



Meeting note

File reference	TR010030
Status	Final
Author	The Planning Inspectorate
Date	January 2019
Meeting with	Highways England
Venue	Bristol
Meeting objectives	Draft documents and submission
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.

The Applicant summarised the responses from the recent targeted consultation and confirmed that the review of the project to address some responses had pushed the expected submission back to Q2 2019.

Comments on the documents were discussed and the advice can be seen in the table below.

The Inspectorate confirmed that one hard copy and 6 USBs would be required for submission and clarified the approach to confidential information. It was later confirmed that this requirement may change due to a move away from hard copy documents.



The Planning
Inspectorate

M25 Junction 10/A3 Wisley Interchange Project

PINS comments on draft Application documents

These comments relate solely to matters raised by the documents submitted to the Inspectorate in December 2018. They are limited by the time available for consideration and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

Abbreviations used

2008 Act	The Planning Act 2008	R	Requirement
A	Article	SI	Statutory Instrument
DCO	Draft DCO	SoR	Statement of reasons
EM	Explanatory Memorandum	SoS	Secretary of State
ES	Environmental Statement		

Draft Application documents			
No.	Doc Ref	HE comments on draft document	Comments
1.	Draft Index of DCO Application documents TR010030/APP/1.1	Feedback is invited on the document numbering and referencing proposed.	This document was not submitted to the Planning Inspectorate. The Applicant is advised to take a consistent approach to the application documents, including document referencing. It is recommended that the title of each document corresponds with the Electronic Index as the Index will be used to name the documents on the Inspectorate's website. You will need to ensure every file you are submitting electronically is listed on the index as 1 file per row, e.g. no folders should be included on the index. The names added to the Filename column must match the names of the electronic copy exactly; this includes the file extension (.pdf). Where possible, we ask that the filenames do not include special characters (so use "and" instead of "&" etc).
2.	Draft Introduction to the Application TR010030/APP/1.2	It is our intention to include a full description of the scheme in this document as well as in the ES (which we understand must be capable of being read as a stand-alone document). Your feedback on whether this is necessary would be helpful, otherwise we could just include one full description of the proposed Scheme within the ES and avoid any further duplication within the application documentation.	This document was not submitted to the Planning Inspectorate. The Inspectorate can see the benefit of providing a full description of the scheme in this document, as it could assist the reader to understand the scheme in full, rather than needing to review the ES to obtain this description.

Draft Lands Plans - TR010030/APP/2.2			
No.	Doc Ref	HE comments on draft document	Comments
3.	Draft Land Plans General	Note that only the first 3 of 31 sheets are submitted as a sample to show the intended presentation approach. Feedback is invited on any aspect of the three draft plans in terms of their presentation, scale and format.	The Applicant could consider the format of the Title Box to highlight the plan type and increase the size of the sheet number. It can be clearer to include the sheet number in larger font within the Drawing Titles e.g. as used in A19 / A184 Testo's Application . It would be helpful to the reader if the Key Plan could be labelled as the Key Plan. This comment applies to other key plans. The applicant confirmed that sheet numbers would be added to the title box, and it was agreed that the HE551522 drawing number information which is part of the Atkins QA process can remain on the drawings.
4.	Draft Land Plans General		The Applicant has chosen to allow plots to run across sheets, which is acceptable, however, it is difficult to find the plots. The Applicant may wish to amend the BoR to state which sheet each plot is on. The applicant confirmed that sheet numbers will be added where relevant in to the BoR.
5.	Draft Land Plans General		If the plot is outside the cutline, it could be clearer if the plot was labeled for the next sheet. For example, plot 1/44 is on sheet 1, but would be appropriately labeled as 2/-- and plot 3/14, is below the cutline and so on Sheet 3.
6.	Draft Land Plans General		The Applicant may wish to review plot boundaries and plot lines e.g. the shared boundary between Plots 2/12 and 2/14 and the line pointing to 2/11. The Applicant may wish to consider using a different colour to the Order Limits (red) to depict plot boundaries. See M20 Junction 10a as an example of where a contrasting colour has been used to depict plot boundaries. The applicant confirmed that a thicker line will be used to show the DCO boundary and thus improve the distinction between the DCO boundary and individual plot boundaries.

7.	Draft Land Plans Sheet 2 of 31		<p>The land plan key describes land in orange as “<i>land not subject to compulsory acquisition or temporary possession</i>”. We would encourage the Applicant to consider providing further explanation within the submission documents.</p> <p>The applicant confirmed that an explanation would be provided within explanatory text included with the Land Plans – to become application document reference TR010030/APP/2.2 when submitted.</p>
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Draft Works Plans - TR010030/APP/2.3			
No.	Doc Ref	HE comments on draft document	Comments
8.	Draft Works Plans General Comments	<p>All 31 sheets of the draft Works Plans are provided for review. The plans and frames for the Works Plans, Land Plans and Streets, Rights of Way and Access Plans have been prepared at the same scale to enable ease of comparison. Note: limits of deviation have still to be confirmed in places and we are aware that there are a number of LOD errors yet to be corrected. Where there are outstanding matters still to be confirmed these have been annotated on the plan. Feedback is invited on presentation, scale, clarity and scope of the information shown.</p>	<p>The Applicant may wish to provide a justification for the use of the pink overlay to show the limits of deviation for this project. This was queried through s51 advice at Acceptance for the A19/A184 Testo’s Junction Improvement project, which led to a response by Highways England.</p> <p>The applicant confirmed that the shading had been used to provide greater clarity given the complexity of the information contained on the plans. A note to this effect will be included within the explanatory text accompanying the Works Plans – which will become application document TR010030/APP/2.3 when submitted. An overlay of land plots in relation to the Works Plans can be provided if required separately, but it was agreed that adding this information to the Works Plans for the purposes of submission would make the Works Plans difficult to read.</p>
9.	Draft Works Plans General Comments		<p>The key identifies a “Scheme Layout” annotated with a black Line. There are grey lines on the plan which are not included in the key. You may wish to consider making the scheme layout clearer or including other information in the key to enable readers to differentiate between features.</p>

			The applicant agreed to add in an extra key item to help indicate the difference between the existing highway shown on the base plans and the proposed scheme layout. It was agreed that retaining the proposed scheme layout on the Works Plans was helpful for providing context.
10.	Draft Works Plans and draft DCO		<p>In Schedule 1 of the DCO, works are given numbers and letters to reference each Work, these are used in the text identifying which administrative area the works are situated. Work No. 1 is identified as 1, although it consists of parts (a), (b) and (c), and Works No. 23 is identified as 23(a), 23(b), 23(c), 23(d), 23(e), 23(f), and 23(g). It appears that the other parts of Works No. 23 appear in a different Administrative area, but this isn't immediately clear to the reader or you may wish to consider providing an explanation of your approach.</p> <p>The applicant confirmed that Schedule 1 will be amended to itemise all sub-works for clarity as to which local authority they are situated within.</p>
11.	Draft Works Plans General Comments		<p>The Applicant could consider how location identifiers are used on the drawings. E.g. The location of the text 'Ockham North Junction' relative to the feature (Sheet 1) and the size and location of the text for 'M25 Junction 10 / A3 Wisley Interchange' (Sheet 5). It was agreed that the size of some labels should be increased and that on sheet 5, the label identifying the M25 J.10/A3 interchange should be moved to the bottom right hand corner of the plan rather than moving it in a manner that might obscure relevant information beneath.</p>
12.	Draft Works Plans and draft DCO		<p>Work No.1 states that this Work can be found on Sheets 1, 2, 3, 4 and 5. This is correct for 1(a), but incorrect for 1(c) which only appears on Sheet 3 (as described in the DCO). This leaves uncertainty as to where 1(b) should be found. The Applicant may wish to consider whether it would be clearer to place the Sheet numbers against each part, particularly, where there are differences between them. This is done for other Works e.g. the</p>

			<p>sheet numbers are identified in each sub-part for works 23. Or you may wish to consider providing an explanation of your approach. The applicant confirmed that sheet numbers would be listed for sub-works where necessary but explained that the sub-elements were components of the main work. It was agreed that retaining the sub-elements within the descriptions of the works in schedule 1 was helpful and provided useful clarity on the nature and extent of specific elements of the works. The applicant undertook to explain this within the explanatory text accompanying the Works Plans, (this will become application document TR010030/APP/2.3 once submitted). The applicant also undertook to review some of the works in Schedule 1 and consider whether further sub-division of descriptions would be helpful to demonstrate consistency with the Streets, Rights of Way and Access Plans.</p>
13.	<p>Draft Works Plans</p> <p>Sheet 8 of 31</p>		<p>On Sheet 8, there is a work labelled as "44", however, Schedule 1 of the DCO lists works under Work No. 44 in sub-parts. The Applicant is advised to review the numbering of Works or to provide an explanation of your approach. As a comparison we draw your attention to <i>Sheet 1 of 31</i> where Works No.1 is labelled as Work No.1a and Work No.1b, and there is no Work 1.</p>
14.	<p>Draft Works Plans</p> <p>Sheet 12 of 31</p>		<p>The Applicant is advised to check the symbols on the Works Plans to make sure they are consistent or to provide an explanation of your approach. E.g. on Sheet 1 of 31 and Sheet 5 of 31 Works No.1a has a symbol for both the commencement and terminating points. However, on Sheet 11 of 31 and Sheet 12 of 31 Works No.46 doesn't have these commencement and terminating points. The applicant explained that some works, incorporating spurs to tie in to other side roads or public rights of way may have more than one commencement or termination point. It was agreed that this would not undermine the validity or soundness of the Plans.</p>

Streets, Rights of Way and Access Plans - TR010030/APP/2.4			
No.	Doc Ref	HE comments on draft document	Comments
15.	Streets, Rights of Way and Access Plans Sheet 1 of 31		The Inspectorate advises you to compare the Streets, Rights of Way and Access Plans and Works Plans to ensure that all works appear correctly on the plans or perhaps to explain your approach within the documents. We draw your attention particularly to Street work 1/3 and Work No. 31. See 12 above.

Other Plans			
No.	Doc Ref	HE comments on draft document	Comments
16.	Special Category Land Plans TR010030/APP/2.5	Given that there are different types of Special Category Land likely to be affected by the Scheme (a mix of registered common land and other land comprising public open space) and that there will be different powers sought within the DCO, in terms of acquisition of title, acquisition of rights and temporary possession, we consider this information is better shown on a separate set of plans rather than on the Land Plans. Feedback is invited on this intended approach. Note: The Scheme will make provision for replacement land in line with sections 131 and 132 of the	<p>The application form guidance states in paragraph 23: <i>The main purpose is to identify the land that is required to be used for the proposed development, and land that would be affected by it. The Applicant must also use this plan to show any land or rights that will be subject to compulsory acquisition, etc., and any replacement land or special category land.</i></p> <p>The Applicant has suggested that Special Category Land and Crown Land will be reflected on separate plans, which is acceptable if this is more user-friendly and provides better clarity than having these category land parcels depicted on the Land Plans. These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs.</p> <p>The applicant explained that there are still some outstanding de-registrations and registrations of common land and exchange land associated with historic M25 works to be formally</p>

		Planning Act 2008.	completed. Whilst it is anticipated that the transfers of title and appropriate amendments to the register will be completed shortly, it is unlikely that they will be fully resolved at the time of submitting the DCO application. The applicant confirmed that the DCO application, including assessments and proposals for replacement land, will be predicated on the situation as it should be once the registers are amended. This will ensure that replacement land requirements are not under-estimated.
17.	Crown Land Plans TR010030/APP/2.6	As for special category land above, we consider this information will be more clearly shown if presented on a separate set of plans. The Scheme will affect an area of Crown Land in the vicinity of the Ockham Park junction at the southern end of the Scheme. Feedback is invited on the proposal to submit a separate plan.	See comment for Special Category Land Plans.
18.	Classification of Roads Plans TR010030/APP/2.7	We consider that this information can be incorporated in the Plan set 2.4 above but welcome your feedback before removing this as a separate plan set from our submission list.	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs. It was noted that the classification of roads had been incorporated within the Streets, Rights of Way and Access Plans and the Applicant confirmed that these plans provided sufficient clarity without the need to submit a separate set of classification plans.
19.	Traffic Regulation Measures Plans TR010030/APP/2.8	It may be possible to combine with Speed Limits and reduce the number of plan sets. Is this something that would be preferred?	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs.

20.	Speed Limit Plans TR010030/APP/2.9	As for 2.8 above.	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs. You may wish to review other projects to see how this was addressed.
21.	Proposed Scheme Layout TR010030/APP/2.10	We intend to submit a set of Scheme Layouts showing key features of the scheme on one plan set. This plan set is being prepared at the same scale as the Land Plans, Works Plans and Streets, Rights of Way and Access Plans to enable ease of comparison and for clarity. Feedback is invited on whether a single overarching scheme sheet (which is only likely to be legible at A0) would also be welcome.	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs. Any plans which are legible, and the Applicant feels would provide assistance in understanding the project would be of benefit to readers. The applicant will provide a single sheet version of the Scheme Layout Plans at A0 to supplement the 1:1,000 plans which cover 31 separate sheets.
22.	Nature Conservation Sites and Features plans TR010030/APP/2.13	We are intending to submit a set of 1:2,500 layouts on 9 sheets covering the immediate area of the Scheme. The ES will contain figures showing a wider context and at a smaller scale. Is this approach acceptable to you to meet the application acceptance requirements?	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs. The plans should be clear enough to identify the features, with a clear key and appropriate scaling. The applicant presented samples of the plans at the meeting and the scaling used (1,2,500 was agreed as being acceptable for the purposes of the plan). The applicant noted that wider context plans would be provided within the ES.
23.	Historic Environment Sites and Features plans TR010030/APP/2.14	As above for 2.13.	These documents were not submitted to the Inspectorate, we advise that the Applicant should ensure that these plans are clear and legible and defined in Document 1.2 and consistently referenced across docs. The plans should be clear enough to identify the features, with a clear key and appropriate scaling;

			<p>historic buildings may need a larger scale than nature conservation sites.</p> <p>The applicant presented samples of the plans at the meeting and the scaling used (1:2,500) was considered acceptable for the purposes of this plan. The applicant noted that wider context plans would be provided within the ES, as well as detailed information where relevant.</p>
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Draft Development Consent Order - TR010030/APP/3.1			
No.	Doc Ref	HE comments on draft document	Comments
24.	<p>Draft Development Consent Order</p> <p>General comments</p>	<p>Please note – the Draft Order and Schedules have been written in parallel and therefore there may be instances where articles referred to in the Schedules have yet to be updated. The Schedules have not been incorporated into the SI template at this stage because they are in a continual process of updating. Feedback is invited on any aspect of this draft document and the level detail provided in the Schedules as they currently stand. The traffic regulation aspects in Schedule 3 have yet to be completed and we are still working on speed limit and highway classification matters, in consultation with Surrey County Council as the local highway authority.</p>	<p>The Applicant will be asked to maintain a list of all plans and other documents that will require Secretary of State certification (including plan/document references), updated throughout the examination process, and supplied to the Examining authority before the close of the examination.</p> <p>The application DCO and any subsequent versions of the submitted to the examination:</p> <ul style="list-style-type: none"> • should be supplied in both .pdf and Word formats, the latter showing any changes from the previous version by way of tracked changes. • should be accompanied by a document explaining the changes made– see e.g. Document explaining changes made to DCO for Deadline 5 in the A19 (Testo's Junction) DCO examination <p>The examination timetable will usually provide a deadline for receipt of the Applicant's final or preferred version of the DCO. That version should be supported by a report of the outcome of validating it through the Publishing section of the legislation.gov.uk website</p>

25.	Draft Development Consent Order General comments		The description of the development in the DCO should make explicit the subsection(s) of s22 of the PA2008 that apply to the proposed development i.e. whether the proposed development comprises the construction of a new road, or the alteration or improvement of an existing road (or any combination of these) and the scheme parameters in relation to this. See also 27/28.
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Explanatory Memorandum - TR010030/APP/3.2

No.	Doc Ref	HE comments on draft document	Comments
26.	Explanatory Memorandum	No specific comments – feedback invited on any aspect of the draft document.	The Applicant should provide reasons why the provisions are necessary and appropriate for this particular order – see PINS Advice Note 15. References to the use of articles in previous Orders or the Model Provisions are useful, however the EM should make sure to identify and justify the use as well as any changes. The Applicant may wish to review the Testo's ExA report (section 4.7) and the SoS decision letter (para 19).
27.	Explanatory Memorandum		<p>The draft Explanatory Memorandum (dEM) should draw distinction between all works within a DCO and explain in detail how those works relate to the tests set out in s22 of the PA2008. Clear and consistent evidence should be provided setting out how a proposed work(s) qualifies as an NSIP and whether or not the proposed works may comprise more than one NSIP.</p> <p>Where s22(2)(c) or s22(3)(c) of the PA2008 is relied upon to demonstrate NSIP status, the dEM should make explicit the extent of works and how that extent relates to the thresholds set out in s22(4) of the PA2008. Supporting plans could usefully be provided to demonstrate assertions relating to the extent of works and associated thresholds.</p> <p>The Applicant is advised to ensure that the DCO and EM have been fully updated to reflect changes, e.g. inclusion of the Smart Motorway scheme, in regard to the definition of the NSIP and</p>

			associated development.
28.	Explanatory Memorandum		The EM, section 2.6, describes the works which are integral to the NSIP i.e. the M25j10 roundabout circulatory carriageway and A3, including slip roads. The Inspectorate would like confirmation that the Applicant considers that the works on the motorway are associated. It would be worth the Applicant considering further justification of this position within the EM section 3.
29.	Explanatory Memorandum		<p>The EM should justify the extended definition of “maintain”, in particular the inclusion of “adjust”, “alter” and “remove” which are outside the natural meaning of “maintain” and could allow variations of the scheme as may be approved.</p> <p>The EM should also explain why the maintenance powers available to highway authorities under the Highways Act 1980 are insufficient.</p>
30.	Explanatory Memorandum		The EM should explain the effect of the provisions to be disapplied and justify their disapplication in paras 5.10-5.13 - Article 3.

Book of Reference TR010030/APP/4.3

No.	Doc Ref	HE comments on draft document	Comments
31.	Book of Reference General comment	Please note: for the draft being submitted today, we are providing just those pages relevant to the first three sheets of the Land Plans. The final document will also include explanation of the structure of the BOR and will be presented in line with Highways England’s standard template. Feedback is welcome on any aspect of the	<p>The guidance (“Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land”, Annex D, in particular paragraphs 9 and 10) suggests that sections of the BoR should cross-refer to the relevant articles in the Draft DCO.</p> <p>If the Applicant does not consider it feasible to amend the tables themselves, some additional explanatory text would be useful, perhaps to explain the text in square brackets e.g. [Title Acquisition]. A desirable approach can be seen in M20 Junction 10a or a hybrid approach can be seen in Lake Lothing Third River Crossing.</p>

		draft document, including the way in which plots are described. We are aware that there still needs to be an exercise to ensure that any descriptions in the BOR are suitably referenced also on the Land Plans.	
32.	Book of Reference General comment		The Applicant should ensure anyone listed in Part 3 of the BoR is also listed in Part 1. Please see paragraphs 7, 8 and 10 of Annex E of the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land'.
33.	Book of Reference Part 2		In Part 2 of the BoR, the Applicant may wish to consider removing rows which have no category 3 persons within it, rather than stating 'none'. This would make for a more concise part which only contains plots where someone is affected.

Draft Consultation Report (CR) - TR010030/APP/5.1

No.	Doc Ref	Document Extract	Comment
34.	2.1.1, table 2.1 and Annex D	Table and Annex contents	The Inspectorate notes that the Order Limits have changed since the issuing of the Regulation 11 list of consultation bodies and, therefore the list of Local Authorities may also have changed. The applicant undertook to provide the Inspectorate with an up to date Shape File for the Scheme so that the status of some bodies on the Regulation 11 list can be confirmed and agreed.
35.	2.1.1 and 2.2.1	Highways England identified SCC, GBC and EBC as the host local authorities for the purposes of preparing the SoCC. Highways England also identified and consulted with each local authority within Section 43(2) of the PA 2008. Highways England notified t SCC, GBC and	The Applicant is advised to review paragraph 2.1.1 which seems to suggest that all LAs were consulted on the SoCC and paragraph 2.2.1 which confirms that 3 host authorities were consulted.

		EBCof the draft SOCC, with electronic copies of the draft document and notification letter emailed to the responsible officers on the 27 November 2017.	
36.	Annex E and J	<p>Taken from 3.2.9 - A list of land interests consulted, with their interest in the land noted, during the statutory consultation is provided in Annex E.</p> <p>Taken from 4.1.1 - Full details of the responses received to the Section 47 consultation can be found in Annex J.</p>	<p>The Inspectorate does not release personal details until an application is accepted, therefore, the Applicant may wish to remove personal details from the consultation report e.g. Annex E, and possibly Annex J. Alternatives methods have included the use of unique reference numbers tied to the BoR. The Annexes were not submitted for review.</p> <p>The applicant undertook to consider the matter further, as to whether a redacted version will be provided for publication ahead of acceptance or a different reference numbering system be used.</p>
37.	2.2.2	The Inspectorate advised of no changes required to the SOCC.	The Inspectorate provided no additional s51 advice.
38.	3.2.4	Further details on the Local Authorities identified in Section 43 of the PA 2008 are included in section 3 of this report.	The Applicant should consider whether a more accurate reference would aid the reader as the statement see section 3 is made within section 3.
39.	3.3.6	A second letter was sent to all Section 42 consultees outlining that a revised consultation brochure had been published on the 16 February 2018.	The Applicant should consider explaining why a revised consultation brochure was required and whether this impacted the statutory consultation timeframe.
40.	General		It is noted that a map to illustrate the locations of where the SoCC was made available, in relation to the order limits, would be helpful to judge whether their locations were reasonably convenient for the public to get to.

Draft HRA Stage 1 Screening Report - TR010030/APP/5.3

No.	Doc Ref	Document Extract	Comment
41.	All	General	<p>Given that there is no formal screening process under the Habitats Regulations, could the Stage 1 document and the HRA Report document be combined into one report?</p> <p>This was discussed further at the meeting and given the size of the documents it was agreed that the stage 1 document can remain separate.</p>
42.	Paragraph 2.2.3		<p>The report states that SACs designated for bats beyond 200m for the ARN are screened out for air quality effects on habitats. Bats are the only feature screened it for Mole Gap SAC, due to distance from the proposed DCO boundary. These decisions should be reflected in the matrices eg footnote restating the screening process against these features (Features 2-7 in Matrix 2 and Feature 3 in Matrix 3 are blank, as if non-applicable, however these should be completed demonstrating that pathways for effects have been screened out).</p>
43.	Paragraph 2.5.6		<p>The report states agreement with NE that the assessment should focus on the Ockham and Wisley Commons SSSI component of Thames Basin Heaths SPA. The correspondence related to this should be included with the report.</p> <p>The applicant confirmed that it would be submitting an HRA Consultation Report as part of the DCO application/HRA document to evidence engagement etc.</p>
44.	Table 6		<p>Emissions to Mole Gap to Reigate Escarpment SAC -when describing the lack of hydrological connection should this text say the Proposed Development is downstream of the SAC rather than upstream?</p>
45.	Section 5, Paragraph 5.1.1		<p>Potential impacts – it is not clear that the potential spread of invasive non-native plant species has been considered as an impact of the scheme which could affect habitat quality, although it is noted that this impact is included as part of the</p>

Draft HRA Stage 1 Screening Report - TR010030/APP/5.3

No.	Doc Ref	Document Extract	Comment
			hydrological impacts in the Draft HRA Report (see Comment 84 below). As well as non-native species the spread of scrub has also been identified as a key threat to the SPA in the Draft HRA Report (see below). The report should clearly set out how these potential impacts have been considered.
46.	Section 2.5, Table 4	How has the applicant assessed in-combination effects?	<p>This section refers to allocated sites before explaining about local plans, it might be clearer if the text was restructured slightly.</p> <p>Table 4 presents HRAs of local plans. In relation to impacts from increased visitor pressure SANGS are relied upon to rule out LSE (by the local authorities). Have the implications of the People over Wind ruling be considered with respect to the in-combination assessment? Would this information be better placed in the in-combination information within the appropriate assessment?</p> <p>It is understood that NE have advised to focus the in-combination assessment on local plans – does this mean that other development has been not been considered in relation to in-combination? The relevant correspondence from NE regarding the approach to the in-combination assessment should be included in the submitted information.</p>
47.	Paragraph 1.1.7 – 1.1.9		<p>We would ask that the extract from PINS Note 05/18 is removed. This note is intended as internal advice for Inspectors and reference to it in this way may be confusing to consultees including the public. It is sufficiently clear to state that the exercise was reviewed in light of the People over Wind judgment (which the Stage 1 report and HRA Report have both done).</p> <p>Para 1.4.3 states that the screening stage decision does not include consideration of avoidance or reduction measures in light of the case law, however see comments related to SANGS in comment 76 above.</p>

Draft HRA Stage 1 Screening Report - TR010030/APP/5.3

No.	Doc Ref	Document Extract	Comment
48.	Appendix B	Matrices	<p>It would be helpful if the matrices were not split across pages. The footnotes 'a' and 'b' are used multiple times under different impact headings in the text and are repetitive. Would it be clearer to remove the headings and use a,b,c,d,e,f,g etc to denote the specific impacts, and then within the footnotes refer to multiple Features where that is appropriate? Eg Habitat loss (footnote a, b) then justify position for all Features it applies to</p> <p>Degradation of habitats resultant from changes to air quality (footnote c,d) then again set out the position for all Features it applies to.</p> <p>The footnotes should make reference to evidence on which the outcomes have been based, including evidence from the ES where applicable.</p>
49.	Appendix C	Meeting notes	The meeting notes do appear to relate to the M25 project however the title on the notes is for a different scheme – it has been assumed this is a typographic error which needs to be rectified.
50.	Paragraph 3.1.1		Please see comment 77 above. It is sufficiently clear to state that the exercise was reviewed in light of the ruling (which the Stage 1 report and HRA Report have both done).
51.	Table 1	Design mitigation measures	The report should explain how anti-dazzle fencing is expected to reduce noise impacts.
52.	Paragraph 4.2.32		It would be helpful if the report could demonstrate how the six transects used to assess nitrogen deposition were chosen and to what extent these were discussed with Natural England (or make reference to the ES if this is where this information is provided).

Draft HRA Stage 1 Screening Report - TR010030/APP/5.3

No.	Doc Ref	Document Extract	Comment
53.	Paragraph 4.2.37	..predicted technological improvements in vehicle emissions.....the effect would not be significant	Baseline levels of nitrogen deposition are not presented and the assumption of future reductions in emissions has not been quantified. Reference to evidence in the ES should be provided that demonstrates the basis for this statement and the related conclusions in Paragraph 4.2.40.
54.	Paragraph 2.3.3 and Paragraph 4.2.42	2.3.3 Points 5 (scrub control) and 6 (invasive species); and 4.2.42 Point 5 – Disturbance of non-native species	The potential impact from spread of invasive non-native species is explained as part of the hydrological impacts in the report. However this impact is not discussed in the screening stage in the Stage 1 Report. The impacts identified at the screening stage should follow into the appropriate assessment so the overall HRA can be clearly understood.
55.	Section 4		This section repeats much of the information shown in the mitigation section (Section 3), consideration could be given to restructuring the report slightly to avoid this and reduce the overall length. The tables in Section 3 are clear and set out the embedded mitigation and additional measures in a helpful way.
56.	Paragraph 5.4.6 Paragraph 5.4.10	Alternatives	<p>The Applicant should be able to demonstrate that there are no alternative solutions to the project that would have a lesser effect or avoid an adverse effect on the integrity of the SPA.</p> <p>It will be important for the report to explain whether, of the initial 21 options identified, any met both the scheme objectives and had a lesser effect or avoided an adverse effect on the SPA, but were discounted, and if so, on what grounds? The report provides limited detail in this regard and appears to place greater emphasis on the economic factors influencing scheme design decisions. The report should explain</p>

Draft HRA Stage 1 Screening Report - TR010030/APP/5.3

No.	Doc Ref	Document Extract	Comment
			<p>how the final design has been informed with reference to relevant case law including consideration of 'reasonable alternatives' and 'no other satisfactory solution'.</p> <p>Rejection of option 16 – was this decision primarily based on cost or did environmental considerations (including the greater land-take) have a bearing? The text in Paragraph 5.4.16 is noted in this regard.</p> <p>It was noted that insufficient clarity on these points would be likely to impact on the strength of the case. The applicant undertook to address the points raised above.</p>
57.	Section 5, 6, and 7		<p>Alternatives, IROPI, and compensation – the developer is advised to ensure at acceptance that the report sets out consultation on these matters with the SNCBs and that any relevant correspondence held is included with the submission.</p>
58.	Paragraph 6.1.1, 6.4.1, 6.4.18	..the Planning Inspectorate will need to judge whether there are imperative reasons of overriding public interest..	<p>Please note that the competent authority is in fact the SoS for Transport and therefore they hold this responsibility. These paragraphs and any other instances of this error should be amended to reflect this.</p> <p>As a general comment on Section 6 the information supplied, along with the information in Section 5 on the need for the Proposed Development, would appear adequate to satisfy the test at acceptance with respect to IROPI.</p>
59.	Paragraph 6.3.4		<p>This paragraph has a reference missing denoted by 'Error! Reference source not found'.</p>
60.	Paragraph 7.1.10any requirement for additional land to be included ...will be resolved at the next stage	<p>The Inspectorate advises that the compensatory package is completed and agreed (as far as is possible) before the application is made.</p> <p>The applicant confirmed the intention to record this within a Statement of Common Ground with Natural England and to submit an HRA consultation report documenting</p>

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No.	Doc Ref	Document Extract	Comment
			engagement and agreement on the compensation package.
61.	Draft HRA Figures	Figure 2	The Inspectorate recommends that the key depicting SPA Compensation Land, SPA Enhancement Area, and Replacement Land is made clearer– perhaps by use of different colours/patterns.
62.	Draft HRA Figures	General	There are variations in the proposed DCO boundary between the figures, in particular noted between Figure 1 and Figure 3 and between these and Figure HE551522-ATK-EBD-XX-GB-GI-000001
63.	Draft HRA Figures	General	It is advised to adjust the scale to show the entire proposed DCO boundary, and the other land parcels of importance. The current presentation does not show the entire extent of the proposed DCO boundary, the permanent and temporary land take in relation to the SPA, and the extent of the compensation proposals.

Water Framework Directive Assessment TR010030/APP/5.4

No.	Doc Ref	Document Extract	Comment
64.	Paragraph 3.3.13	WFD Protected Areas	It is for the Applicant to provide sufficient evidence to demonstrate that no further consideration of WFD protected areas (i.e. Nitrate Vulnerable Zones and Surface Water Safeguard Zones) is required. In such instances, evidence of the agreement with the EA should be provided with the DCO application.
65.	Paragraph 2.2.2	Stratford Brook (Figure 2)	Has the potential for excavation associated with the works (and/or with enhancement features and habitat improvements) to cause increased sedimentation and downstream impacts to habitats (e.g. smothering of spawning gravels) been considered?

66.	Paragraph 3.3.3	WFD assessment method	With regards to environmental permitting it is advised that the detailed permitting requirements (Inc. full list of all permits, consents, and licences with associated timescales) is included within the DCO application. Co-ordination with other permitting regimes should be referenced through relevant reports e.g. the WFD (and HRA) reports where appropriate.
67.	Paragraph 3.3.8	Scoping	As per the screening stage, Applicants should discuss their WFD scoping with the EA and provide relevant correspondence with the DCO application,
68.	Paragraph 5.4.6	Culverts	Has the risk of debris blockage been considered, with respect to potential impediment to fish movement flooding effects? This may be relevant to construction and operation (for example as a result roadside litter).
69.	Paragraph 5.3.2		It would be helpful to include relevant details on the feasibility studies used to inform the mitigation design, perhaps in combination with the reporting of consultation undertaken.