

Dear Michele,

Planning Act 2008 – Section 51

Application by Highways England for an Order Granting Development Consent for the A585 Windy Harbour to Skippool Improvement Project

Responses to advice following issue of decision to accept the application for examination

Please find below a response to the S51 advice together with a WeTransfer link to the required files.

- S42(1)(a) persons
 - The parties outlined have been included in the list to be notified of the acceptance. No files uploaded.
- Duty to publicise
 - The notification will be published in the Lloyds List and Fishing Journal. No files uploaded.
- dDCO,
 - Amended. Clean and tracked changes versions available via WeTransfer link.
- BoR
 - The BoR has been revised. Clean and tracked changes versions available via We Transfer link.
- Environmental Statement – Non-Technical Summary
 - The document has been amended . Clean and tracked change versions available via WeTransfer link.
- Habitats Regulations Assessment
 - The references in the matrices in Appendix 4 of the document have been updated. Clean and tracked change versions available via We Transfer link.
- Furthermore, as a consequence of the changes to the BoR, updated versions of the Land Plans, Crown Land Plans and Statement of Reasons have also been provided for clarity and consistency.

A response to each of the Planning Inspectorate comment has been provided in the table below.

	Planning Inspectorate Comment	Response	See updated document
Section 42(1)(a) persons	<p>As detailed in the published Checklist (Box 6) there are a number of potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the Pre-application stage. These are:</p> <ul style="list-style-type: none"> • Network Rail • Harlaxton Gas Networks Ltd • Murphy Gas Networks Ltd • Eclipse Power Network Ltd • Energy Assets Networks Ltd • Fulcrum Electricity Assets Ltd • Murphy Power Distribution Ltd • Vattenfall Networks Ltd <p>Unless there is a good reason in each case why the Applicant considers that these bodies are not relevant to the Proposed Development, the Applicant is advised to include these bodies, or their appropriate successors, in the notification process for the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular notification should explain the process by which they may make Relevant Representations during the advertised period.</p>	<p>Accepted, the team has carried out a review of the relevant bodies to be consulted. From the list of 8 bodies listed, 6 have been included to receive the notification of the Section 56 and provide an opportunity to make relevant representation. The bodies include;</p> <ul style="list-style-type: none"> • Harlaxton Gas Networks Ltd • Murphy Gas Networks Ltd • Eclipse Power Network Ltd • Energy Assets Networks Ltd • Fulcrum Electricity Assets Ltd • Murphy Power Distribution Ltd <p>The following two bodies have not been included on the S56 consultee list;</p> <ul style="list-style-type: none"> • Network Rail – On 16 July 2015 Network Rail confirmed that they did not believe that any apparatus was affected by the scheme. The scheme extents have not extended towards any NR assets, //so we do not consider that they would require consultation. • Vattenfall Networks Ltd - Following a review using LinesearchBeforeUDig it was concluded that the Statutory Undertaker is not affected by the Scheme based on the existing red line boundary. 	-
Duty to publicise	As detailed in the published Checklist (Box 19) the Applicant is advised to publish their notice	Accepted. The notice is to be published in the Lloyds List and the “Fishing News”.	-

	of acceptance of the application in Lloyds List and an appropriate fishing trade journal, in accordance with Regulations 8 and 9 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.		
Draft Development Consent Order (dDCO)	<p>It is noted in the Checklist (Box 30; Regulation 5(2)(b)) that there are some inconsistencies within the dDCO.</p> <p>The Applicant is advised to carry out a full review of its dDCO, particularly cross-references between this document and the various related plans, to ensure that all information is recorded accurately.</p>	Accepted. The dDCO has been updated, in particular Schedule 1, 3, 7 and 11 have been amended to address the specific comments raised.	TR010035/APP/3.1 Rev 1
Book of Reference (BoR)	<p>A number of discrepancies have been noted in the Checklist in relation to the BoR (Box 30; Regulation 5(2)(d)). The Applicant is advised to carry out a full review of the BoR including careful consideration of:</p> <ul style="list-style-type: none"> • The persons listed in Part 3 as having an easement, or other private right, over particular plots of land to ensure that these persons are also listed in Part 1 as having an interest in the relevant plot of land • The cross-references between this document and the Land Plans • The descriptions provided of various plot locations <p>The Applicant is advised to ensure that all persons in the BoR are included in the</p>	<p>Accepted.</p> <p>Updates have been made to Part 1 and Part 3 of the Book of Reference to ensure alignment in situations where a party has an easement, or other private right, over particular plots of land.</p> <p>The parties detailed in the Book of Reference will receive notification of the scheme outlining the</p>	TR010035/APP/4.3 Rev 1

	<p>notification process for the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular notification should explain the process by which they may make Relevant Representations during the advertised period.</p> <p>It is also noted in the Checklist that there are a number of inconsistencies relating to Part 4 of the BoR. The Statement of Reasons (SoR) indicates that the Duchy of Lancaster has an interest in a number of plots of land and the Crown Land Plans identify the Crown Land that belongs to the Duchy of Lancaster. The Applicant is advised that Part 4 of the BoR should record the owner of the Crown interest in a particular plot of land and not the owner of any other interest in that plot.</p> <p>The Applicant is advised to have regard to Annex D of the DCLG 'Guidance related to procedures for the compulsory acquisition of land' and Regulation 7(1)(d) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and carefully consider the information recorded in Part 4.</p>	<p>process to make Relevant Representations.</p> <p>Part 4 of the Book of Reference, Sheets 1 to 8 of the Land Plans, Sheet 1 of the Crown Land Plan and Statement of Reasons have all been amended.</p>	<p>TR010035/APP/4.3 Rev 1 TR010035/APP/2.2 Rev 1 TR010035/APP/2.11 Rev 1 TR010035/APP/4.1 Rev 1</p>
Environmental Statement	As noted in the Checklist (Box 30), the Non-Technical Summary to the Environmental Statement (ES) does not include a description of the alternatives considered by the Applicant,	Accepted. The Non-Technical Summary has been updated to include a description of the alternatives considered and cumulative effects of the scheme.	TR010035/APP/6.18 Rev 1

	or a summary of the chapter on cumulative effects. The Applicant should address these omissions and submit an updated Non-Technical Summary without delay.		
Habitats Regulations Assessment	<p>As noted in the Checklist (Box 31), a number of references in the Screening Matrices need to be updated in light of changes to the draft Habitats Regulations Assessment (HRA) Report.</p> <p>The Applicant is advised to review and update the draft HRA Report accordingly</p>	Accepted. References have been updated in Appendix 4 of the Habitats Regulations Assessment to align with changes that have been made to the draft report, minor corrections to the formatting have been made.	TR010035/APP/5.4 Rev 1