7am and 4pm.</i> ” – the Applicant may wish to consider whether, and if so how, movements outside of these hours would be controlled/secured.
65.	Paragraph 5.11.1	This paragraph states that “ <i>The overall construction period is assessed as being no greater than 8 months.</i> ” It is unclear if this construction period is for the proposed infrastructure that would be provided through the DCO or whether this timeframe also anticipates any or all elements of the granted TCPA application. It is recommended the ES clarify any assumptions made with regards to the likely constructed elements or operation under the TCPA application at the likely point of any DCO, where granted. Further clarification should be provided to ensure there is a clear understanding of the totality of effect over the whole construction period/the cumulative impact of the TCPA PP and proposed DCO.
66.	Section 5.12, Paragraph 5.12.3	The Applicant may wish to provide further detail on the decommissioning of the Proposed Development. Paragraph 5.12.3 refers to the Proposed Development being decommissioned and removed with the site being reinstated to a similar state prior to operation of the Proposed Development. For example, does this refer to the state of the site prior to the construction/operation of the development approved under the TCPA application?
67.	ES Chapter 5 and ES Figure 5.4	This chapter would benefit from further explanation of what infrastructure has been granted permission under the TCPA PP and any assumptions being made regarding the status of such permission. Noting that figures are provided for Existing Site Layout (ES Figure 5.3) and the Proposed Layout (ES Figure 5.4) and that the latter shows the dDCO application in its entirety (ie TCPA PP and DCO), the Inspectorate considers it would be helpful to provide an additional figure to show the site layout and infrastructure granted under the TCPA PP with the ES/DCO application.



ES Chapter 6 – Approach to EIA		
Ref No.	Paragraph/ Section	Comment/Question
68.	Paragraphs 6.5.4 to 6.5.7	<p>This Chapter would benefit from further explanation of the three proposed baseline scenarios mentioned in these paragraphs. At present it is not entirely clear what the ‘2022 baseline’ comprises and this should be expanded. It is assumed this is the existing site prior to the TCPA PP being enacted; however, this should be further clarified. As noted for Chapter 5 above, it would be helpful if a figure showing the TCPA PP infrastructure could be provided to aid understanding.</p> <p>The ES should also provide further explanation of the assumptions being made for the assessment ‘first future baseline’ scenario - what does this comprise?</p>
69.	Table 6.1	<p>The Inspectorate queries whether it is the intention of the Applicant to classify a ‘high’ impact on a ‘negligible’ value/sensitivity receptor as ‘moderate’ significance; given that the matrix identifies a high impact on a low sensitivity receptor as ‘minor’ significance?</p>
70.	Paragraph 6.12.1	<p>It is noted that the list of plans and projects in this paragraph, stated to be taken from the Inspectorate’s Advice Note 17, does not include ‘tier 3’ other existing development and/or approved development, such as those identified in the relevant Development Plan (where relevant). The Applicant should aim to undertake an assessment where relevant and possible, although the Inspectorate acknowledges this may be qualitative and at a very high level. The assessment should explain where uncertainty exists in the information and how this has affected confidence in the outcomes.</p>
71.	General	<p>The Applicant may wish to provide an explanation of how the ES has addressed any need for flexibility and any uncertainties with regards to design and infrastructure placement for the Proposed Development. The Applicants attention is drawn to Advice Note Nine (Rochdale Envelope) which explains the use of the ‘Rochdale Envelope’ approach under the PA2008.</p>



Consultation Report		
Ref No.	Paragraph/ Section	Comment/Question
72.		It appears that the Applicant has not consulted the Broads Authority. At EIA Scoping stage the Broads Authority were identified as a section 42 consultee. PA2008 section 43(3)(h) defines the Broads Authority as a Local Authority for the purposes of section 43 and it would therefore be a D Authority on the basis of the boundary of the Broads Authority crossing the boundary of C authority Norfolk County Council with D authority Suffolk County Council.
73.		The abbreviation 'PA 2008' in Para. 1.1.1 of the Report should be written full in the first instance (i.e. – Planning Act 2008).
74.		It may be useful if the Applicant were to provide detail on scheme development following feedback raised during consultation on the TCPA application. Para. 3.2.9 appears lacking in this regard.
75.		It may be useful if the Applicant were to more fully explain the chronology of its efforts to engage with Breckland Council and Norfolk County Council during and after the close of statutory consultation.
76.		The Applicant may wish to consider including a copy of the Planning Inspectorate's acknowledgement letter to its Section 46 notification in an Appendix (perhaps in the same appendix as the Applicant's letter).
77.		Figure 3 could be made clearer by being enlarged and thus more clearly highlighting the surrounding area. Furthermore, it may be useful if the title (Figure 3: Consultation Zone 1) was followed immediately by the Figure. As currently drafted, there is a large white space in between.



Consultation Report		
Ref No.	Paragraph/ Section	Comment/Question
78.		Table 6-4 notes that copies of consultation materials for review are available at deposit locations listed in 6.4.10. The Table also notes that enquiries and responses could be provided following the details given in 6.4.15. Paras. 6.4.10 and 6.4.15 do not exist in the Report.
79.	2.2.4	<p><i>“There are a small number of properties immediately adjacent or close to the Scheme boundary. These include two commercial properties to its south and two residential properties immediately to its west. The Applicant recognised the importance of consulting appropriately with these immediate neighbours.”</i></p> <p>How have these people been consulted / categorised? Should they have been considered under section 44 of PA2008 as Category 3 persons? Refer to reference number 26.</p>
80.		<p>All documents need to be proof read and typographical and grammatical errors corrected before an application is submitted.</p> <p>Para. 7.2.2 explains that the ‘Applicant received eight responses in total from consultees under s42(1)(a) and (b) of PA 2008’. The Applicant then proceeds to list nine consultees.</p> <p>The Applicant should include spacing between Para. 6.5.22 and Para. 6.6.</p> <p>Typographical error in Para. 6.5.15 – ‘1000 – 14000’.</p> <p>Para. 6.5.14 does not make sense.</p> <p>Please amend.</p>



Consultation Report		
Ref No.	Paragraph/ Section	Comment/Question
81.		The Applicant may wish to consider changing the layout of Table 7-1 to more clearly show how the Applicant has had regard to responses received from consultees under sections 42(1)(a) and (b). As the table is currently drafted, it is not easy to follow.
82.		Can the Applicant explain why it has not had regard to the comment made by RG Abrey Farms/AF Machinery Ltd, with respect to transport and access?
83.		The 'Regard to comment by the Applicant' column in the tables produced for chapter 7 are not fully populated. This should be rectified or explanation provided.

Habitat Regulations Assessment Screening Technical Note (hereafter referred to below as the 'draft HRA Report')		
Ref No.	Paragraph/ Section	Comment/Question
84.	Paragraphs 1.1, 1.5 and 6.6	Please note it will be for the SoS as Competent Authority, rather than the Planning Inspectorate as is stated in these paragraphs, to undertake the Habitats Regulations Assessment (HRA), including an appropriate assessment, if required.



Habitat Regulations Assessment Screening Technical Note (hereafter referred to below as the 'draft HRA Report')		
Ref No.	Paragraph/ Section	Comment/Question
85.	Paragraph 2.4	The Inspectorate notes that the heights stated for a number of proposed infrastructure (e.g. - silos) differs from that stated in draft ES Chapter 5 and on the draft development plans. Although it appears that the heights identified in the draft HRA Report are greater than those specified in the draft ES and development plans, the Applicant should ensure that the Proposed Development is consistently described, and maximum parameters assessed.
86.	Paragraph 3.21	It would be helpful to state the distance to the listed closest areas of potential habitat for breeding woodlark in this paragraph. These are identified in the draft HRA Report as the block of Forestry Commission plantation at Roudham Heath (south of the application site) and the grass heaths of East Wretham Heath.
87.	Paragraph 4.1	The Inspectorate recommends further justification be provided for the selection of a 1km distance around the site for qualifying features of European sites. This appears as a set distance with no justification for its selection provided. The Inspectorate notes the advice of Natural England that extended this area of search to 5km for in-combination effects. The area of search should reflect potential effect pathways from the Proposed Development.
88.	Paragraph 4.34	This paragraph refers to the 'Natural England (2018) guidance document'; however, full reference to this guidance is not provided in the main text or the 'References and bibliography' section. The full reference should be provided.
89.	Paragraph 4.36	The predicted air quality changes should also be expressed as a percentage of the critical load/level.



Habitat Regulations Assessment Screening Technical Note (hereafter referred to below as the 'draft HRA Report')		
Ref No.	Paragraph/ Section	Comment/Question
90.	Figure 2	It would assist the reader if specific areas of the European sites, as described in the draft HRA Report (e.g. - Sails Plantation, Roudham Heath, Langmere, Fenmere, and Ringmere), were more clearly labelled on this figure. Although these may be present in the OS base layer, they are obscured by the hatching.
91.	ES Figure 17	It would be helpful to also identify on this figure the location of the two in-combination projects described in the draft HRA Report that are located within the 5km study area.
92.	Appendix 2	The Inspectorate notes the response from Natural England at Appendix 2 includes reference to modelling/assessment of ammonia within any future air quality assessment; however, the draft HRA Report contains no information concerning ammonia. The Applicant is advised to provide a response to all points raised by Natural England, including the matter of ammonia.

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.*"