



Issue Specific Hearing 1

Draft Development Consent Order

Examining Authority	A47 Wansford to Sutton Dualling
Date	Wednesday 12 January 2022
Start Time	10:00 am (Arrangements Conference opens at 09.30 am)
Venue	Virtual on Microsoft Teams

Agenda

Item 1	Welcome, introductions and arrangements for the Hearing
Item 2	Purpose of the Issue Specific Hearing (ISH)
Item 3	Draft DCO Articles 3.1 The Applicant will be asked to provide a very brief overview of each part of the draft DCO. The ExA will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant, the local councils, and other Interested Parties. Interested Parties will also be invited to ask questions of or seek clarification in relation to DCO Articles and Schedules.
Item 4	Part 1 – Preliminary matters 4.1 Article 2 – Interpretation. In relation to the definition of “commence” the Applicant will be asked to comment on: <ul style="list-style-type: none">• whether, in the light of recent judicial interpretation it considers any re-drafting is required; and,• how matters which are to be defined within the Order would be secured, if the development has not been commenced. 4.2 Article 2(3) and (4) – Interpretation, Article 5 - Development Consent etc. granted by the Order, Article 8 – Limits of Deviation and Article 23 – Authority to survey and investigate land. The Applicant will be asked to reconcile: <ul style="list-style-type: none">• the term “approximate” in Articles 2(3) and (4);



	<ul style="list-style-type: none">• the term “adjacent” in Article 5(2);• the limits of deviation in Article 8; and• the term “affected” in relation to land outside the Order limits that may be “affected” in Article 23(1).
Item 5	<p>Part 2 – Principal powers</p> <p>5.1 Article 10 – Consent to transfer benefit of Order</p> <p>This provision allows for arbitration in the event that the SoS refused consent to transfer. Given the SoS is the final arbiter on other matters within this Order, why should the SoS give powers to another person on a subject which may be a matter of public policy?</p> <p>5.2 Any other matters relating to this part.</p>
Item 6	<p>Part 3 - Streets</p> <p>6.1 Article 14 – Power to alter layout etc. of streets</p> <p>Should the provision of restoration set out in Article 14(2) be subject to a time limit by when the works should be completed?</p> <p>6.2 Article 16 – Temporary alteration, diversion prohibition and restriction of use of streets</p> <p>Should the provision of restoration set out in Article 16 be subject to a time limit by when the works should be completed?</p> <p>6.3 Any other matters relating to this part.</p>
Item 7	<p>Part 4 – Supplemental powers</p> <p>7.1 Article 21 – Discharge of Water</p> <p>Should Article 21(8) be subject to a similar provision as Article 20(12) in relation to notification provisions?</p> <p>7.2 Article 22 - Protective work to buildings</p> <p>Is it possible that the provisions of Article 22 would be used in respect of a listed building? If so, should they be the subject of specific provision to ensure that their architectural and historic interest is preserved?</p> <p>7.3 Article 23 - Authority to survey and investigate the land</p> <p>This power would allow the undertaker to enter any land “which may be affected by the authorised development” for various purposes. Would the Applicant please justify this</p>



	<p>interference both in terms of geography and how any person affected would be aware of this power?</p> <p>7.4 Any other matters relating to this part.</p>
Item 8	<p>Part 5 – Powers of acquisition</p> <p>8.1 Article 34 - Temporary use of land for carrying out the authorised development</p> <p>If these powers are to be used for the delivery of permanent works (34(1)(d)), how can it be confirmed that those works will be secured permanently, if through 34(3), the Applicant is required to vacate the land? The ExA notes that there is no overlap between Schedules 5 and 7 and therefore there would be no power to impose restrictive covenants in this regard.</p> <p>8.2 Any other matters relating to this part.</p>
Item 9	<p>Part 6 - Operations</p> <p>9.1 Any matters particular to this Part.</p>
Item 10	<p>Part 7 – Miscellaneous and general</p> <p>10.1 Article 47 – Appeals relating to the Control of Pollution Act 1974</p> <p>This Article deals with appeals under the Control of Pollution Act. However, it does not disapply the initial consenting process. If the initial process is not part of the NSIP regime, why should the appeal process be within it?</p> <p>10.2 Article 49 – Certification of documents, etc.</p> <p>Would it make sense to have a single depository/ register of documents for both documents certified and matters relating to Requirements?</p> <p>10.3 Any other matters relating to this part.</p>
Item 11	<p>Schedule 1 – Works descriptions</p> <p>11.1 General - A number of made DCOs have lists of associated works that would also be permitted. These are normally added at the end of Schedule 1. To ask the Applicant to confirm the situation in this case?</p> <p>11.2 Please could the Applicant confirm the approach to the identification and definition of 'significant effects' and demonstrate the adequacy of the Mitigation Schedule in ensuring that all necessary mitigation measures that are relied upon in the EIA will be readily auditable at the discharge of</p>



	<p>Requirements? Are any parties aware of instances where this may not be the case?</p> <p>11.3 Are all the necessary parameters of the Proposed Development that require a 'Rochdale envelope' for the purposes of the EIA included in, and thus assured, the draft DCO? Are any parties aware of instances where this may not be the case?</p> <p>11.4 Work 32 – Could the Applicant please confirm that the 'flood compensation' scheme is going to be limited to tree clearance and ground stabilisation and that no additional works, for example ground works are proposed?</p> <p>11.5 Any other matters relating to this Schedule.</p>
Item 12	<p>Schedule 2 - Requirements</p> <p>12.1 What is the background to, and purpose of each of the draft Requirements?</p> <p>12.2 Consultation arrangements – is the drafting clear, and does it provide for all necessary consultees for the subject matters?</p> <p>12.3 Are any obligations placed on a consultee appropriate and should they be recompensed?</p> <p>12.4 Is approval to be undertaken at the proper level given the overall tenet of good administration that approvals are undertaken at the lowest appropriate level?</p> <p>12.5 Requirement 6 – Contaminated land and groundwater - should the decision on whether to remediate unidentified contamination be left to the undertaker?</p> <p>12.6 Requirement 9 – Archaeological remains - should there be measures to deal with previously unidentified remains, particularly human remains?</p> <p>12.7 Requirement 13 – Applications made under requirements - should there be arrangements in place in the event that the undertaker does not supply requested information?</p> <p>12.8 Are any further requirements necessary?</p>
Item 13	<p>Schedules 3 to 8 – Classification of Roads, stopping up and provision of highways and private means of access, Land for new rights, compensation where rights imposed, Land for Temporary Possession, Removal of trees and hedgerows.</p> <p>13.1 Any other matters relating to these Schedules.</p>



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Item 14	Schedules 9 and 10 14.1 Whether Peterborough County Council should benefit from protective provisions in respect of matters relating to its interests? 14.2 Please could the Applicant provide an update on progress of negotiations on protective provision wording and the likelihood of resolution with the relevant statutory undertakers? 14.3 Any other matters relating to these Schedules.
Item 15	Consents, licenses and other agreements The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any section 106 agreements are proposed and if there are indicative timescales for finalising them.
Item 16	Review of issues and actions arising
Item 17	Close

Please note:

1. The above agenda does not seek to cover all matters that may need consideration during the Examination process and does not deal with typographic matters. The ExA will include within his Written Questions (to be issued shortly after this ISH) other matters where he wishes to be informed.
2. The ExA may well refer to the following documents during the Hearing and suggests that parties have copies to hand:

Title	Examination Library Reference
Land Plans	[AS-004]
Works Plans	[AS-006]
Rights of Way and Access Plan	[AS-008]
Crown Land Plans	[APP-011]
De-trunking Plan	[APP-012]
Traffic Regulation Plan	[APP-013]
Classification of Roads Plan	[APP-014]



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Hedgerow Plans	[APP-015]
Draft Development Consent Order	[AS-010]

Participants should be aware that the Applicant has been asked to submit a number of low-resolution versions of documents at Procedural Deadline A. These should be available via the relevant webpage and may be easier to use during Hearings than the full-sized documents.

3. It is generally not appropriate to introduce documents at a Hearing. The ExA has set out a list of existing documents that it is likely to refer to above. Should a party consider that any other documents already submitted may need to be referred to in light of the areas for discussion set out above, they should contact the Case Team at A47WansfordtoSutton@planninginspectorate.gov.uk by 23:59 noon on Friday 7 January 2022.