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Your Ref:

By email only

Our Ref: TR010060

Date: 12 September 2022

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Dear Mr Nettey

## **Planning Act 2008 (as amended) – Section 51**

### **Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 widening scheme**

#### **Advice following issue of decision to accept the application for Examination**

On 12 September 2022 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

#### **Dormouse and bat survey results**

Survey information for dormouse and bats relating to the diversion of the Cadent gas main has not been provided as part of the DCO application, with surveys ongoing (**paragraphs 9.5.8 and 9.6.5, ES Chapter 9 (Doc 6.1)**). The Applicant should respond to the Inspectorate as soon as practicable to confirm the applicable timescales to the submission of the information and how this corresponds/relates to the overall timescales for Examination. The Inspectorate expects this information to be available in advance of the Preliminary Meeting.

The Applicant's response should explain the progress made to date, on the draft mitigation licence for bats, and the likely timescales for the Letter of No Impediment.

The Applicant's response should also explain the intended approach to dormice if they are found to be present.

### **Plans**

It is noted that several sets of plans, for example **Permanent Works Plans (Doc 2.2.1)**, are difficult to navigate due to the size of the documents. The case team experienced significant problems in reviewing these documents due to instability. The reason for this appears to relate to a significant number of comments being left in the final drawings. It is important that all stakeholders can view the examination documents, to help inform their responses. The Applicant is advised to provide documents which are accessible and stable for all parties.

It is requested that the documents and information requested above are provided before the commencement of the Relevant Representation period. The Applicant may also wish to consider the other minor errors and omissions detailed in Box 30 of the section 55 checklist when resubmitting the above documents.

### **Draft Development Consent Order**

The Inspectorate noticed several referencing errors in the Order as set out in box 30 of the S55 checklist and the Applicant is advised to thoroughly review the document.

### **Consultees identified on a precautionary basis**

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:

- Northern Gas Networks Limited
- Wales and West Utilities Ltd
- Squire Energy Limited
- Optimal Power Networks Limited

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

### **Submission of documents**

The Applicant is advised to use the online submission portal to submit all documents throughout the Examination process. This will enable the Inspectorate to access the documents, and ensure Interested Parties have the documents soon after each Deadline.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours faithfully

*Deborah Allen*

Deborah Allen  
**Case Manager**

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