



Hearing Action Points

Application by National Highways for an Order Granting Development Consent for TR010039 A47 Wansford to Sutton Dualling

Actions arising from Issue Specific Hearing 1 – Draft Development Consent Order

AP No.	Action	Action By:
1.	<p>Article 2 (interpretation)</p> <p>To consider further the implications of the decision of the High Court in <i>Tidal Lagoon (Swansea Bay) PLC v Secretary of State for Business Energy and Industrial Strategy & others</i> [2021] EWHC 3170 (Admin) in respect of the use of the terms “commence” and “begin” (or their derivatives) in relation to the draft Development Consent Order (dDCO), to ensure</p> <p>(a) the use is appropriate; and</p> <p>(b) matters to be secured by the Order are so secured even if they fall within the exceptions to “commence” as so defined.</p>	The Applicant
2.	<p>Article 2 (Interpretation)</p> <p>To consider whether “adjacent” and “affected” should be defined so as to set a physical limit as to the land to which the terms apply.</p>	The Applicant
3.	<p>Article 14 (Power to alter layout etc. of streets)</p> <p>To consider whether this power should be time limited.</p>	The Applicant
4.	<p>Articles 20 (Traffic Regulation) and 21 (Discharge of Water)</p> <p>To consider whether these provisions should include explicit provisions of deeming of consent in default.</p>	The Applicant
5.	<p>Article 22 (Protective Provisions)</p> <p>To consider whether specific provision within the Order should be made, should works be required in respect of listed buildings.</p>	The Applicant

AP No.	Action	Action By:
6.	<p>Articles 34 (Temporary use of land for carrying out the authorised development)</p> <p>To consider whether the provisions of the Order would ensure the retention of mitigation on land only held under Temporary Possession for the life of the Proposed Development.</p>	The Applicant
7.	<p>Article 49 (Certification of documents, etc.) and Schedule 2, Requirement 15 (Register of Requirements)</p> <p>To consider whether these two provisions could be combined under a single Article.</p>	The Applicant
8.	<p>Schedule 1 (Works Description)</p> <p>To ensure that the next iteration of the dDCO includes a list of associated works made bespoke to the Proposed Development.</p>	The Applicant
9.	<p>Schedule 1 – Work 32</p> <p>To reconsider the works description to ensure that it provides for compensatory works.</p>	The Applicant
10.	<p>Schedule 2 (Requirements)</p> <p>a) To check drafting on consultation arrangements to ensure that it is not ambiguous as to when consultation is to take place;</p> <p>b) To consider whether the consultation bodies set out in each requirement are appropriate, including discussing with the Wansford and Sutton Parish Councils whether they should be consultees on matters relating to their interests and whether these Parish Councils should complete Statements of Common Ground with the Applicant;</p> <p>c) To add an additional provision should human remains be discovered as part of any works;</p> <p>d) To ensure that should the Secretary of State require further information in relation to a requirement the information submitted to date is refused in default rather than being approved;</p> <p>e) To consider the provisions in the event that unexpected contamination is identified during works; and</p> <p>f) To consider, when published, the Environment Agency’s request for an additional requirement.</p>	<p>The Applicant</p> <p>Wansford Parish Council (in respect of b))</p> <p>Sutton Parish Council (in respect of b))</p>

AP No.	Action	Action By:
11.	<p>Schedule 9 (Protective Provisions)</p> <p>a) To update as necessary in light of negotiations with Statutory Undertakers;</p> <p>b) To consider including a 'carve-out' provision in paragraph 1 for those Statutory Undertakers which are the subject of individual protective provisions.</p>	The Applicant

The Applicant also confirmed that it understood an issue set out in the draft Written Questions relating to how the works plans were shown and would be seeking to resolve this in submissions.

Responses to the actions should be submitted by **Deadline 3** (1 March 2022).