

A47 Wansford to Sutton Dualling

**Scheme Number: TR010039**

**Volume 9**

**9.20 Applicant's Written Summary of Oral  
Submissions at Hearings**

Infrastructure Planning (Examination Procedure) Rules 2010  
Rule 8(1)(c)

Planning Act 2008

March 2022

Deadline 4

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

A47 Wansford to Sutton  
Development Consent Order 202[x]

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**9.20 APPLICANT'S WRITTEN SUMMARY OF ORAL  
SUBMISSIONS AT HEARINGS**

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## 1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47 Wansford to Sutton Scheme (Scheme) was submitted on 05 July 2021 and accepted for examination on 02 August 2021.
- 1.1.2 The second Issue Specific Hearing (**ISH2**) for the Scheme was held virtually on Microsoft Teams on 15 March 2022 at 10am.
- 1.1.3 The third Issue Specific Hearing (**ISH3**) for the Scheme was held virtually on Microsoft Teams on 16 March 2022 at 10am.
- 1.1.4 The Compulsory Acquisition Hearing (**CAH1**) for the Scheme was held virtually on Microsoft Teams on 17 March 2022 at 10am.
- 1.1.5 The fourth Issue Specific Hearing (**ISH4**) for the Scheme was held virtually on Microsoft Teams on 17 March 2022 at 2pm.
- 1.1.6 The Examining Authority (ExA) invited the Applicant to respond to the matters raised and the Applicant confirmed it would summarise the case it had made orally in writing after the hearings.
- 1.1.7 This document also seeks to address the representations made by the Interested or Affected Party at the hearing(s) where necessary.
- 1.1.8 The Applicant has responded to the issues raised by each party and provided cross-references to the relevant application or examination documents in the text below. The document is supported by the following Annexes:
- Annex A: Summary of S102A and meeting dates with tenants
  - Annex B: Works Plan Example Sheet
  - Annex C: Natural England Letters of no Impediment - Badgers and Water Voles

## 2 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 2 – ENVIRONMENTAL MATTERS

Ref	Question / Issues Raised at ISH2 and Hearing Action Point	Summary of Applicant's Response at ISH2 – Environmental Matters	Applicant's Written Response
<b>AGENDA ITEM 3 – Cultural Heritage</b>			
3.1	<p><u>Scheduled Monument - significance</u></p> <p>The ExA engaged in discussions with representatives of Historic England (HE) and Wansford Parish Council (WPC) addressing various queries around the significance of the Scheduled Monument. The ExA referenced drawings in <b>REP2-073</b> (pdf page 3) (<i>Historic England Deadline 2 submission – Scheduled Monument Official List Entry</i>).</p> <p>These queries covered the extent of the Scheduled Monument designation area and the reasoning for it, archaeological surveys taken in 2017 and their importance in informing the designation area, the unusual purple sections show on drawings and whether a feature in the South is a barrow, and sections on the drawings labelled as ferrous materials. The ExA and WPC discussed WPC's views on separating the site into two designations and the proposal of an alternative alignment wherein the Scheme would run between the proposed split designations, North of the current</p>	<p>The Applicant added that in terms of the discussion on the Southern feature and what it should be labelled as, the Applicant has stated in previous representations that it would be referred to as a barrow and that it feels it is likely it is a burial site. WPC had queried whether it could be considered a roundhouse but the Applicant considered that though it might be considered a slightly unusual barrow it would be an even more unusual roundhouse. The Applicant also commented that it could also be entirely different because of an odd apsidal feature on the east side, which is open to interpretation, but possibly a burial site.</p> <p>On the discussions on the extent of the area of the monument the Applicant wished to add two points. The Applicant explained that “blank” space on a geophysical survey can never be confirmed as blank until it has been excavated. Even if the blank space exists it may still be an important point. Use of negative space is important, for example, in laying out burials and settlements. The Applicant used the example of Buckingham</p>	<p>The Applicant has no further representations to make.</p>

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	<p>proposed alignment.</p> <p>The Applicant was invited to comment on any aspects of the discussion.</p>	<p>Palace's negative space (between the palace and its outer fence and from there to the Victoria monument) in explaining how it can be important in the context of a site and in terms of designation of the whole.</p> <p>The Applicant also added that to its knowledge no application had been brought forward to de- schedule the monument or change its size. In that respect the Applicant drew the ExA's attention to Historic England's Written Representation (<b>REP2-074</b>) to assert that the statutory and policy boundaries are confined within that space.</p>	
3.2	<p><u>Scheduled Monument - degree of harm</u></p> <p>The ExA asked for clarity on the degree of harm caused by the development on the Scheduled Monument.</p>	<p>The Applicant referred to previous responses and stated that it concluded that there would be less than substantial harm caused by the development.</p> <p>HE agreed that the harm would be less than substantial.</p>	<p>The Applicant has no further representations to make.</p>
3.3	<p><u>Scheduled Monument - possible alternative alignment</u></p> <p>The ExA asked for any comments on this point in relation to the alternative alignment suggested by the Parish Councils.</p>	<p>The Applicant agreed with HE that, as the road exists already, increasing the development along the existing road is preferred as it will cause less impact than a new development through the designated site. Historic England repeated that there would be a small degree of harm but this would be less than substantial and also echoed the Applicant's previous point about negative space.</p>	<p>The Applicant has no further representations to make.</p>

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		<p>The Applicant chose to add that the design philosophy undertaken under best practice guidance and the Scheduled Monument Act is to take the minimum amount of land possible. The approach to encroaching on the Monument is to take the minimum possible and that has been taken into account here during the process of making the alignment choice for the Scheme.</p> <p>Peterborough City Council (PCC) agreed that the rationale is sound, based on experience and data. There is an issue of breaking up the Scheduled Monument and the option chosen by the Applicant is less harmful than going through the middle of the Scheduled Monument.</p>	
3.4	<p><u>Wansford Road Station Buildings – Buildings to be removed</u></p> <p>The ExA presented pdf page 49 of <b>REP2-036</b> [<i>Applicant's Response to the Examining Authority's First Written Questions (ExQ1) – Annexes</i>]. The ExA asked for clarification on what buildings or structures were to be removed.</p>	<p>The Applicant confirmed that Station House is to be removed, the linesman's hut is to be retained, and that the platform will be removed to the extent that it lies within the footprint and immediate working area of the Scheme.</p> <p>The Applicant also clarified in a later submission that the gate piers will also be removed.</p>	The Applicant has no further representations to make.
3.5	<u>Harm to Heath House</u>	The Applicant explained that Heath House was assessed separately but was aware that	The Applicant wishes to clarify that Heath House will not be moved under any

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	<p>The ExA asked for clarification on the level of harm that will be caused to Heath House.</p>	<p>it had spoken previously of Heath House as part of a group with the station buildings. It can be difficult to separate these out. The Applicant agreed with the PCC assessment that there would be slight adverse impacts which would amount to less than significant harm.</p> <p>In relation to the extent of the demolition, while any relocation is separate to the Scheme, the commitment is that the Applicant is aware of the process and if an approved proposal comes forward it understands that keeping this group (Heath House and the station buildings) together is important. If the proposals include moving more of the buildings, then the Applicant will seek to accommodate as appropriate to do so.</p>	<p>circumstance, as this is a third party property and is occupied. Consideration of group integrity is a matter for the Designated Fund scheme (see below).</p>
3.6	<p><u>Wansford Road Station Buildings – buildings to be moved</u></p> <p>The ExA, recognising that this is process that is outside of the application, asked if they could be given clarification on where buildings were to be moved to in any case.</p>	<p>The Applicant explained that it was to be dealt with as part of a Designated Funds scheme and that this was a standalone process. The Designated Funds scheme is dealt with outside of the DCO process and by a separate team at National Highways.</p> <p>If the Scheme does not proceed it is highly likely that approval for removal would be withdrawn or that the buildings would be</p>	<p>The Applicant has no further representations to make.</p>



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		<p>resold to the previous owners or placed on the open market. At the moment, a preferred party for the Designated Funds Scheme has been notified but an update on this is still awaited.</p>	
3.7	<p><u>Wansford Road Station Buildings – update</u></p> <p>The ExA queried when these may be confirmed and an update able to be given.</p>	<p>The Applicant estimated that this could be decided within approximately 4 weeks. The Applicant stated that it is highly likely that there will be an announcement before the end of examination but that the project team itself is not involved in the decision.</p>	<p>The feasibility phase for the Wansford Road Station Buildings Designated Funds Scheme (DFS) is forecast to end at the end of March. The DFS will then enter the detailed design phase which is likely to take a further 3 to 4 months before it is taken forwards for full funding consideration. The final decision on funding for the DFS is therefore anticipated to be made in Autumn / Winter 2022.</p>
3.8	<p><u>Historic approaches to Sutton from north</u></p> <p>The ExA presented drawings from <b>REP2-064</b> [<i>Peterborough City Council – Sutton Conservation Area Appraisal</i>], principally referring to that shown on pdf page 10. The ExA held discussions with the representatives of WPC and PCC discussing the historical use of various accesses and approaches and the Sutton Drift.</p> <p>The Applicant was invited to comment on</p>	<p>The Applicant added that the effect in the change of use of the Drift has been assessed in the Environmental Statement. Since it will not be irrevocably closed off, the effect is that motorised traffic is being taken away. Those points are discussed in ES Chapter 6 Cultural Heritage (<b>REP2-010</b>).</p>	<p>The Applicant's response to ExA Q1.4.12 in the Applicant's Response to the Examining Authority's First Written Questions (ExQ1) (<b>REP2-035</b>) is also relevant.</p>

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	any aspects of the discussion before the ExA resolved to cover this more extensively in ISH3 the following day.		
3.9	<p><u>Effect on setting of Wansford and Thornhaugh Conservation Areas</u></p> <p>The ExA asked the Applicant whether its plan of the conservation areas shows full extent of those conservation areas or just those in PCC's administrative area.</p>	The Applicant clarified that the full extents of the Wansford Conservation Areas are shown.	The Applicant has no further representations to make.
<b>AGENDA ITEM 4 – Water Environment</b>			
4.1	<p><u>Flood compensation area - depth</u></p> <p>The ExA presented pdf page 49 of <b>REP2-036</b> [<i>Applicant's Response to the Examining Authority's First Written Questions (ExQ1) – Annexes</i>]. The ExA asked the Applicant if it could state what the additional depth would be at greatest extent.</p>	The Applicant could not give this figure but explained that the principles around the flood storage area, being in flood zone 3, meant a flood level of approximately 10m AOD and the Applicant was providing compensation up to 10.3m. The Applicant was looking at a landscaped feature between 10-10.3m. The Applicant understood that interaction with PRow [ <i>Public Right of Way</i> ] would be covered the following day at ISH3. 300mm as the maximum depth was stated.	<p>To clarify the Applicant's response, the earthworks would be constructed to be sympathetic with the contours of the local topography. Slopes of 1 in 3 would typically be used. Existing ground slopes from approximately 10mAOD to 11.2mAOD away from the riverbank representing a maximum of 1.2m excavation decreasing with proximity to the river.</p> <p>An outline of the design and indicative cross-section is presented on page 54 of the Flood Risk Assessment (<b>REP3-014</b>) and was accepted by PCC and the Environment Agency (EA).</p>

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			<p>Final values would be subject to detailed design and agreement with the EA.</p> <p>Further details on the dimensions (including cross section) of the flood compensation storage area will be provided at Deadline 5.</p>
4.2	<p><u>Flood compensation area - flooding</u></p> <p>The ExA asked for clarification on, in the event of a flood, whether the flood compensation area would be passable, how deep it may be, and how wet and how long it would be wet for, as well as any mitigations in place for that.</p>	<p>The Applicant explained that flood compensation starts at 10m AOD level which is equivalent to Flood Zone 3 extent in this location, Flood Zone 3 is equivalent to a 1 in 100 year event – an extreme event.</p> <p>The Applicant noted that it is difficult to quantify how long an area might be wet for. This will depend on a number of factors including the amount and duration of rainfall, the effect of tides and how much water is passing through the system.</p>	<p>The flood compensation area would be designed to flood during a 1 in 100 year event on the River Nene (with climate change effects included). In line with its design purpose, the frequency of flooding in the compensation area will increase from between a 1 in 1000 year and 1 in 100 year event to a 1 in 100 year event. Both are rare events.</p> <p>Approximately, the annual chance that the PRoW through the flood compensation area would be flooded in any given year is 1%.</p> <p>As the EA indicated during the Hearing the duration of the event is dependent on a number of factors and a definitive response is not possible. The hydraulic model output presented in the Flood Risk Assessment (<b>REP3-014</b>), provides an indication and predicts the flood level is greater than 10mAOD for approximately</p>

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			15 hours for the 1 in 100 year event (including a 35% climate change allowance).
4.3	<p><u>Flood compensation area – flooding / compensation</u></p> <p>The ExA asked the EA whether in a theoretical situation would the EA prefer the extent of the flooding to remain in the current state or is there preference for further compensation?</p>	<p>The EA stated that its preference would be for the flood plain to remain the same, assuming that the exception test has been met. If passed, the Applicant can demonstrate that it can compensate for the areas lost. If not needed or the works could be changed to avoid compensation that would be the preferred option. But there is an appreciation that there are lots of other things to be taken into account – there is flexibility there.</p>	<p>The Applicant has no further representations to make.</p>
4.4	<p><u>Flood compensation area – Environmental Masterplan</u></p> <p>The ExA presented the drawing found on pdf page 9 of the Environmental Masterplan <b>REP2-024</b>. The ExA queried if there was an indication of where the flood compensation area would be situated. It is not shown on the Works Plan and not clear on the drawing presented.</p> <p>Hearing Action Point 12 (<b>EV-021</b>)</p>	<p>The Applicant noted this as an action to clarify if the flood compensation area was shown on the Environmental Masterplan. The Applicant believed it could be seen hatched in the bottom right of the page, but would provide an update at Deadline 5 with a zoomed-in section/inset if required.</p>	<p>An updated version of the Environmental Masterplan will be provided at Deadline 5 (<b>TR010039/APP/6.8 Rev 2</b>).</p> <p>ExA Action Point 12</p>
4.5	<p><u>Flood compensation area – scour assessments</u></p>	<p>The Applicant confirmed that scour assessments were to be undertaken to inform</p>	<p>The Applicant can confirm that scour assessments will be undertaken at</p>

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	<p>The ExA stated that the Applicant had stated in the past that further scour assessments would be required to inform detailed design. The ExA asked how the Secretary of State can be assured that there will not be further implications as a result of these assessments that would need to be considered.</p>	<p>detailed design of the flood compensation area. In designing these areas, the Applicant considers any risks associated. Depending on the outcome of the scour assessment, measures will be introduced into the design to stabilise the river bank. The Applicant pointed out that in the event of a flood on the River Nene, the flows would be significant and any localised changes in topography from the flood compensation area would not have a significant effect. Scour protection could be important as the flood compensation area 'settles in'.</p>	<p>detailed design to inform the requirement for scour protection in the flood compensation area. Therefore, there is no risk to the geomorphological stability of the river or its floodplain from the scheme. The velocities of the River Nene will not change significantly due to the magnitude of flow in the design event far outweighing any localised changes to the riverbank gradient.</p>
4.6	<p><u>A47 crossing of Wittering Brook</u></p> <p>The ExA queried why this crossing would be a culvert and not a bridge and asked for clarification on whether this had been requested by PCC in order to throttle water flow despite no requirement from the Environment Agency (EA).</p> <p>Hearing Action Points 13 and 14 (EV21)</p>	<p>The Applicant referred to its response in <b>REP2-035</b> [<i>Applicant's Response to the Examining Authority's First Written Questions (ExQ1)</i>] and confirmed that there had been previous discussions with PCC in relation to throttling the downstream flood risk. As design has evolved this has changed and the Applicant conceded that the previous response was missing some of this context.</p> <p>The Applicant added that the choice of the culvert had come out of optioneering exercises and work with Galliford Try (GT). Those discussions had considered buildability and found significant advantages with precast options, particularly in relation to</p>	<p>The Applicant would like to add further clarification to the response to 1.12.9 in <b>REP2-035</b> (<i>Applicant's Response to the Examining Authority's First Written Questions (ExQ1)</i>). During initial discussions with PCC on the proposed design of the Wansford Sluice extension, a need was identified to maintain the throttle provided by the existing culvert to avoid transferring flood risk downstream. However, subsequent consultation with the EA identified a desire to increase the area of the culvert opening to improve riparian habitat connectivity in Wittering Brook. Further investigations undertaken by the Applicant confirmed that increasing the area of the culvert opening (that is, removing the 'throttle') did not</p>

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		<p>safety, quality, and shortened time on site.</p> <p>The Applicant resolved to provide a more detailed response in writing for Deadline 4.</p>	<p>increase flood risk downstream. This outcome is presented in the Flood Risk Assessment (<b>REP3-014</b>) and was accepted by PCC and the EA.</p> <p>The Applicant understands and appreciates that in certain circumstances using a clear span structure as opposed to a culvert to cross a watercourse can achieve a reduced impact on the associated hydraulics and ecology. However, for the crossing of Wittering Brook (Structure S04) the benefits of a clear span option are not achieved.</p> <p>The existing crossing of Wittering Brook at S04 is not a natural open channel. The watercourse is funnelled through a historic masonry culvert. The ecology of the channel will have re-established over time, but it is undersized, has no means for mammal passage and restricts the hydraulics. The existing culvert sizing means that it would be prone to blockages. The sizing is also a safety hazard with regards to access. Its condition cannot be adequately inspected or maintained to ensure integrity, and it would not be easily cleared if a blockage was to occur. If the existing culvert was to be retained it would likely have to be replaced within the lifespan of the A47 scheme. This</p>

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			<p>would lead to a second round of ecology impact and it would retain the risks of managing a difficult to access structure for as long as it was retained. To remove these risks and future ecology impacts from the project, the existing culvert would need to be replaced.</p> <p>Replacement of the culvert using the existing watercourse alignment would lead to a complex temporary works operation. Demolition of the existing culvert would require the watercourse to be diverted during construction and this would lead to a high ecological impact and the risk of pollution to the watercourse from demolition debris. Once the watercourse has been through a temporary diversion the ecological impacts would have been realised and the benefits associated with a clear span option would no longer be achievable. The phasing of construction on the existing alignment leads to high programme and road user disruption impacts. Therefore offsetting the alignment provides more flexibility for construction to be carried out more efficiently.</p> <p>Whilst permanently diverting the watercourse alignment at the crossing location has an impact on the ecology, it</p>

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			<p>eliminates the disruption associated with temporary diversion apparatus. This way the new alignment would be prepared, and the watercourse would be redirected in a controlled manner. The proposed new culvert has a gravel bed to encourage the establishment of aquatic fauna. The culvert floor is detailed such that it is below the bed of the existing flow so that a natural bed can form over time without impacts on hydraulics. This is considered to be equivalent to the bed arrangement that would establish in a manmade channel beneath a clear span option.</p> <p>In conclusion, a clear span option would not provide a significantly reduced impact on the associated hydraulics and ecology in this particular scenario. The proposed option is to therefore replace the existing culvert with a new box culvert.</p>
4.7	<p><u>Modelling for A1 Mill Stream culvert</u></p> <p>The ExA posed a question to PCC regarding the modelling for the A1 Mill Stream Culvert. In the response to the ExA's question regarding the model that was used, it was said <i>[by the Applicant]</i> that the modelling was agreed with PCC, but PCC said that they couldn't comment. ExA</p>	Applicant did not provide a response.	The Applicant consulted with PCC to agree the approach to assessment for the downstream extension of the A1 Mill Stream culvert. At a meeting in May 2020, it was agreed that a 'minimal' assessment would be required as the works was unlikely to have any associated flood risk detriment. The HY-8 software was used to undertake the



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	<p>wants to understand why the model was agreed and asked PCC or Applicant to clarify.</p> <p>Cambridgeshire County Council (CCC) commented that the flood modelling was looked at by the team at CCC from a consultancy basis, but they were not aware of the reasoning behind the model / why the modelling was acceptable. CCC said they would take back to the team and clarify for Deadline 4.</p> <p>Hearing Action Point 15 (EV-021)</p>		<p>assessment and the Flood Risk Assessment (REP3-014) was accepted by PCC.</p>
4.8	<p><u>Upton Main Road water course crossing - surveys</u></p> <p>The ExA stated that in its response at Deadline 2 the Applicant had said that it would have reviewed survey results in February 2022. The ExA asked if these surveys had been completed and if the results could be provided.</p> <p>Hearing Action Point 16 (EV-021)</p>	<p>The Applicant responded that it believed the surveys were still ongoing but that it would provide an update in writing for Deadline 4.</p>	<p>The surveys indicated on the Sheet 5 of 7 of the Drainage and Surface Water Plan (REP2-006) are to inform the Stage 5 detailed design only. The surveys are not required to inform the assessments associated with this Application. It is anticipated that there will only be negligible increases to the existing drainage on the Upton Drift. The Applicant will provide pre and post development drainage area and runoff calculations to show negligible impact at Deadline 5.</p>
4.9	<p><u>Upton Main Road Water Course Crossing – Type of Crossing</u></p>	<p>The Applicant stated that it is currently not proposing to change the existing culvert.</p>	<p>No extension to the existing culvert at the watercourse crossing on the Upton Drift is required as part of the scheme.</p>

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	<p>The ExA asked for confirmation as to whether this crossing would be a bridge or a culvert.</p>		
4.10	<p><u>Construction discharges</u></p> <p>The ExA stated that in its response at Deadline 2 the Applicant had said that it would be submitting an Outline Water Management Plan. The ExA asked for clarification on when this would be submitted.</p> <p>Hearing Action Point 17 (EV-021)</p>	<p>The Applicant agreed to submit the Outline Water Management Plan for Deadline 5.</p>	<p>The Applicant has no further representations to make.</p>
4.11	<p><u>Post-development maintenance arrangements</u></p> <p>The ExA asked if the Applicant and PCC were in agreement over post-development maintenance requirements.</p>	<p>The Applicant stated that these were issues suitable for a Statement of Common Ground (SoCG) and that this will be submitted in due course.</p>	<p>The SoCG with PCC is still being drafted and regular meetings are taking place between the parties.</p>
4.12	<p><u>Groundwater</u></p> <p>The ExA stated that in its response at Deadline 2 the Applicant had said zones of influence calculations would be updated. The ExA asked if this will be submitted before or after the close of examination.</p>	<p>The Applicant confirmed that supplementary geotechnical investigations are ongoing. Results would be available for detailed design.</p> <p>The Applicant further clarified that the ongoing investigation is to inform the detailed design in future, it is not to inform the application.</p>	<p>As the supplementary ground investigations are being undertaken to inform the detailed design it is not intended to submit this information into the examination.</p>

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<b>AGENDA ITEM 5 – Biodiversity</b>			
5.1	<p><u>Relationship with Rutland Water</u></p> <p>The ExA pointed out that the Applicant, Natural England (NE), and the Environment Agency (EA) were not agreed on whether the River Nene and Rutland Water are hydrologically connected. The ExA asked for any comments on this.</p>	<p>The Applicant explained that its conclusion that they [<i>River Nene and Rutland Water</i>] were hydrologically connected came from approaching the assessment from the position of a worst case scenario.</p>	<p>As detailed within ES Chapter 13 Road drainage and the water environment (<b>REP3-011</b>) it has been concluded that there will be no adverse effect on the water quality within the River Nene abstractions or Rutland Water. Overall, there will be a slight beneficial impact as a result of the Scheme's drainage strategy.</p> <p>The Applicant's position has been a worst case scenario, stating that Rutland Water is hydrologically linked, based on a human link in respect of water pumping, however the EA has in their response <b>REP2-078</b> (Responses to ExQ1), been satisfied that it is not. Nonetheless, the development will not have an impact on the rates of flow in the Nene and therefore there would be no reason that the Scheme would cause any detrimental impact.</p>
5.2	<p><u>Great Crested Newts - surveys</u></p> <p>The ExA asked the Applicant to provide an update on surveys for great crested newts and queried when these may be submitted.</p>	<p>The Applicant explained that these are to be carried out in the appropriate season, that being from mid-April to the end of June 2022. The Applicant stated that result would be available as soon as the data was available.</p>	<p>Great Crested Newt surveys can be undertaken between mid-March and mid-June. eDNA surveys can be undertaken between mid-April and the end of June, therefore surveys will commence in mid-April 2022.</p>

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5.3	<p><u>Great Crested Newts - survey results</u></p> <p>The ExA queried what could be done at the end of the examination if the surveys returned unexpected results.</p>	<p>The Applicant explained that the surveys undertaken to date have shown negative results but that further surveys are to be taken as a precaution and as confirmatory assessments.</p>	<p>To date, no evidence of great crested newt (GCN) has been identified, however a worst case scenario approach has been employed which assumes the presence of GCN within the zone of influence of the Scheme.</p> <p>If GCN eDNA is recorded, further surveys will be undertaken in the form of presence/likely absence surveys in the appropriate survey season, which would inform any necessary mitigation.</p>
5.4	<p><u>Great Crested Newts - compensation and land take</u></p> <p>The ExA queried whether, if the surveys provide more negative results, the Applicant is overcompensating and taking more land than required.</p>	<p>The Applicant explained that the assessments have been carried out as part of the worst case scenario approach. This would be finalised as part of detailed design and the hope would be that less land is required.</p>	<p>A worst case scenario approach has been employed to date which assumes the presence of GCN within the zone of influence of the Scheme. This approach considers all land take that would be required for mitigation purposes if GCN are present.</p> <p>If the results of the surveys confirm the likely absence of GCN, land will not be taken if not required.</p>
5.5	<p><u>Ecology surveys – expiration</u></p> <p>The ExA queried whether surveys that have expired or are expiring would be updated, such as that of reptiles, wintering birds, otters, bats, and others.</p>	<p>The Applicant confirmed that intention is to repeat these surveys. The planning for this is a working progress. The Applicant confirmed that surveys were in date but need updating.</p> <p>The Applicant added that results taken over course of the project have been consistent.</p>	<p>Survey data used to inform the ES Chapter 8 Biodiversity (<b>AS-015</b>) needs to be kept under constant review, but was valid at the time of submission.</p> <p>The results received over the course of the project between 2016 and 2021 have been largely consistent, therefore it is</p>

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		<p>The updated surveys will be done this coming year and used to inform detailed design.</p>	<p>unlikely that the results would have significantly changed between 2020 and now. Given that, updating surveys over the course of this year is satisfactory and proportionate.</p> <p>In any case a worst case scenario approach has been applied as it is acknowledged that updated surveys will inform the detailed design and mitigation required. Updated surveys are a requirement as set out by BD14 of the Record of Environmental Actions and Commitments (REAC) of the Environmental Management Plan (EMP) (<b>REP2-027</b>).</p>
5.6	<p><u>Wildlife routes</u></p> <p>In relation to tunnels under the Wansford Road railway line, the ExA queried whether this would be a wildlife route and/or public right of way, and whether a PRow would disturb the use as a wildlife route.</p> <p>Hearing Action Point 19 (<b>EV-021</b>)</p>	<p>The Applicant stated that it would respond in writing for Deadline 4.</p>	<p>The primary function of this route is as a public right of way, while offering the secondary benefit of an alternative passage for wildlife to the proposed dual carriageway.</p> <p>Measures will be explored at the detailed design stage to minimise opportunities for human wildlife conflict.</p>
5.7	<p><u>South Meadows County Wildlife Site - Habitat Management Plan</u></p> <p>The ExA stated that PCC had indicated that the South Meadows County Wildlife Site</p>	<p>The Applicant stated that it would respond in writing for Deadline 4.</p>	<p>The details of the habitat management for the new area (approx. 2.6ha) of restored species rich grassland/wild-flower meadow to compensate for the partial loss (approx. 1.2ha) of the Sutton</p>

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	<p>would require a Habitat Management Plan. The ExA asked the Applicant if this necessary and how it would be secured.</p>		<p>Meadows North County Wildlife Site will be provided in the Landscape and Ecology Management Plan (LEMP) as part of the second iteration of the EMP, prior to construction. The structure and outline of the LEMP are provided at Annex B5 to the first iteration of the EMP (<b>REP2-027</b>). The location of the habitat compensation is shown on the Environmental Masterplan (<b>REP2-024</b>), at the western extent of the scheme. It is within the landlocked area south of the junction. This area was identified as most suitable as it is owned by the Applicant. As set out in ES Chapter 8 Biodiversity (<b>AS-015</b>) at paragraph 8.11.4, details of monitoring and any remedial action will be provided in the LEMP.</p>
5.8	<p><u>Sutton Heath and Bog SSSI</u></p> <p>The ExA engaged in discussions with NE wanting to understand the rationale for the designation of this area, its qualifying features, and the rationale for the extents of the designation.</p> <p>The Applicant was invited to comment where it could add context.</p>	<p>The Applicant stated it understood the south of the site to be woodland made up of oak, sycamore, and bore thorn trees. None of these species are vulnerable to nitrogen's and will provide a buffer to the core grassland that is located further north. This led to a conclusion that the area of grassland will not be impacted by nitrogen deposition.</p> <p>The Applicant agreed to check if any surveys had been carried out.</p>	<p>The main reason for the SSSIs designation relates to the presence of its grassland communities, including calcareous grassland and marsh. The SSSI also includes an area of broad-leaved woodland in its southern extent.</p> <p>The SSSI is within 200m from the Scheme boundary and therefore potential for direct and indirect impacts as a result of the Scheme have been considered, including impacts from Nitrogen deposition.</p>

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			<p>The Assessment of Nitrogen Deposition concluded that the total Nitrogen deposition would be greater than 1 % of the critical load – at 1.89%. The air quality dispersion modelling indicated that the critical load would be &gt;1% only within the first 40m of the single scattering albedo (SSA) boundary, due to the triggered link at the south of the SSSI.</p> <p>The remaining affected road network which is adjacent to the east and north of the Site saw a small reduction in annual average daily traffic (AADT) at these locations and are not considered to be triggered links i.e. where flow changes by +/- 1000AADT.</p> <p>However, looking at this in more detail, the area at 40m from the southern boundary of the SSSI is woodland, comprising oak, sycamore and hawthorn for example and none of these tree species are particularly vulnerable to nitrogen.</p> <p>Woodlands provide a rough surface and tend to intercept larger amounts of nitrogen than less rough surfaces, e.g. grasslands.</p>

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			<p>The core grassland for which the SSSI is designated is located further north beyond the woodland therefore it is not considered likely that this area will be impacted by nitrogen deposition.</p> <p>Additionally, all potential pollution pathways will be controlled through establishment of best practice pollution prevention measures which will be outlined in the next iteration of the EMP (as set out in <b>REP2-027</b>).</p>
5.9	<p><u>Natural England SoCG</u></p> <p>The ExA requested that the Applicant and NE discuss the points raised in a Statement of Common Ground.</p>	<p>The Applicant agreed to take this away and discuss with NE.</p>	<p>A draft SoCG with Natural England is being prepared by the Applicant.</p>
5.10	<p><u>Veteran trees</u></p> <p>ExA queried what compensation is being proposed for the loss of the veteran trees, on top of the mitigation already proposed for the whole Scheme?</p>	<p>The Applicant advised that there is a net gain of 63 trees based on current landscaping. This may need to be reviewed to confirm the exact location of those trees. The Applicant is to respond on this point by Deadline 4.</p>	<p>The landscaping scheme proposed includes hundreds of new trees including individual trees and areas of new woodland planting. No specific planting has been proposed to compensate the loss of T20, however proposed tree planting has been selected in areas most suitable for new planting.</p> <p>It must be noted that at this stage it has not been confirmed that T20 is a veteran tree, therefore further arboricultural assessment is required to examine the</p>



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			trees condition and the presence of features throughout the crown of the tree or its stem, deadwood, cavities, water pockets or fungal fruiting bodies. The status of the tree will then be confirmed as either veteran or locally notable. A revised arboricultural impact assessment will be submitted. If confirmed to be veteran, further detail can be submitted of any bespoke compensation for its loss.
5.11	<p><u>Veteran trees – T10 and mitigation</u></p> <p>PCC have looked at the mitigation and compensation package set out regarding the removal of T20, and brought to attention the local plan policy (LP29) which the Applicant has previously been aware of. This requires 11 trees to be planted per tree removed the size of T20. This appears to be on top of the net gain of 63 trees already discussed. ExA asked for clarification on this.</p> <p>Hearing Action Point 22 (EV-021)</p>	The Applicant agreed to respond in writing.	See response to item 5.10 above
5.12	<p><u>Biodiversity Net Gain</u></p> <p>The ExA queried the hedgerow units, which are being given as zero in the biodiversity metric. But there are some that will be affected. The ExA asked for clarity on this.</p>	The Applicant recognises that hedgerows are missing and will need to review and update this, as well as the new metrics. The surveys have not started yet, and it will be best to wait for the optimal survey time.	It is noted that hedgerows are missing from the biodiversity metric, which is an error in the original calculation. The version of the metric used (Defra 2.0) is now out of date, having been replaced by

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	<p>Hearing Action Point 23 (EV-021)</p>		<p>version 3.0 in July 2021. Calculations in the latest metric cannot currently be completed as this requires classification using a different habitat classification system (UKHab) and updated condition assessments. At present this information is not available however calculations can be completed following updated habitat surveys at the detailed design stage.</p> <p>At this stage it can be clarified that a net gain of 4.619 linear kilometres of hedgerow is proposed.</p>
5.13	<p><u>Habitats Regulations Assessment</u></p> <p>The Applicant has previously submitted a revised Habitats Regulation Assessment report but a number of items were missing. This firstly concerned Rutland Water, and the section on hydraulically connected information. The revised report needs a small section included on this. Other things that have been missed out are: range of visual disturbance; effect of Nene Wash RAMSAR site; updated for visual disturbances; and relation to water abstraction and de-watering clarification.</p> <p>Hearing Action Point 24 (EV-021)</p>	<p>The Applicant stated that it is the understanding that this had been scoped out and hence not specifically discussed, but the Applicant agreed with the ExA's request to review all this and will update the document accordingly.</p>	<p>The updated Report to Inform the Habitats Regulations Assessment (currently REP3-016) will be provided at Deadline 5.</p>

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<b>AGENDA ITEM 6 – Air Quality and emissions</b>			
6.1	<p><u>Air Quality Assessment</u></p> <p>There have been comments from UKHSA [UK Health Security Agency] who do not agree with the Applicant's approach to assessment, in particular regarding the Applicant's assertion of PM10 as a proxy for PM2.5. The ExA would like to know about any discussion that has taken place between UKHSA and Applicant regarding this point</p>	<p>The Applicant has stated that there has been a response to this issue in writing.</p> <p>The Applicant stated that the premise in the DMRB as being that if all of the particulates, if substantially below the limited value .... will allow us to screen out. There have been no other comments back from the UKHSA, but Applicant is willing to engage with them directly, even though the Applicant reiterates that the assessment made in the DMRB is their standard.</p>	<p>DMRB assessment assesses all road schemes in the same manner to allow for consistency and is approved method of assessment by Secretary of State. Currently no areas in the UK exceed the current Air Quality Objective for PM2.5.</p> <p>Even assuming all of the PM10 is 100% PM2.5, the baseline is significantly below the current PM2.5 Air Quality Objective (AQO) also. Concluding that there is no requirement to assess PM2.5 or PM10 further.</p> <p>The Applicant will endeavour to engage with the UKHSA and will provide an update during the course of the examination.</p>
6.2	<p><u>Construction period and air quality</u></p> <p>ExA next point related to the construction period, which has been currently set at two years, and the potential issues concerning overrun.</p> <p>ExA would like to know what analysis has been done on this issue, and the environmental affects that have been assessed if an overrun does occur. This is because there has been a significant</p>	<p>Applicant stated it will confirm the time period required in writing but have indicated that before this would be around 18 months. In terms of overrun, Applicant has confirmed that it will be discussed and then confirm the reasonable worst case scenarios effects by Deadline 5.</p>	<p>The Applicant has no further representations to make.</p>

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	<p>number of overruns in previous projects, and would like to ensure that the effects have been properly assessed.</p> <p>Hearing Action Point 27 (EV-021)</p>		
6.3	<p><u>Carbon emissions</u></p> <p>The ExA had issues concerning emissions, in particular plant emissions during construction. ExAQ 1.1.11 (emissions from plants during construction) it was asked why the assessment only referred to site clearance, earthworks and drainage for the purpose of the ES.</p> <p>Hearing Action Point 25 (EV-021)</p>	<p>The assessment carried out in document <b>APP-133</b> (ES Appendix 14.1 Embodied Carbon Report) was done using the National Highways carbon tool. This looked at plant emissions by estimating the total litres of fuel during construction.</p> <p>Looking ahead to stage 5, Detailed Design, there will be more contact with GT, and it will be possible and better to estimate of total fuel for the site.</p> <p>During Stage 3, the assessment looked at the main contributors of emissions from plant, site clearance, earthworks, and drainage, have made a reasonable estimate of main contributors and converted to fuel use for the NH tool. There should not be a material impact or change from the original indicative assessment.</p>	<p>The Applicant has no further representations to make.</p>
6.4	<p><u>Carbon emissions - % change</u></p> <p>ExA was also interested in whether the Applicant had a better handle in % terms of</p>	<p>The Applicant confirmed that that it would vary from scheme to scheme, but in terms of</p>	<p>The Applicant has no further representations to make.</p>

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	where any change might be.	plant emissions, it would be nearer 80 or 90%.	
6.5	<p><u>DEFRA NH factor toolkit (v11)</u></p> <p>ExA stated that DEFRA have issued a new version of the NH factor toolkit (v11). Although this post-dates the documentation submitted, the ExA asked if there were any further comments that could be made.</p>	<p>The Applicant stated that the assessment for end-user emissions did not use the EFT v10 as we saw that there were major flaws in it (mainly regarding the uptake on EVs and that it didn't go beyond 2030). Rather the Applicant carried out a manual assessment, using data from the traffic model and, WebTAG data tables and then the Applicant was able to manually add the projections for different make-ups (i.e. petrol, diesel, and Electric Vehicles (EVs)), and then look at the projections and T+15 to get a more accurate assessment. Wanted to incorporate these points in the assessment. The traffic assessment has included an assessment on the worst case and hence would suggest that the end-use emissions as they assume that emissions remain constant beyond T+15 rather than decrease aligned to policy on EV uptake.</p>	<p>To confirm, the WebTAG data tables used in the assessment were tables A1.3.8 and A1.3.9.</p> <p>Year T+15 was Design Year 2040.</p>
<b>AGENDA ITEM 7 – Geotechnical Risk</b>			
7.1	<p><u>Survey and results</u></p> <p>The ExA asked for potential dates for ground surveys.</p>	<p>The Applicant stated that GI works are currently ongoing, with the field works due to complete in approximately another 4-5 weeks. Following this, laboratory testing and reporting will need to be undertaken. The GI</p>	<p>The Applicant has no further representations to make.</p>

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		<p>Contractor's factual report for detailed design is expected towards the end of May.</p> <p>The Applicant added that whilst it can provide an update on the GI surveys during the Examination, these ongoing GI surveys are being undertaken to inform the detailed design only, and the information is not needed to inform this Application.</p> <p>The GI undertaken in 2018 was used to inform the Scheme design for the application, as reported in the Ground Investigation Report (<b>REP1-009</b>).</p>	
7.2	<p><u>Geotechnical – embankment</u></p> <p>Wansford Parish Council (WPC) stated that scarp slope structures are notorious for being unpredictable. The Applicant has proposed further ground investigation (currently being undertaken) which will inform mitigation solutions, but WPC believe that this is unsuitable. WPC stated that it is not a good place to put an embankment given the instability of the existing slopes along the river escarpment, and the interleaved clays and gravels. WPC raised concerns on accuracy of doing geotechnical analysis on that ground, given the interleaved nature of the ground and where you have high water levels from the river.</p>	<p>The Applicant responded that the high-level preliminary design was based on the 2018 GI, but agreed that there are areas where there are gaps in data and have highlighted that there are risks in terms of ground instability within the existing slopes. This risk was highlighted the Ground Investigation Report prepared by the Applicant.</p> <p>The Applicant noted the point made by WPC with regards to instability within the existing slopes, and clarified that the Applicant is not suggesting that there is no issue.</p> <p>The Applicant is therefore taking steps to mitigate the risks by undertaking further targeted ground investigations in this area,</p>	<p>The Applicant has no further representations to make.</p>

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	<p>WPC raised concerns with regards to potential future widening stating that the planned alignment would either require the road to encroach into the Scheduled Monument or be built further out over the Nene escarpment. The former would damage the southern feature of the Scheduled Monument, and the latter would come at very high cost and risk.</p>	<p>the results of which will inform the detailed design.</p>	
<p><b>AGENDA ITEM 8 – Landscape and Visual Effects</b></p>			
<p>8.1</p>	<p><u>Overhead cables</u></p> <p>The ExA referred to document <b>APP-069</b> (<i>ES Figures 7.6.13a to 7.6.14b</i>), and asked why the overhead line is remaining above ground. The NPS NN [<i>National Policy Statement for National Networks</i>] states that all projects should be designed to prevent landscape effects, and ExA would like the reasons for not going below ground, which (in his opinion) will be a better form of mitigation</p> <p>Hearing Action Point 26 (<b>EV-021</b>)</p>	<p>The Applicant confirmed that the submitted photomontage shows the existing overhead line at its current position. The Applicant is still not in possession of detailed information to be able to show the diversion at present.</p> <p>Discussions with Western Power Distribution (WPD) are ongoing, the Applicant believes that WPD will not be keen to entertain this request other than for exceptional reasons.</p> <p>The Applicant confirmed that the exact diversion routes are not yet confirmed, with the LVIA [<i>Landscape and Visual Impact Assessment</i>] being based on the reasonable worst case scenario, which would assume lines would still be in the same place and above ground.</p>	<p>The Applicant does not consider that any specific harm would arise as a consequence of the proposed minor diversion of the existing overhead electricity line and that undergrounding in these circumstances would not therefore be justified.</p>

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		The Applicant agreed to provide an update on discussions regarding the proposed diversion with WPD by Deadline 5.	
8.2	<p><u>Planting</u></p> <p>Mr Robert Reid (landowner) stated that the land is very narrow, and he was concerned that any mitigation provided would be very limited.</p>	The Applicant agreed that the land is relatively narrow, but stated that there was adequate space, with the mitigation planting proposed going across the embankment and along the river.	The Applicant has no further representations to make.
8.3	<p><u>Growing conditions of planting</u></p> <p>The ExA, after representations by PCC, asked about the optimal growing conditions over 15 years, and asked the Applicant to confirm if these growing conditions were likely</p>	The Applicant confirmed that the growth rate over the 15 year period would likely be a minimum of 8 metres, especially considering the woodland area that is being replanted. There is no guidance on offer to give specific guarantees on this, as growth rates for different species do differ. The Applicant confirmed that an 8 metre growth-rate over 15 years is considered to be a conservative estimate, and in relation to the nature of the Scheme, it can be broadly concluded that the mitigations would screen the proposed highway and associated traffic movements within this 15 year time horizon.	The Applicant has no further representations to make.
<b>AGENDA ITEM 9 – Cross Cutting Issues</b>			
9.1	<p><u>Alignment of road</u></p> <p>The ExA summarised WPCs position in relation to the proposed alignment of the road. The ExA stated that there was a</p>	The Applicant stated that some of the constraints experienced are entirely statutory in nature, and thus the Applicant and Secretary of State have no leeway in that regard.	National Highways has carried out numerous new and road improvement schemes over many years. As the strategic road network (SRN) company, it has extensive technical expertise and



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	<p>previous suggestion from WPC that the line should be pushed further north, thus avoiding the need for geophysical and flood compensatory measures.</p> <p>The ExA added that there was further communication from WPC that the road should be put into a shallow cutting (a 1.5m cutting) as this would make a huge difference in terms of costing between the two routes (although ExA has already stated that this is not a consideration), reduce disruption during construction (as offline), and also reduce the noise affects coming from the road, as well as visual effects. Sutton Parish Council (SPC) stated that they endorsed the views of WPC. But wanted to add the difference in growth rate is substantial by only moving a few metres down the bank. So as much as the expertise are acknowledged, experience from SPC shows major difference in growth rates. The second point is that using features to mitigate along the edge of the road is missing the light and sound implications, due to the direction of the river valley taking that noise a substantial distance from the road.</p> <p>Mr Reid asked whether PINS can consider the road development to be more holistic re the heritage. For example, he would like to keep the station house as near as possible</p>	<p>The Applicant also stated that all options were considered and the Scheme that has been brought forward as assessed meets all relevant tests set out in the NPS (see the Case for the Scheme (<b>APP-141</b>) and the NPS NN Accordance Tables (<b>APP-142</b>).</p> <p>The Applicant also clarified that both National Highways and the contractor (Galliford Try) have a great deal of experience in operating within construction windows and also working within constraints.</p> <p>Applicant to provide further information in terms of their expertise on road building over the next few deadlines.</p>	<p>employs the UK's leading Contractor and Consultant organisations to undertake this work.</p> <p>Similarly, National Highway's appointed contractor for the Scheme, Galliford Try (GT), is one of the UK's leading construction groups with extensive cross-sector experience and highways specific experience. GT's portfolio of road projects has contributed substantially to the national infrastructure network.</p> <p>The latest version of the Case for the Scheme was wrongly referenced in the ISH2 – the correct reference is <b>AS-022</b>, as was the NPS NN Accordance Tables, the correct reference is <b>AS-023</b>.</p>

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	<p>to its present location, and also the wildlife area and crossing point as the only crossing of the A47.</p> <p>HE and NE have no further comments.</p> <p>The EA would prefer the Scheme to move further north, but the Applicant has already provided the relevant capacity for flood compensation.</p>		

### 3 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 3 – TRAFFIC, TRANSPORT AND SOCIO-ECONOMIC MATTERS

Ref	Question / Issues Raised at ISH3 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Traffic, Transport and Socio-Economic Matters	Applicant's Written Response
<b>Agenda Item 3 – Traffic and Transport</b>			
3.1	<p><u>Document stating extent of works</u></p> <p>The ExA firstly engaged in discussions with representatives of the Applicant in relation to the scope of the works. The ExA noted that in its Deadline 3 submissions, the Applicant commented that works for Wansford West were outside the scope of the project. The ExA asked if the Applicant could direct him to the published document which specifically limits works to effectively what had been applied for and not dealing with the Wansford west junction.</p> <p>Hearing Action Point 28 (EV-021)</p>	<p>The Applicant confirmed that it was not aware of any public document and would need to come back to the ExA in writing. The Applicant noted that such document may not exist, but that it would confirm to the ExA in writing by Deadline 5.</p>	<p>The Applicant has no further representations to make.</p>
3.2	<p><u>Capacity of roundabouts</u></p> <p>The ExA queried the capacity of the three roundabouts and clarified that the case being made was that the Wansford western roundabout currently suffers from congestion principally in the A47 eastbound direction.</p>	<p>The Applicant confirmed that the modelling undertaken has identified ongoing issues with the Wansford roundabout in the eastern direction, specifically in the AM peak. In relation to the volume of traffic approaching the junction in the westbound, the Applicant submitted that traffic went back across the bridge which itself is a constraint</p>	<p>Section 8.2 of the Transport Assessment (TR010039/APP/7.3 Rev 3) details the ongoing issues have been identified with the operational performance of the Wansford western roundabout. In summary the modelling shows that delays are expected at the Wansford western roundabout in both the Do-</p>

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		<p>on traffic.</p>	<p>Minimum (DM) and Do-Something (DS) scenario.</p> <p>In the westbound direction in the DS scenario, the delays and backing back at the Wansford western roundabout together with the constraint at the A1 bridge will impact the westbound traffic at the exit from the Wansford eastern roundabout.</p>
3.3	<p><u>Model data</u></p> <p>The ExA queried why the data showed that the growth was not reducing and the traffic was falling according to the model.</p> <p>Hearing Action Point 31 (<b>EV-021</b>)</p>	<p>The Applicant explained it produced traffic forecasts in line with TAG [<i>Transport analysis guidance</i>] guidance based on NTEM [<i>National Trip End Model</i>], RTF [<i>Road Traffic Forecasts</i>] and the uncertainty log information. The traffic growth was applied across the whole model at a matrix level so that the Applicant had a matrix of origin of destination movements. The model calculated where the traffic growth was going on link level. Impact had been seen on Old North Road, where traffic levels were decreasing. There were a number of contributing factors which include congestion constraints at Wansford western roundabout. Traffic was growing on the strategic road network (SRN), which meant less gaps and therefore it was less profitable for people to travel down that route. The 2015 model was prior to the 20mph restrictions along the inbound routes into Wansford village. The</p>	<p>Section 6.6 of the Transport Assessment (<b>TR010039/APP/7.3 Rev 3</b>) discusses the use of the strategic model to support the transport assessment.</p> <p>Based on the origin-destination demand and the available highway network supply capacity, the SATURN assignment model's algorithm calculates the equilibrium traffic flows on individual road links.</p> <p>As discussed in response to WPC in the Applicant's Response to Written Representations (<b>REP3-026</b>) there is a decrease in traffic flow on Old North Road both in the modelling forecast flows as well as the observed data. It also details the increase in delay at the Wansford western roundabout. As discussed, it is the combination of the</p>

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		<p>VISSIM model, which represents a 2019 base year, also shows a similar impact where traffic forecasts decrease on Old North Road.</p> <p>The Applicant discussed that traffic levels on Old North Road had reduced in future scenarios and traffic growth across the whole network had increased based on Department for Transport (DfT) growth assumptions. The Applicant further discussed that traffic impacts on the roundabouts meant use of a number of available alternative routes. There had been an increase on the SRN (A47 and A1). Further south of Wansford village were routes to the A1 along London Road, further south on Elton Road.</p> <p>The Applicant also confirmed that it would reissue the document 9.16 by Deadline 4 as columns were missing from the table on pages 23 and 24.</p>	<p>growth in strategic traffic, the increase in junction delay and the introduction of the 20mph speed limit which reduces the attractiveness of Old North Road in the forecast year models.</p>
3.4	<p><u>Traffic accident record</u></p> <p>The ExA confirmed that he had not seen the traffic accident record for the Peterborough Road junction.</p> <p>Hearing Action Point 30 (EV-021)</p>	<p>The Applicant confirmed that it would look into the Peterborough Road traffic accident record and provide the ExA with that information.</p> <p>The Applicant noted that it had previously discussed closure of the junction with WPC and PCC about a year ago when they proposed improvements to the A1 connection. The reason for the discussion</p>	<p>Discussions with PCC have commenced. A technical note will be provided during the course of the Examination.</p>

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		<p>was that there was potential to encourage a new rat run there and make the problem worse. The Applicant confirmed that it was no longer providing those improvements or proposing to close that junction.</p> <p>The Applicant asked the ExA whether the ExA could ask PCC their views on the safety issues.</p>	
3.5	<p><u>Wansford Traffic Model calibration</u></p> <p>The ExA asked what verification analysis had been done on the Wansford traffic model to determine its accuracy and noted that the calibration needs to be clearer.</p> <p>Hearing Action Points 29 and 32 (EV-021)</p>	<p>The Applicant confirmed that the Wansford VISSIM and SATURN base year models were calibrated to DfT TAG guidelines according to the observed data. This VISSIM model was calibrated based on the 2019 dataset and presented in section 5 of the Transport Assessment (REP2-025) in Figure 5.4. The Applicant confirmed that it would provide the ExA with a note on the calibration of the model by Deadline 5 as well as the DfT TAG criteria so that the ExA could compare.</p> <p>The Applicant confirmed that in response to the issue around sensitivity testing, in document REP3-026 (Applicant's Response to Written Representations), the strategic modelling assessment was based over a wide area where the Applicant did not directly calculate the link flow on individual links. The link flow was based on a calibrated model assignment, where changing flow equals a change of assignment. The Applicant</p>	<p>As detailed in Section 6.6 of the Transport Assessment (TR010039/APP/7.3 Rev 3), an operational VISSIM model has been developed based on local observed 2019 traffic count data. The 2019 VISSIM base year model achieved the DfT required validation criteria and is therefore considered fit for undertaking operational modelling. VISSIM Micro-simulation models include a representation of the movement of individual vehicles travelling across a highway network. This individual representation of driver behavior provides a suitable tool to assess the detailed impact of the Scheme.</p> <p>As discussed in Section 6 of the Transport Assessment, strategic modelling assessment covers Wansford, the A1/A47 junction and the surrounding</p>

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		<p>explained that it had the core scenario which represented the unbiased part and realistic set of assumptions. The Applicant then looked at low and high growth scenarios. Sensitivity testing was undertaken and used in the economic appraisal of the Scheme discussed in Section 4 of the Case for scheme (<b>AS-022</b>). The Applicant agreed that, as part of the same note explaining the process, it would confirm the length, which would include the ideal weaving lengths for a new junction by Deadline 5.</p>	<p>area. The model utilised for the assessment of the Scheme is called the Wansford Traffic Model (WTM). The model, utilised for project stage 3, has been developed in line with the DfT Transport Appraisal Guidance (TAG). The WTM has been calibrated to represent a 2015 base year.</p> <p>The results presented in the Transport Assessment (<b>REP2-025 – resubmitted at Deadline 4 TR010039/APP/7.3 Rev 3</b>) are derived from the core scenario. As discussed in section 6.6.12 of the document:</p> <p><i>“The core scenario represents the most unbiased and realistic set of assumptions. It is intended to provide a sound basis for decision-making given current evidence. It must be robust and evidence-based taking on board various factors and noting uncertainties affecting travel demand in the future. In accordance with TAG guidance, the uncertainty log includes the management of the uncertainties required for formulating the core scenario.”</i></p> <p>Sensitivity testing is discussed in Section 4 of the Case for scheme (<b>AS-022</b>). In line with DfT recommendations and uncertainty of forecasting, the future,</p>

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			<p>scenario analysis has been undertaken supplemented with sensitivity tests. In addition to the economic appraisal of the core scenario, additional sensitivity tests of high and low traffic growth have been undertaken.</p>
3.6	<p><u>A1 junction</u></p> <p>The ExA also asked PCC about the suggestion by Wansford Parish Council (WPC) that the junction to and from the A1 should be closed.</p> <p>The representative from (WPC) also provided input.</p> <p>Hearing Action Point 32 (EV-021)</p>	<p>PCC confirmed that closure of the junction to and from the A1 was not part of the process and that it would need to look at this in detail along with accident data if it were to come forward. WPC explained that it had suggested to the Applicant that just in case there was a mistake in the modelling, the Applicant could re-run the modelling with the traffic on Old North Road being increased in line with the surrounding traffic flows. WPC took the view that this would tell the Applicant whether there was a significant effect by varying the traffic flows.</p>	<p>As discussed in response to WPC in the Applicant's Response to Written Representations (<b>REP3-026</b>) the WTM model is a WebTAG calibrated Wardrop user equilibrium assignment model using SATURN software, where all trips across the network will select the optimum route based on the generalised cost of travel between different origins and destinations.</p> <p>Wardrop user equilibrium is based on the following proposition:</p> <p><i>'Traffic arranges itself on congested networks such that the cost of travel on all routes used between each origin-destination pair is equal to the minimum cost of travel and unused routes have equal or greater costs.'</i></p> <p>Thus, it is not possible to select target growth on individual links and routes as</p>



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			<p>this will disrupt the overall equilibrium of the assigned model. It is considered that the growth on Old North Road, as well as across Wansford village and on the strategic roads (A11 and A47), is commensurate with the projected traffic growth across the model, the calibrated equilibrium assignment, the available roundabout capacity.</p> <p>As discussed above, the WTM future year core scenario forecasts have been developed in line with TAG guidelines. In addition to the economic appraisal of the core scenario, additional sensitivity tests of high and low traffic growth have been undertaken.</p>
3.7	<p><u>NMUs crossing roundabout</u></p> <p>The ExA discussed that the Applicant's submission in relation to the interaction with NMUs [<i>non-motorised users</i>] crossing the roundabout was that there were not many and that they would wait for a gap to cross.</p>	The Applicant confirmed that this was correct.	The Applicant has no further representations to make.
3.8	<p><u>NMUs and Highway Code – traffic modelling</u></p> <p>The ExA asked whether the change to the Highway Code had been incorporated into the Applicant's traffic model.</p>	The Applicant confirmed that it would respond in writing by Deadline 5.	The Applicant would not expect to see impacts of the Highway Code changes reflected in the large-scale strategic models used for scheme analysis.

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	Hearing Action Point 33 (EV-021)		Although the recent changes might be seen in urban areas, represented in operational/ junction modelling, even these would be unlikely be significant.
3.9	<p><u>Permissive routes</u></p> <p>The ExA stated that the routes to the south of the Main Line were permissive at present and asked when they were first provided as a permissive route. The ExA discussed that if there was a permissive route, there was a risk that permission could be revoked and therefore the route would go. The ExA asked for information on the likelihood of that route being removed.</p> <p>Hearing Action Point 34 (EV-021)</p>	<p>WPC confirmed that it had looked but were unable to find any records. The representative for the Peterborough Cycle Forum (PCF) stated that as far as it was aware there had never been any permissive route for cycles.</p> <p>The Applicant confirmed that it had made great efforts to track down the landowner (including door knocking) but had been unsuccessful. The Applicant outlined that the landowner had been absent for a number of years. The route had been identified as permissive and as the Nene Way. The Applicant discussed that there was evidence of use of the route by cyclists, and that the British Horse Society had informed the Applicant that there was historic and current use which would continue in the future.</p> <p>The Applicant also discussed that it had improved the part of the route to the east of the A1 to make it more suitable for all users, and the route had also been signed for use by pedestrians, cyclists and horse riders. These steps did not trigger any action by the landowner to close the route, and that this is</p>	The Applicant has no further representations to make, however see also the response to 3.10 below.

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		<p>the type of action that can often trigger a closure. The ramp itself also provides vehicular access to an Anglian Water pumping station, which is available 24/7. There was no evidence to suggest the route was not open and would not be open in the future.</p> <p>WPC discussed that everything except the concrete ramp was owned by the Applicant. The perception locally was that the ramp itself was owned by Anglian Water. WPC did not have any documentary evidence to prove that this was the case, and it did not think it had ever been registered, but that was how Anglian Water had responded to questions previously.</p> <p>Mr Robert Reid, the owner of land situated near Old Station House confirmed that the permissive route ran to the end of his land. He has owned the land for 32 years, and the permissive route was there long before he lived there. The original track went up and then along the A47 before dropping down and it comes up where the T20 tree is.</p>	
3.10	<p><u>Extent of routes proposed</u></p> <p>The ExA referenced the Road Safety Audit (REP2-040) at page 23. The ExA discussed that page 23 of REP2-040 stated that "no</p>	<p>The Applicant discussed that the question of severance had not arisen as use was being made of the route. If permission was withdrawn, or if a landowner were to come forward to challenge the use, then the most</p>	<p>The Applicant confirmed that it would provide written legal submissions in relation to this point by Deadline 5.</p>

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	<p>cyclists are permitted to travel east along the A47 past the West roundabout" which meant that the Applicant is not intending that they would travel south along the permitted footpath.</p>	<p>likely time for that would be when the works were carried out. Works had been carried out, signs and white lines provided, which would be the kind of legal event that would give rise to the route being closed off, and users making a claim through the modification order process. The submission was that there was no severance here.</p> <p>The ExA refuted this and stated that we had agreed that there was legal severance, not in reality, but legally. The ExA again asked why the proposal did not make provision for something to deal with this in the longer term and that the NPS NN made quite clear that the Applicant should address this.</p> <p>The Applicant confirmed that it would provide written legal submissions in relation to this point by Deadline 5. The ExA directed the Applicant to deal with paragraph 5.205 of the NPS NN in its reply and noted that paragraph 3.22 dealt with the existing position.</p>	

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3.11	<p><u>Grade separated junction</u></p> <p>The ExA asked the Applicant why other solutions, for example grade separated junctions at that location or the existing roundabout would not have had the agreed downsides compared to the current proposals</p> <p>Hearing Action Point 36 (EV-021)</p>	<p>The Applicant confirmed that this was considered at an earlier stage, the design development had been set out in the Scheme Design Report (AS-026), and that there had always been a roundabout proposed at that location but that if it was helpful the Applicant could provide the ExA with something written to help explain this further.</p> <p>It was agreed that the Applicant would provide this by Deadline 4.</p>	<p>A Grade Separated Junction was considered during the Option Identification phase for the Scheme. Please refer to Figure 11-3 of the Scheme Assessment Report 2018 (AS-030).</p> <p>The option was assessed with regards to operational performance (journey time savings), scheme costs, scheme benefits resulting from reduction of accidents, transport economic efficiency, monetised costs and benefits, and Value for Money.</p> <p>As referred in Section 20.1.3 of the same report, this concluded that the additional benefits gained by grade separation would not justify the significant additional costs and for that reason was not assessed further.</p>
3.12	<p><u>William Scott Abbott Trust consultation</u></p> <p>It was reported that the William Scott Abbott Trust had asked to be consulted on the design of the access.</p>	<p>The Applicant confirmed that it was progressing a SoCG with the charity to include discussions of those features such as signage, lighting at entrance and gates etc.</p>	<p>The commitment within the draft SoCG with the William Scott Abbott Trust is to consider aspects regarding signage, lighting and gating as part of the detailed Scheme design.</p>
3.13	<p><u>Langley Bush Road – traffic survey</u></p> <p>The ExA asked whether an actual traffic survey on Langley Bush Road had been carried out, as opposed to numbers from</p>	<p>The Applicant confirmed it did not have observed data for Langley Bush Road and that this was based on model data taken from Sutton Heath Road observed data.</p>	<p>This question will be addressed further as part of Hearing Action Point 37 (EV-021).</p>

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	traffic models.		
3.14	<p><u>Langley Bush Road – vehicle types and use</u></p> <p>The ExA also asked whether the Applicant could identify the split of HGV or types of traffic on Langley Bush Road.</p> <p>Hearing Action Point 37 (EV-021)</p>	<p>The Applicant agreed to respond in writing in relation to the split of HGV or types of traffic on Langley Bush Road.</p>	<p>This question will be addressed further as part of Hearing Action Point 37 (EV-021).</p>
3.15	<p><u>Sutton Heath Road and Upton Drift surveys</u></p> <p>The ExA asked whether a physical survey had been undertaken between Sutton Heath Road and Upton Drift.</p> <p>Hearing Action Point 37 (EV-021)</p>	<p>The Applicant confirmed that the survey data locations were set out in the application.</p>	<p>Section 5 of the Transport Assessment (TR010039/APP/7.3 Rev 3) details the provides a summary of the baseline data collection used for the assessment of the Scheme as well as the development of the highway assignment and microsimulation models.</p>
3.16	<p><u>New cycleway and NMU Route</u></p> <p>Mr Robert Reid discussed that the new cycleway and NMU route comes down and under the bridge, and that it would be important that a route which is useful to all is established. He said that the Applicant had made the best of the situation it can through the bridleway and the mix of cyclists and horse riders. Mr Reid wanted to point out that he would like to see a bit more togetherness of certain design of this project for NMUs and that does include the Old Station Building being removed and</p>	<p>The Applicant confirmed it would respond in writing if needed following a review of the transcript by Deadline 4.</p>	<p>The Applicant can confirm that the proposed bridleway underpass will be suitable for the mix of users.</p> <p>With regards to the relocation of the Old Station Building please refer to ISH2 item 3.6 above.</p> <p>The Applicant does not recognise the position on the cost assessment set out by Mr Longfoot and has no further comments.</p>

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	<p>relocated to southern side of the bridge. They hoped that the wildlife corridor would be kept open there and to stop the underpass becoming a degraded area in years to come.</p> <p>Mr David Longfoot raised that Upton did have £300,000 to keep connected to the roundabout. Mr Longfoot alleged that the only reason for not keeping connected to the roundabout was because there was some potential building land that the road would cross.</p>		
3.17	<p><u>Routes to/from village of Upton</u></p> <p>Milton Estates commented that they also won Manor Farm at the end of Upton village, which had one of the largest grain stores in the area. This store is used by two other tenants. A comment was made that "the farmers would haul the farm across the field", but ME noted that HGV lorries would not be able to do that and would instead use the road system.</p> <p>SPC commented that a meeting did take place between PCC, the Applicant, Upton community and SPC in relation to the split along Langley Bush Road where PCC said it would look to widen the verge and provide a soft verge. SPC's expectations were that</p>	<p>The Applicant agreed to liaise with PCC to progress those discussions in relation to widening the verge by Deadline 5.</p>	<p>There is no commitment in place for PCC to widen the verges at Langley Bush Road. Discussions are ongoing with PCC to consider bringing planned works forwards to coincide with works for the Scheme.</p> <p>The Applicant has no further response to make at Deadline 5 on this point.</p>

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	<p>actions would be forthcoming in this regard, but to date they had seen nothing. PCC confirmed they would provide SPC with a response.</p>		
<p>3.18</p>	<p><u>Langley Bush Road - safety</u></p> <p>Mr David Longfoot discussed that closing the road to Upton would be a disaster as all traffic including heavy agricultural vehicles would have to travel down Langley Bush Road. Mr Longfoot explained that this would be very dangerous and increase fly tipping and create a haven for caravans and mobile homes.</p> <p>Milton Estates commented that they agreed with Upton village in opposing the movement of the roundabout and understanding of why it has been moved. ME commented that they owned both sides of The Drift road and Langley Bush Road. Langley Bush Road could be made wider using Milton Estates' land. It was Milton Estates' view that passing places were unproductive and not conducive to heavy agricultural vehicles.</p> <p>Hearing Action Point 37 (EV-021)</p>	<p>The Applicant did not provide an oral response.</p>	<p>The Applicant has considered that it has addressed this issue in the Common Response F in the Applicant's Response to Relevant Representations (REP1-010) and doesn't intend to provide anything further, unless further information is submitted into the Examination.</p>
<p>3.19</p>	<p><u>Sutton Drift</u></p>	<p>The Applicant confirmed that the existing Sutton Drift was a designated quiet route.</p>	<p>The Applicant has no further representations to make</p>



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	<p>The ExA asked whether the [NMU route here] was as a result of a request from SPC.</p>	<p>that this was a good opportunity for that route and had been discussed in conjunction with SPC.</p> <p>SPC explained that this was discussed at a public meeting convened by the Parish Council, and the vast majority of the village were in favour of this being closed and used for NMUs. SPC explained that this area created part of a loop where it had seen unsociable behaviour. For example, it had been used as a drag track and there were speeding cars. SPC said the junction onto Nene Way was not safe and there were no footpaths there either. SPC see the plans as helping to reduce issues along that route. An SPC meeting last week confirmed this was still the view. SPC had contacted PCC and awaited to hear from them but had started the dialogue in this regard.</p> <p>The Applicant submitted that if the ExA made an indication and wanted to discuss optioneering then the Applicant would assist with that and it could then produce those documents, but how it was canvassed remained a matter for the ExA to decide. The only caveat was that this could not include anything that would require further consultation or surveys, so would need to be based on information already held.</p>	

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3.20	<p><u>Sutton Drift - verges</u></p> <p>The ExA discussed that there was overriding of the verges which indicated that vehicles had to override to get past each other. The ExA asked how easy it was for larger HGVs that were currently coming from Lower Lodge Farm in Upton down to Nene Way roundabout. These vehicles would need to go the other way round and down Langley Bush Road. The ExA asked what capacity Langley Bush Road had to deal with this, and if there had been any proposals in relation to this.</p> <p>In relation to this issue, the ExA confirmed it was interested in HGVs and the effect on verges and general degradation to the landscape over time.</p>	<p>The Applicant confirmed that this had been discussed with PCC on numerous occasions and that its understanding was that PCC can confirm it does not have any objections. Langley Bush Road would see an increase in users and the Applicant has submitted that the increase would be in peak hour traffic 30 to 100 passenger units in design year. This would not be a significant increase.</p> <p>In relation to degradation of the landscape, PCC confirmed that it had reviewed this in depth along with the proposals to the Drift and did not have any objections to increase on Langley Bush Road itself. PCC did not have information on the traffic split to hand. The Applicant and PCC confirmed that they would provide the ExA with this information.</p>	<p>The Applicant has no further representations to make.</p>
3.21	<p><u>NMU routes crossing the main line</u></p> <p>The ExA discussed that the principal route was a dedicated footpath and cycle route to the south of the A47 along the existing road. It would need to be a dual use to get to Deep Springs, go through the underpass through Sutton Heath Road, past the station buildings. The ExA asked that for those going through the underpass, whether they would need to dismount cycles.</p>	<p>The Applicant confirmed that the ramps would be designed with appropriate gradients and turning space for cyclists to manoeuvre through there.</p> <p>The Applicant also confirmed that if going from Ailsworth to Upton, one of the routes would be to go along Peterborough Road, a new parallel road, past Deep Springs and up Langley Bush Road and into the Drift. However, there are other routes that people could use comprising the public rights of way on the network between Upton and Ailsworth.</p>	<p>The Applicant has no further representations to make.</p>

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3.22	<p><u>NMU routes to north of Main Line</u></p> <p>Mr Robert Reid confirmed that at present, the only place to cross the A47 was on the present roundabout or go down to Ailsworth and cross the bridge, so there were only 2 options. WPC did not have any information on NMU volume. PCC confirmed they would look into NMU volume and provide the ExA with this by Deadline 4.</p> <p>Sutton Parish Council (SPC) confirmed that the only safer route was across the Sutton roundabout, but this was dangerous in itself. SPC were of the opinion that any reports on usage of the route would be inaccurate as in practice, people did not use the route as it was not safe.</p> <p>Hearing Action Point 35 (EV-021)</p>	<p>The Applicant discussed that the routes to the north of the A47 were shown in Figure 5.6 of the Transport Assessment (REP2-025) which details the PCC cycle route map in the area. Figure 5.6 showed Sutton Heath Road, Langley Bush Road and Upton Road as advisory roads for cyclists. The routing for north to south cycle movements can be deduced from this information. The WCHR/NMU strategy took account of usage of the existing routes by the provision of the underpass at Sutton Heath Road.</p>	<p>The Applicant has no further representations to make, however the Transport Assessment has been submitted again at Deadline 4, so the new reference is <b>TR010039/APP/7.3 Rev 3.</b></p>
3.23	<p><u>Highway Code – pedestrians crossing roundabout</u></p> <p>The ExA discussed that in relation to NMUs crossing the roundabout, the Applicant's submission was that there were not many and that they would wait for a gap to cross.</p>	<p>The Applicant confirmed that was correct.</p> <p>The Applicant confirmed that it would provide additional research on the safety of signal controlled roundabouts and confirmation as to whether changes to the highway code had been implemented into the traffic model for NMUs crossing the roundabout by Deadline 5.</p>	<p>The Applicant will respond at Deadline 5.</p>

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3.24	<p><u>Details of southern entrance to Sacrewell Farm</u></p> <p>The ExA discussed "problem 5", the junctions between the two fields and access points. The proposed solution at page 42 was convex mirrors and the ExA noted that this was not a good solution.</p> <p>The ExA asked whether the Applicant had discussed the use of convex mirrors with its own regulatory arms or PCC, and that the convex mirrors seemed to be resolving a problem that they should not be creating in the first place.</p> <p>Hearing Action Point 38 (EV-021)</p>	<p>The Applicant said it would review discussions with Sacrewell Farm as the junction was on their land.</p> <p>The Applicant also said that this point came up in the road safety audit and was approved by the audit authorities. The Applicant said that it would look at this as part of detailed design.</p> <p>The Applicant agreed to respond in writing to the ExA's concerns in relation to the convex mirrors by Deadline 4.</p>	<p>The concerns raised regarding convex mirrors are understood, and the Applicant no longer proposes the use of convex mirrors to mitigate this concern.</p> <p>An alternative mitigation solution to this problem is being investigated. An update will be provided at Deadline 5.</p> <p>Further Road Safety Audits will be undertaken at detailed design, completion of construction, and post-opening in accordance with DMRB GG119 – Road Safety Audit.</p>
3.25	<p><u>Access to Great North Road properties</u></p> <p>The ExA discussed that the north/south section was not to be a publicly maintainable highway and asked the Applicant what consideration had been given to adopting the section between A1 and the access.</p> <p>The ExA stated that the route would be affected by more traffic and being deprived of public access.</p> <p>Hearing Action Point 39 (EV-021)</p>	<p>The Applicant said that the east/west short section was considered and discussed, but that the conclusions were that the Applicant's works were not significantly affecting that route, so no changes were proposed.</p> <p>The Applicant confirmed that it would reply in writing by Deadline 4.</p>	<p>The Applicant can confirm that the short east /west section of road to the new A1 houses access will be maintained by The Applicant where the east / west section of road is taken permanently as shown on the Land Plans (REP2 –003) page 7 (sheet 1) 1/2a.</p>

Ref	Question / Issues Raised at ISH3 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Traffic, Transport and Socio-Economic Matters	Applicant's Written Response
<b>AGENDA ITEM 4 – Socio Economics</b>			
4.1	<p><u>Links to/from village of Upton</u></p> <p>The ExA invited comments on the links between Upton and villages to the south of the A47 from a socio-economic perspective. SPC commented that there were a number of friendships between north/south that would make travelling too difficult, cycling links extended. Issues were put forward by Mr David Longfoot and Milton Estates, with an emphasis on the importance of the connectivity between the communities.</p> <p>Milton Estates commented that Upton was part of the Milton Estates and that they had land at Wansford and Caster. That they had a big presence there. The present Scheme would sever Upton from the five parishes. Milton Estates explained that Upton had no parish council and was grouped together with Sutton. The two would be split and Upton would be more isolated. SPC agreed with Milton Estates on this.</p> <p>Mr Longfoot commented that the proposal would not help Upton residents with horse-riding. That most of the community were working people and it would disrupt those going to work. A slip road would be better.</p>	<p>The Applicant confirmed that it would respond in the summary of oral responses if required.</p>	<p>With regard to the effects on WCH of severing Upton Road, reference should be made to <b>Common Response C</b> on page 6 of the Applicant's Response to Relevant Representations (<b>REP1-010</b>)</p> <p>Please refer also to <b>Common Response E</b> with regard to consultation.</p>

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	<p>even if it was one-way.</p> <p>Mr Longfoot explained that this was all sprung on Upton and then changed from the original plans and that Upton was affected worse than any other village.</p>		
4.2	<p><u>Designated Funds</u></p> <p>The ExA asked about designated funds for NMU routes.</p>	<p>The Applicant explained that if designated funds approval was given, a potential NMU project could still be considered even if the DCO for the Scheme was not granted.</p> <p>Potential routes have been discussed with the community, and although the route of a Roman road was being considered, no route has yet been determined. SPC agreed with this statement.</p>	<p>The Applicant has no further representations to make.</p>
4.3	<p><u>Use of recycled materials in construction</u></p> <p>The ExA asked why there was no route for the use of waste set out as a primary route.</p>	<p>The Applicant confirmed that the primary route was to re-use materials on the Scheme where possible, for example by crushing concrete that could be processed under permits and used under construction. This was secured in the EMP (<b>APP-145</b>).</p>	<p>The wrong reference for the EMP was used in ISH3, the correct reference is <b>REP2-027</b>.</p> <p>As detailed in paragraph 10.9.11 of ES Chapter 10 (<b>APP-048</b>), listed mitigation includes adoption and adherence to an EMP (<b>REP2-027</b>). The EMP requires the Principal Contractor to adopt best practice in the management of construction waste to reduce waste generation and subsequent landfill disposal. This includes consideration, in</p>

<b>Ref</b>	<b>Question / Issues Raised at ISH3 and Hearing Action Point</b>	<b>Summary of Applicant's Response at ISH3 – Traffic, Transport and Socio-Economic Matters</b>	<b>Applicant's Written Response</b>
			accordance with the waste hierarchy, to the re-use/recycling of site generated wastes on the site as a priority management route over transportation off-site for re-use or disposal.

## 4 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT COMPULSORY ACQUISITION HEARING (CAH1)

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
<b>AGENDA ITEM 3 – General Case</b>			
3.1	<p><u>Case for Compulsory Acquisition and Temporary Possession</u></p> <p>The ExA asked the Applicant to justify the case for Compulsory Acquisition (CA) and Temporary Possession (TP), with the following matters (set out in the agenda) to be discussed:</p>	<p>In discussion of the general case, the Applicant referred to a number of published documents:</p> <ul style="list-style-type: none"> <li>• Statement of Reasons (<b>APP-020</b>)</li> <li>• Funding Statement (<b>APP-021</b>)</li> <li>• Book of Reference (<b>REP3-009</b>)</li> <li>• Draft Development Consent Order (dDCO) (<b>TR010039/APP/3.1 Rev 3</b>)</li> <li>• Case for the Scheme (<b>AS-022</b>)</li> <li>• Equality Impact Assessment (<b>REP2-031</b>)</li> <li>• National Policy Statement for National Networks Accordance Tables (<b>AS-023</b>)</li> <li>• Explanatory Memorandum (<b>REP3-005</b>)</li> <li>• Scheme Assessment Report (<b>AS-030</b>)</li> <li>• Consultation Report (<b>AS-011</b>)</li> </ul> <p>Each of the items set out in the agenda by the ExA was addressed in turn by the Applicant:</p>	<p>The Applicant has no further representations to make.</p>
3.2	Review of the statutory and policy tests	<b>i) legal and policy tests</b>	The Applicant has no further



Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
	<p>a) a review of the statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (PA 2008) and DCLG Guidance.</p>	<p>The Applicant stated that s122 PA 2008 is of relevance, as the DCO includes provisions authorising compulsory acquisition of land. To the extent that this is sought, the SoS, in respect of the application, must be satisfied that the land is required for the development (s122(2)(a)), required to facilitate or is incidental to the development (s122(2)(b)), or the land is replacement land which is to be given in exchange for the order land under s131 or s132 PA 2008 (s122(2)(c)). Under s122(3) PA 2008, there must also be a compelling case in the public interest for the inclusion of powers in the DCO. S123 states that the DCO can authorise CA if the DM is satisfied that: the application includes a request for CA to be authorised, and this has been met through the draft Book of Reference (<b>REP3-009</b>); all persons with an interest consent; or the prescribed procedure has been followed.</p> <p>Para 8 of DCLG's Compulsory Acquisition Guidance (CA Guidance) states that the Applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is both necessary and proportionate.</p> <p>The dDCO (<b>TR010039/APP/3.1 Rev 3</b>) sets out the relevant Articles where CA and TP powers are engaged and details as to their</p>	<p>representations to make.</p>

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		<p>inclusion are set out in the Explanatory Memorandum (<b>REP3-005</b>).</p> <p><b>ii) compliance with tests</b>            The Applicant confirmed that the land being sought is the minimum that is necessary to construct, operate, maintain and mitigate the Scheme and is therefore proportionate to the Scheme objectives. In the event that less land proves to be required in a particular area at a later stage, the Applicant would only seek to acquire that part of the land that is required and in all events will seek to minimise effects on landowners. Within the boundaries of the Scheme, land is required temporarily for construction activities such as material storage, management and processing, and temporary utility connections. These are shown on the Land Plans (<b>REP2-003</b>), and have different colour gradation.</p> <p>Para 2.2 of the NPS NN states that there is a "critical need" to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity and to provide a transport network that is capable of stimulating and supporting economic growth. It also states that improvements may also be required to address the impact of the national</p>	

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		<p>networks on quality of life and environmental factors.</p> <p>In the Case for the Scheme (<b>AS-022</b>), four key objectives have been set out: supporting economic growth, making a safer network, enabling a more free-flowing network, and ensuring an accessible and integrated network.</p> <p><b>iii) consideration given to all reasonable alternatives to CA and TP</b></p> <p>The Applicant stated that a scheme of this size will make it inevitable that CA is required. In designing the Scheme and determining the land subject to CA and TP powers, the Applicant has considered alternatives and modifications to the Scheme to minimise the potential land take. On completion of initial assessments, ten potential options were considered for further review. After further assessments (which can be found in the Scheme Assessment Report (<b>AS-030</b>)), three of the ten options were selected by Highways England and taken forward for further assessment.</p> <p>Following the non-statutory consultation in Spring 2017 it was identified that the current option would solve the main traffic and safety problems along the route. Previous design and development also concluded that this option would have significant advantages in</p>	

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		<p>terms of environmental impact and would have less impact during construction compared to the alternatives. Concerns raised during the non-statutory consultation also influenced further amendments to the chosen option.</p> <p>Discussions with landowners have sought to reach agreements which would avoid the need to seek CA/TP land.</p> <p><b>iv) why CA/TP rights to be acquired are necessary and proportionate</b>            The Applicant confirmed that it is satisfied that all of the land subject to CA and TP powers is necessary to construct, operate, maintain and mitigate the Scheme and is also necessary to achieve the objectives of the Scheme. The land sought is also reasonable and proportionate.</p> <p>The Applicant has sought powers of CA (or rights of use) in respect of all plots of land required for the Scheme even where it already holds an interest or presumes it holds an interest in the land. This approach has been taken to ensure that the Applicant has the right to acquire the interest it needs in all of the land, even where an unknown or unregistered interest later asserts an interest in land which the Applicant believes it owns and clearing the title would be necessary.</p>	

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		<p>The Applicant considers that the land included in the dDCO (<b>TR010039/APP/3.1 Rev 3</b>) is the minimum land take required to construct, operate, maintain and mitigate the Scheme to achieve the Scheme's objectives. The Applicant has sought to achieve a balance between minimising land take and securing sufficient land to deliver the Scheme, noting that the detailed design of the Scheme has yet to be developed. In that context, the limits of the land have been drawn as tightly as possible so as to avoid unnecessary land take. In the event that less land is required the Applicant confirmed it would only seek to acquire that part of the land that is necessary.</p> <p>Compulsory acquisition powers are also required to override any existing rights and interests in the land as well as grant the right to take TP of land for construction and maintenance purposes. Again, without these rights over the land, the Scheme cannot be delivered. The Applicant is accordingly satisfied that the extent of the land to be taken is reasonable and proportionate</p> <p><b>v) having regard to s122(3) PA 2008, whether there is a compelling case in the public interest for the CA</b></p> <p>The Applicant confirmed that there is a compelling case in the public interest for the Scheme to be delivered as set out in the</p>	

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		<p>Statement of Reasons (APP-020), in particular para 5. The NPS NN identifies a "critical need" to improve the national networks to address road congestion and support economic growth, quality of life and environmental factors. The way in which the strategic objectives of the Scheme are aligned with the NPS NN is set out in detail at Chapter 3 of the Case for Scheme (<b>AS-022</b>). General compliance with the NPS NN is set out in the NPS NN Accordance Tables (<b>AS-023</b>). These documents clearly demonstrate that there would be substantial public benefits arising from the implementation of the Scheme.</p> <p>The Scheme is also included in the Applicant's Second Road Investment Strategy (RIS2) as a commitment for the second Road Period (RP2) covering the financial years 2020/21 to 2024/25. Further details of funding commitment can be seen in the Applicant's Funding Statement (<b>APP-021</b>).</p> <p>The Applicant stated that it is firmly of the view that there is a compelling case in the public interest for the CA powers sought. The Applicant is satisfied that the conditions set out in s122(3) PA 2008 are met and that there is a compelling case in the public interest for compulsory acquisition.</p>	

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3.3	<p><u>Human Rights</u></p> <p>b) to review human rights and equality considerations</p>	<p>The Applicant drew the ExA's attention to section 6 of the Statement of Reasons (<b>APP-020</b>) noting that section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights (ECHR). Paragraph 10 of the CA Guidance sets out how Applicants should take human rights into account:</p> <p><i>"the Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention."</i></p> <p>The DCO, if made, may infringe on the human rights of persons with an interest in land. This infringement is authorised by law provided that:</p> <ol style="list-style-type: none"> <li>a. there is a compelling case in the public interest for the compulsory acquisition powers included with the dDCO (<b>TR010039/APP/3.1 Rev 3</b>), and that proper procedures are followed.</li> </ol>	<p>The Applicant has no further representations to make.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
		<p>b. any interference with a human right is proportionate and otherwise justified.</p> <p>The Applicant confirmed that there are no residential properties affected by the compulsory acquisition of land in the Scheme. Whilst recognising that the Scheme may have an impact on individuals, the Applicant considers that the significant public benefits that will arise from the Scheme outweigh any harm to those individuals. The dDCO strikes a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the DCO) and the private rights which will be affected by compulsory acquisition.</p> <p>In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included with the dDCO has been demonstrated in Chapter 5 of the Statement of Reasons (<b>APP-020</b>) and in the Case for the Scheme (<b>AS-022</b>). The land included over which compulsory acquisition powers are sought as set out in the dDCO is the bare minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.</p>	



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		<p>In relation to Article 6, the Applicant stated that it is content that proper procedures have been followed for both the consultation on the Scheme and for the determination of the compulsory acquisition powers included in the dDCO. Throughout the development of the Scheme, the Applicant has given persons with an interest in the land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant has endeavoured to engage with land interests. The Applicant has had regard to land interest feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme. Examples of design changes are provided within the Consultation Report (<b>AS-011</b>).</p> <p>In relation to equality considerations this is again covered in section 6 of the Statement of Reasons (<b>APP-020</b>) as well as the Equality Impact Assessment (<b>REP2-031</b>).</p> <p>The Equality Impact Assessment concludes that there are no unjustified negative impacts and that the project is compliant in terms of the equality duty.</p>	
3.4	<p><u>Book of Reference</u></p> <p>c) to consider the structure and content of the Book of Reference</p>	<p>The Applicant confirmed that the draft Book of Reference (<b>REP3-009</b>) is in a standard format and is quite long.</p> <p>There were no specific questions relating to</p>	<p>The Applicant has no further representations to make.</p>

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		<p>the Book of Reference and the general case here, so the Applicant was happy to proceed to the next agenda item.</p>	
3.5	<p><u>Funding Statement</u>            d) to consider the structure and content of the Funding Statement</p>	<p>The ExA was content with the Funding Statement (<b>APP-021</b>) and the Applicant had nothing further to add.</p>	<p>The Applicant has no further representations to make.</p>
3.6	<p><u>Statement Of Reasons</u>            e) to consider the structure and content of the Statement of Reasons</p>	<p>The Statement of Reasons (SoR) (<b>APP-020</b>) sets out the Applicant's case for the compulsory acquisition of land that is required for the carrying out of the Scheme.</p> <p>The purpose of the SoR is to demonstrate that the powers of compulsory acquisition (and temporary possession) sought in the DCO are necessary, proportionate, justified, and that legislative and policy tests are met.</p> <p>The SoR describes the extent and nature of the powers sought and how this is set out in the application documents in respect of:</p> <ul style="list-style-type: none"> <li>• The description of the land required and which is to be subject to compulsory acquisition powers.</li> <li>• Any public rights of way and services that are affected.</li> <li>• Articles in the dDCO that contain powers relating to compulsory acquisition of land.</li> </ul>	<p>The Applicant has no further representations to make.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
		<ul style="list-style-type: none"> <li>• Steps the Applicant has taken to identify the relevant land interests, including making diligent inquiries to identify all persons with an interest – this includes those with category 1, 2 and 3 interests.</li> <li>• The compelling case in the public interest for the compulsory acquisition of land.</li> <li>• The consideration of alternatives to the Scheme.</li> <li>• Funding for the Scheme.</li> <li>• Negotiations that have taken place with the affected landowners.</li> <li>• Consideration of Human Rights impacts</li> <li>• Special considerations (i.e. open space land, crown land etc.)</li> <li>• A table containing the purposes for which each plot is required to carry out the Scheme.</li> </ul>	
3.7	<p><u>Legislative changes</u></p> <p>f) to consider impending legislative changes</p> <p>In particular, the ExA wanted to seek clarification on the point as to whether the draft DCO is in a form whereby if the Neighbourhood Planning Act 2017 powers are brought into force before the DCO is granted, whether those powers can be disapplied</p>	<p>The only impending legislative change is the Neighbourhood Planning Act 2017 (NPA 2017) which introduces changes to the CA framework. The NPA 2017 creates a power for TP to be taken over land where that power did not previously exist. The time period for exercise of that power is three months. This provision is not yet in force and the Applicant stated that it was not aware of any plans to bring it into force in the near future. The Applicant noted that the fallback</p>	<p>The Applicant has no further representations to make.</p>

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		<p>position under the DCO is that CA powers can be exercised following 14 days' notice.</p> <p>In response to the ExA's query, the Applicant confirmed that Article 3(1) of the dDCO (<b>TR010039/APP/3.1 Rev 3</b>) disapplied the powers of the NPA 2017. Should those powers be brought into force, this has already been addressed in the dDCO.</p>	
3.8	<p><u>Purchase of Old Station House and Deep Spring</u></p> <p>Mr Robert Reid (representing himself) wanted to seek clarification on the purchase of Old Station House and Deep Spring.</p>	<p>The Applicant stated that it does not yet have any powers to compulsorily acquire any land.</p> <p>The Applicant clarified that the properties mentioned by Mr Reid have been bought under the blight scheme in advance of the Scheme.</p>	<p>The Applicant can confirm that Old Station House was brought under discretionary purchase at the request of the previous owner in advance of the Scheme.</p>
3.9	<p><u>Environmental surveys not yet completed / land take</u></p> <p>The ExA wanted to go back to a point he mentioned in ISH2 regarding surveys. These have not been completed yet, and further surveys are currently taking place. The environmental mitigation provisions have been drawn up on the basis of a worst case scenario, but the ExA queried that, should the surveys prove negative, the logic should be that less land would be needed for environment mitigations.</p>	<p>The Applicant confirmed that, should further work result in less land needed for either compulsory purchase or mitigation works, then the Applicant would only seek the land required for the operation of the Scheme.</p> <p>The Applicant went on to clarify that if specific land is no longer required, there is the ability to seek to revise the Land Plans (<b>REP2-003</b>) to remove the relevant CA plots, as has been done for previous National Highways schemes.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
	<p>The ExA wanted to know the Applicant's response to the idea that if less mitigation were needed, whether this would affect the amount of CA land needed by the Applicant.</p>		
<b>AGENDA ITEM 4 – Crown Land</b>			
4.1	<p><u>Crown Land</u></p> <p>The ExA wanted to know the latest position on Crown Land and any outstanding matters that need resolving.</p> <p>The ExA also came back on the point of timescales, and pointed out that the examination might close before the six month period. The ExA requested to see a timetable showing how the crown land process normally takes place.</p> <p>Hearing Action Point 40 (EV-021)</p>	<p>The Applicant confirmed that conversations are taking place with the Government Legal Department (GLD), and there is now a process in place to obtain crown consent. There are only a handful of crown plots being sought, and there is no difficulty anticipated in gaining crown consent for them.</p> <p>GLD are aware of the Examination timescales, and the Applicant confirmed this, stating that it was confident of getting agreement within six months.</p> <p>The Applicant noted the possibility that the examination might close before six months and confirmed that it would pass this on to crown bodies to expedite grant of consent.</p> <p>The Applicant agreed to provide a timetable of the process by Deadline 4.</p>	<p>The process for obtaining Crown consent is as follows: the Applicant contacts the solicitor representing Crown land interests and provides a costs undertaking. The solicitor then consults with the interested parties and with the relevant Government Legal Department. If approved, Crown consent is granted by way of a letter to the solicitor (a "section 135 letter" referring to section 135 of the Planning Act 2008).</p> <p>In terms of the timescale for obtaining consent, the Applicant is advised by GLD that the process usually takes 4-6 weeks in total.</p>
<b>AGENDA ITEM 5 – Operational Land and Statutory Undertakers</b>			
5.1	<p><u>Operational land and statutory undertaker agreements</u></p>	<p>The Applicant gave a broad overview. Vodafone, EXA, BT Openreach and Gigaclear have all agreed that Schedule 9,</p>	<p>The Applicant will provide a further update on the progress of Statutory Undertaker agreements before the close</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
	<p>The ExA wanted to know the latest position on agreements and any outstanding matters.</p> <p>The ExA noted that there are a number of objections currently, and wanted to understand the implication where no agreement is reached, and also what would happen if either he, or the Secretary of State, decided to take the side of the statutory undertaker.</p>	<p>Part 2 of the dDCO (TR010039/APP/3.1 Rev 3) provides adequate protections and they do not intend to take part in the examination. No SoCG is therefore needed.</p> <p>For National Grid, both their gas and electricity operations are affected, but a side agreement is currently being negotiated with revised protective provisions to be put in the dDCO. These are in a standard agreed form and little negotiation needs to be done. An agreement is expected before the end of the examination.</p> <p>For Anglian Water, protective provisions are agreed, except for three points of principle which remain between the parties (see below). A SoCG setting out the respective positions of the Applicant and of Anglian Water is being discussed and will be submitted before the close of examination.</p> <p>For Western Power, bespoke protective provisions are being discussed between the two parties. The wording is not in standard form and differs from precedent.</p> <p>For Virgin, no relevant representations have been made by them in respect of the application, and thus they can rely on the standard protections set out in Part 2 of Schedule 9 of the dDCO. The Applicant has sought contact with Virgin's agents and will</p>	<p>of the Examination.</p>

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		<p>continue to do so. At present it is not anticipated that a SoCG will be needed.</p> <p>There are also two companies operating masts in the vicinity of the Scheme. These are MBNL (for EE and Three masts) and Cornerstone Telecommunications Infrastructure Limited (for Vodafone and O2 masts). Neither has made any relevant representations so far, but can rely on the standard protections in Part 2 of Schedule 9 of the dDCO. The Applicant has sought contact with both MBNL and CTIL's agents and will continue to do so. At present it is not anticipated that a SoCG will be needed.</p>	
5.2	<p><u>Anglian Water</u></p> <p>The ExA requested more detail on discussions between the Applicant and Anglian Water, in particular on the three points of principle not yet agreed.</p> <p>The ExA also wanted to know that, if he or the Secretary of State decide to agree with Anglian Water on any of these three principles, whether this will affect the delivery of the project.</p> <p>The third point the ExA wanted to know is whether there are any previous DCOs (as made or in examination) where any of these three points have been considered.</p>	<p>The Applicant detailed the three points of principle at issue. The first two are minor, and are:</p> <ol style="list-style-type: none"> <li>1. the introductory wording to the protective provisions. These are in the same form as for other statutory undertakers. Anglian Water considers that the wording is confusing, whereas the Applicant does not.</li> <li>2. this concerns the use of Anglian Water's standard processes. It has an electronic interface and like people wishing to carry out works to use (the InFlow system). The Applicant has found on other schemes that blockage points in this system are problematic and that the system as a whole does</li> </ol>	<p>The Applicant has no further representations to make.</p> <p>The Applicant will update the ExA on the progress of the SoCG with Anglian Water before the close of the Examination.</p>

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		<p>not reflect the way that road infrastructure projects are carried out.</p> <p>The third and more substantive point of principle relates to deferment of renewal. The general principle is that, when carrying out works to statutory undertaker (SU) apparatus, if new apparatus is provided in place of old, the Statutory Undertaker makes a contribution towards the cost because they will not incur the cost of renewing in the future. The position of the Applicant is that this is a standard provision which applies throughout the industry. Anglian Water considers this unacceptable as it will divert funds from other works.</p> <p>In respect of the deliverability point raised by the ExA, the Applicant stated that, to the best of their understanding, the Scheme will still be deliverable without agreement with Anglian Water. The first two points of principle are very resolvable. The third is more difficult, as implications flow beyond this Scheme, and it is precedent setting. This could then incur costs in the millions for the Applicant.</p> <p>The Applicant agreed to update the SoCG with Anglian Water so that both parties can put forward their submissions to the ExA and the Secretary of State.</p>	



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		<p>In respect of deferment of renewal, the Applicant stated that the form and wording of protective provisions is under consideration in a number of other schemes where Anglian Water is affected, but none have been decided yet. The Applicant gave examples of where this sort of dispute has arisen, namely A47 Blofield to North Burlingham, A47 North Tuddenham to Easton, A47 - A11 Thickthorn Junction and the A428.</p>	
<b>AGENDA ITEM 6 – Individual Cases</b>			
6.1	<p><u>Proposal to move Old Station House</u></p> <p>Mr Robert Reid stated that he has been looking to move the Old Station House to the south of the bridge. He confirmed that he has gone through a number of negotiations, but these have stalled, with the proposal now being to move Old Station House to another area entirely.</p>	<p>The Applicant wanted to make sure that this question was being raised on behalf of the Parish Council and sought confirmation from the ExA that the Parish Council are an Interested Party, not an Affected Party. The ExA confirmed that the Parish Council are an Interested Party.</p> <p>The Applicant provided no further comment on this.</p>	<p>The Applicant has no further representations to make.</p>
6.2	<p><u>Consultation with Sutton Parish Council regarding heritage building</u></p> <p>Sutton Parish Council wanted to know whether they should be consulted on the future of a heritage building which is now in public ownership.</p>	<p>The Applicant provided no further comment on this.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
6.3	<p><u>Final design – Robert Reid land</u></p> <p>Mr Robert Reid stated that there have been opening discussions on his land, and the heads of terms have all been agreed, but the Scheme has little detail on the final design. Mr Reid queried why the Applicant has started negotiations, but there has been no final design in terms of the Scheme (e.g. hedging and fencing issues).</p> <p>The ExA referred Mr Reid to the Environment Masterplan (<b>REP2-024</b>) to show what the Applicant has provided to the examination.</p>	<p>The Applicant confirmed that is in negotiations with Mr Reid and his agent, who has asked for more detail regarding the accommodation works around his land. The Applicant stated that it takes on board the views of Mr Reid, and will relay back to the project team to see what can be done. It is a matter of negotiation to determine the best type of accommodation works on Mr Reid's land. This is an ongoing process, and the Applicant confirmed that it will continue working with their team to mitigate any losses Mr Reid might suffer.</p>	<p>The Applicant has no further representations to make.</p>
6.4	<p><u>CA Schedule</u></p> <p>The ExA focussed on the CA Schedule submitted at Deadline 3, and noted that there were three people who did not appear in the Book of Reference (Mr and Mrs B and Mr W). The ExA wanted to know when the Applicant became aware of these omissions and their interests in land, and any interactions they have had with relevant parties so the ExA can be reassured they have been made aware of the examination.</p> <p>Hearing Action Point 41 (<b>EV-021</b>)</p>	<p>The Applicant stated that the Applicant became aware of Mr and Mrs B's interest post document submission, and then served a s102 for them to become interested parties in the process. The Applicant has also now included Mr and Mrs B in the Book of Reference, as they are tenants of the Mary Gilbert estate.</p> <p>The Applicant stated that the Applicant is in contact with Mr and Mrs B's agents, and are in detailed negotiations with them to purchase their interests.</p> <p>The Applicant gave an update on Mr W, who has been consulted on the Scheme and has attended meetings with the Applicant</p>	<p>Mr and Mrs B: Have been engaged by the Applicant through Lewis Butlin Farm Services (Land Agent) with further calls and updates around GI works. Formal meetings have been declined / deemed not required by the tenant. There are no known issues with the Scheme or land take.</p> <p>Mr and Mrs W: Meetings have been held throughout development of the Scheme. The Applicant became aware of the omission from the Book of Reference in February 2022. There are no known issues with land take.</p> <p><b>Annex A</b> to this document provides a</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
		<p>throughout the process. The Applicant is currently in negotiations to purchase Mr W's interest with both Homes England and Mr W. The Applicant acknowledged that Mr W's interest had been omitted from the Book of Reference.</p>	<p>summary table of meetings with these parties.</p>
6.5	<p><u>CA Schedule</u></p> <p>There were further interests the ExA wanted more information on, specifically three more recent additions to the Book of Reference: Mr Longfoot, Mr and Mrs H, and Mr V.</p> <p>The ExA wanted comment on these three interests.</p> <p>Hearing Action Point 41 (EV-021)</p>	<p>The Applicant stated that it had become aware of these interests following submission of the DCO application. These parties were tenants and so were not picked up when the Applicant sent out the questionnaires.</p> <p>As soon as the Applicant found out they were known parties, the Applicant included them in the Book of Reference, and sent out a s102 notice for them to become Interested Parties.</p> <p>The Applicant stated that the Applicant is in contact with the freeholder of Mr Longfoot's land (Homes England). The Applicant will discuss the interests held by Mr Longfoot and the compulsory purchase costs with both parties.</p> <p>Regarding the interests of Mr and Mrs H and Mr V, the Applicant has had no direct contact</p>	<p>Mr and Mrs H: Meetings held to provide scheme updates once the Applicant became aware of interest as a tenant. The Applicant became aware of the omission from the Book of Reference in December 2021</p> <p>Mr V: A meeting was arranged when the Applicant became aware of the tenancy interest. Concerns raised are around the adequacy of the Langley Bush Road. There are no issues with land take.</p> <p><b>Annex A</b> to this document provides a summary table of meetings with these parties.</p>

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		<p>with them and agreed to go back to the project team to check the position.</p> <p>The Applicant understands that for Mr and Mrs H, it is predominantly temporary take with rights; and with regard to Mr V, there is a small element of permanent land take where there is a remodelling of a junction. The Applicant has discussed this with Mr V and invited him to various meetings.</p>	
6.6	<p><u>Milton Estates</u></p> <p>Ms Abigail Benson, for Milton Estates, stated that they have provided information on their tenants and plans of their landholdings on numerous occasions. Mr and Mrs H, Mr Longfoot and Mr V (and Mr M) are all tenants of Milton Estates, and not Homes England. Mr W is a tenant of Milton Estates, but also a tenant of Homes England.</p>	<p>With regard Mr and Mrs H and Mr V, the Applicant became aware of their tenancies after submission. The Applicant has since held meetings with all parties.</p> <p>The Applicant understands that for Mr and Mrs H, it is predominantly temporary land take with rights; and with regard to Mr V, there is a small element of permanent land take where there is a remodelling of a junction. The Applicant has discussed this with Mr V and invited him to various meetings.</p> <p>The Applicant stated that the reason why Mr M would not be picked up in the Book of Reference (<b>REP3-009</b>) is because his land is not directly impacted (it is too far south of any land the Applicant is looking to acquire). Mr M is not affected by compulsory or temporary acquisition of land. His interest is in regard to losing one of two accesses to land (closure of</p>	<p>In respect of Mr Longfoot, Mr and Mrs H and Mr V, please refer to the written responses at item 6.5 above.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
		<p>Upton Main Road access from A47). Mr M's concerns relate to antisocial behaviour and Langley Bush Road.</p> <p>The Applicant confirmed, however, that it had had numerous meetings with Mr M and have taken into consideration his concerns and will continue to engage throughout the process.</p>	
6.7	<p><u>Human Rights Act implications</u></p> <p>The ExA expressed concern that with these new parties being aware of the process at a much later stage (post submission), it may be that the SoS finds that these parties have had insufficient publicity and their interests were therefore not protected in the examination, and that there could be a failure to comply with the Human Rights Act.</p> <p>The ExA wanted to know what the implications of that might be.</p> <p>The ExA requested a Schedule setting out when the Applicant became aware of the details and the interest of the parties, and also the date when the Applicant served the s102 notice, so he is assured that the parties have had sufficient notice.</p>	<p>The Applicant reconfirmed that as soon as the interests were known, the Applicant served the requisite notices which allowed those parties to apply for Interested Party status.</p> <p>With regard to the process to identify the necessary interests and the diligent inquiry undertaken, the Applicant stated that this is set out in the Statement of Reasons. The Applicant acknowledged Ms Benson's comment (Agent for Milton Estates) regarding requests for information that was not forthcoming until later in the process, noting that diligent inquiry was undertaken as soon as interests have become known to the Applicant and that the requisite notices had been served on those parties. The Applicant confirms that these parties have had the opportunity to get involved in the process as soon as they became known to the Applicant.</p>	<p>The Applicant agreed to provide a Schedule setting out the information the ExA requested (i.e details of the parties' interests, date when the Applicant became aware of those interests, date when s102 notices were served).</p> <p>Please see Annex A to this document.</p>

Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
		The Applicant agreed to provide a Schedule setting out the information the ExA requested by Deadline 4.	
<b>AGENDA ITEM 7 – Review of Issues and Actions Arising</b>			
7.1	<p><u>Hearing actions</u></p> <p>The ExA identified two actions that have arisen from this hearing:</p> <ol style="list-style-type: none"> <li>1. Detailed process of Crown Land negotiations to be submitted by D4.</li> <li>2. Schedule to be submitted setting out when Applicant made aware of additional interests and date when s102 notices served, and to be submitted by D4.</li> </ol>	The Applicant agreed with this and made no further comment.	<ol style="list-style-type: none"> <li>1. The process of Crown Land negotiations is set out in response 4.1 above.</li> <li>2. Schedule to be submitted setting out when Applicant made aware of additional interests and date when s102 notices served, has been submitted as Annex A to this document.</li> </ol>
7.2	<p><u>Milton Estates queries</u></p> <p>Ms Abigail Benson, for Milton Estates, added a general comment on the action points and information being supplied. Ms Benson has often found it difficult to sieve out the information that has been promised by the Applicant.</p> <p>The ExA responded stating that most of the direct responses are clearly assigned and set out on the PINS website. The ExA asked the Applicant to continue discussions</p>	<p>In response to the ExA, the Applicant made reference to meetings with Milton Estates and discussions are ongoing.</p> <p>The Applicant has drafted a SoCG with Milton Estates, which will be submitted before the close of the Examination.</p>	The Applicant has no further representations to make.

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Ref	Question / Issues Raised at CAH1 and Hearing Action Point	Summary of Applicant's Response at ISH3 – Compulsory Acquisition Hearing	Applicant's Written Response
	with Milton Estates regarding the issues they currently have, and perhaps set out in a SoCG.		

## 5 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 4 ON DRAFT DEVELOPMENT CONSENT ORDER

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
<b>AGENDA ITEM 3 – Discussions on matters arising from ISH2, ISH3 and Compulsory Acquisition Hearing 1</b>			
3.1	<p><u>Sacrewell Farm</u></p> <p>The ExA thanked the Applicant for re-drafting the Deadline 3 documents as this was very useful.</p> <p>The ExA asked whether the Applicant had considered the request which arose at ISH3, whether the operator of the Sacrewell Farm complex should be formally consulted under the relevant requirement in regard to access to the slip road.</p> <p>The ExA asked whether the Applicant had discussed the use of convex mirrors with its own regulatory arms or PCC, and stated the view that the convex mirrors seemed to be resolving a problem that should not be created in the first place</p> <p>Hearing Action Point 38 (EV-021)</p>	<p>The Applicant confirmed that the query raised at ISH3 had been taken away as an action point and that discussions will continue. The Applicant has provided a written summary by way of response within the oral submissions.</p> <p>The ExA commented that the issue regarding the slip road may need to be discussed further, however if there was going to be a change that would involve a change to the works plan rather than the order.</p> <p>The Applicant confirmed that in regard to the ExA's question, it is limited as to what it can do, but note is has been asked to consult on the issue and will provide a written response.</p> <p>The Applicant agreed to provide details of discussions with Sacrewell Farm, noting that this point had come up in the road safety audit and was approved by the audit authorities. The Applicant said that it would look at this as part of detailed design.</p>	<p>The Applicant continues to consider that formal consultation of a private entity in respect of the relevant requirement is not appropriate and unnecessary in circumstances where many of the potential areas upon which Sacrewell Farm would wish to be consulted are areas upon which the Applicant has very limited ability for changes following consultation, such as signage and lighting.</p> <p>As provided for in <b>REP1-010</b>, the Applicant's Response to Relevant Representations, the Applicant is progressing a SoCG with the operator of Sacrewell Farm, William Scott Abbot Trust and it may be that this is the most appropriate means of recording the operators concerns and the Applicant's proposed approach.</p>



Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
3.2	<p><u>Sacrewell Farm entrance</u></p> <p>Mr Grange (as a Trustee of Sacrewell) raised concerns about the entrance and the verges leading from the modified east roundabout to the entrance to Sacrewell Farm and the avoidance of antisocial behaviour. He explained how this was experienced at the old picnic site which is now gone. Mr Grange wanted this to be included within the considerations.</p> <p>Hearing Action Point 38 (EV-021)</p>	<p>The Applicant noted Mr Grange's comments at ISH2 and confirmed that his concerns will be responded to in writing.</p>	<p>In <b>REP1-010</b>, the Applicant's Response to Relevant Representations, the Applicant explained that there were no police reports of which it was aware relating to the old picnic site. The Applicant also confirmed that it has liaised with the police and other parties to seek to design out crime and address anti-social behaviour. Subject to those comments, the Applicant has noted Mr Grange's concerns, and is also concerned to avoid the prospect of antisocial behaviour whether or not that behaviour amounts to potential offences.</p> <p>The Applicant will continue to discuss matters with Mr Grange and the operator of Sacrewell Farm. The outcome of those discussions will be captured in the proposed SoCG.</p>
<b>AGENDA ITEM 4– Matters which the ExA wishes to consider further in light of the representations to date</b>			
4.1	<p><u>Permanent mitigation on land where temporary possession rights only are sought</u></p> <p>The ExA explained the issue with permanent mitigation on land where temporary possession rights only are sought. He understood that this is dealt with within two provisions; article 34(1) and Requirement 5 (which defines temporary possession as 5 years from completion of</p>	<p>The Applicant explained the effect of article 34 (temporary use of land for construction) and article 35 (temporary use of land for maintenance). The Applicant confirmed that article 35 permits access to the land for maintenance purposes for 5 years.</p> <p>The Applicant pointed the ExA to Schedule 7, which deals with land of which temporary possession may be taken under article 34.</p>	<p>Under article 34(1)(a)(i) the Applicant has the right to enter and take temporary possession of land described in schedule 7 for the purpose of constructing the authorised development, for 5 years from the date of the Order and further, under article 35(5), may continue to do so for maintenance purposes for a period of 5 years from the date on which the authorised development opens for first</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	<p>the relevant work). The ExA asked the Applicant to confirm that this is correct.</p> <p>The ExA was concerned that maintenance may need to be carried out on land under temporary possession for environmental mitigation for the life of the authorised development. and questioned whether they will have the rights to do so.</p> <p>Hearing Action Point 42 (EV-021)</p>	<p>The Applicant agreed that some of the descriptions within Schedule 7 may benefit from further clarity, but expressed the view that no mitigation works would take place on the temporary land set out in Schedule 7. However, the Applicant agreed to look into the matter further and respond in writing.</p>	<p>use. This enables the Applicant to meet the provisions of Requirement 5.</p> <p>Moreover, the Applicant has amended the descriptions in Schedule 7 to clarify that there are no permanent works or environmental mitigation requiring maintenance beyond that period provided for in article 35.</p>
4.2	<p><u>Extent of rights sought</u></p> <p>The ExA raised concerns about a potential conflict within the provisions which makes the full extent of the rights the Applicant is seeking unclear.</p> <p>1. The ExA confirmed the main issue with the drafting was article 27(1) which enables the creation of new undefined rights on a permanent basis on land described as being for temporary possession only. The issue is the word 'or' within the first line.</p> <p>2. The ExA had concerns that article 27 (1) together with article 34 (1) (a) (ii) could mean that land shown for temporary possession could have rights imposed upon it without the knowledge of the affected</p>	<p>The Applicant confirmed that article 27(1) enables the Applicant to acquire rights and impose restrictions across the whole of the order land. The Applicant explained that the article had been drafted in this way to minimise the amount of land to be acquired, but also to ensure that the necessary rights are granted over it.</p> <p>The Applicant explained that rights under article 34 are applicable only to the extent that they are also listed within Schedule 5, as set out in article 34(9)(a).</p> <p>The ExA read over the article again and raised the issue of the triple negative within the drafting. The ExA found this confusing and unclear. The Applicant agreed to review this provision and, if necessary, to improve the drafting and update the Explanatory</p>	<p>1. Article 27(1) applies across the whole of the order land and is drafted to enable the Applicant to acquire existing rights, create new rights and impose restrictive covenants where it is necessary and proportionate to do so.</p> <p>The wording used in article 27(1) (including the word 'or') is the same or very similar to that used in the A1 Birtley (article 26(1)), and the A303 Sparkford (article 26(1), made orders, and in the draft orders for the M54 article 23(1), Blofield article 26(1) and Tuddenham article 27(1).</p> <p>The Applicant has amended article 27(1) slightly, in line with the M54/M6 article 23(1), by adding a comma before the word 'or' and after 'the land':          "[...] the undertaker may acquire such rights over the Order land, or impose</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	<p>person. The ExA asked for the Applicant's comments on this drafting.</p> <p>3. The ExA queried the drafting of article 34(9)(a), noting in particular that the triple negative construction could be clearer.</p> <p>Hearing Action Point 43 (EV-021)</p>	<p>Memorandum to set out the article in layman's terms.</p>	<p>restrictive covenants affecting the land, as may be required [...]"</p> <p>Also in line with the M54/M6 article 23(6) and to provide additional flexibility for third parties, the Applicant has included at article 27(5) the following new provision:</p> <p>"The undertaker's power to create rights under paragraph (1) includes the power to create rights for the benefit of third parties. Where a right is for the benefit of a third party that right shall on the exercise of the power of compulsory acquisition have effect for that party's benefit and be treated for all purposes as though it was vested in the third party directly."</p> <p>2. With regard to the extent of rights sought and potential interaction between article 27 and article 34(1)(a)(ii), and the concern expressed that such land subject to temporary possession could have permanent rights imposed upon it without the affected person's knowledge, the Applicant confirms that it is not intended that permanent works are to be located on temporary possession land and that no provision has been made for permanent rights in schedule 5 as provided for in article 34(9)(a).</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
			<p>3. The Applicant concurs to some degree with the ExA that the drafting of article 34(9) could be clearer, although it replicates the wording of article 32(9) of the A1 Birtley order and article 29(9) of the emerging M54/M6 draft order.</p> <p>On the basis of the made A1 order and the emerging M54/M6 order the Applicant does not propose to amend this wording.</p>
4.3	<p><u>Consultation with Parish Councils on matters relating to Requirements</u></p> <p>The ExA said that the Applicant had previously pushed back on consultation due to potential delay. The ExA asked the Applicant to confirm their objection.</p>	<p>The Applicant confirmed that the objection was due to the potential for delay, but also on the basis that consultation with parish councils in respect of Requirements is not provided for in any other DCO it has come across and is therefore not appropriate. The Applicant strongly resisted the Wansford and Sutton Parish Councils being consulted on the Requirements.</p> <p>The Applicant recalled that the Parish Councils would like to be party to SoCGs. The Applicant confirmed that it had agreed to this and that the process of engagement to discuss issues in detail has started. The Applicant emphasised, however, that this did not mean that the Applicant agreed with the Parish Councils on all issues.</p>	<p>The Applicant will commence engagement with Wansford and Sutton Parish Councils on SoCGs.</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
		<p>The ExA stated that neither of the Parish Councils had given specific examples of issues on which they wish to be consulted.</p>	
4.4	<p><u>Parish Council local knowledge</u></p> <p>Sutton Parish Council (on behalf of both Sutton and Wansford Parish Councils) responded to this point and said that it is more of a general principle. They have been actively engaged in this project since 2017. SPC feel like they have bought a lot of knowledge to the Applicant which they have used as noted within the last two ISHs. SPC feel like they have added value to the whole process so to not be consulted and ignored taking into account their local knowledge seems a preposterous situation.</p> <p>SPC gave examples of where they think they should be consulted, including the route going over and under the A1; issues regarding the routes going under the bridge at the railway station and traffic light issues. SPC concluded that these may be small items but are important to the local community.</p>	<p>The ExA stated he would take this away and consider it.</p> <p>The Applicant made no comment.</p>	<p>The Applicant has no further representations to make.</p>
<b>AGENDA ITEM 5 - Outstanding Drafting Matters</b>			
5.1	<p><u>Cross referencing within dDCO</u></p>	<p>The Applicant confirmed it would check the cross referencing to ensure it is correct.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	<p>The ExA said that the cross referencing within the dDCO had gone awry, for example article 30 (4)(a) refers to the incorrect section. It should be article 32. The ExA confirmed there are a number of cross referencing errors, not just this example.</p>		
5.2	<p><u>Work 59 in Schedule 1 of dDCO</u></p> <p>The ExA questioned whether Work 59 in Schedule 1 is an appropriate description of the Work given the associated development rubric that follows. The ExA requested that the Applicant looks into this.</p> <p>Hearing Action Point 44 (EV-021)</p>	<p>The Applicant confirmed it will look into this and agreed that the ExA is probably correct.</p>	<p>Although Work 59 is covered by item (m) on the list of associated development, the red line area is remote from the rest of the scheme area and for clarity the Applicant proposes to retain this specific work.</p>
5.3	<p><u>Temporary worker accommodation facilities</u></p> <p>The ExA raised a more fundamental issue in regard to the reference to 'Temporary worker accommodation facilities' which is referred to in 'I' noting that the Planning Act 2008 doesn't allow for provision of dwellings save for specific circumstances. The ExA was unsure whether there was any difference between a temporary dwelling and a permanent dwelling. The ExA asked for the Applicant's comments as to whether this phrase should be deleted.</p> <p>Hearing Action Point 45 (EV-021)</p>	<p>The Applicant confirmed the intention of the accommodation was to be only temporary.</p> <p>The Applicant agreed to review other DCOs and see whether this provision is included. If not, the Applicant would amend this DCO wording.</p>	<p>The Applicant confirms that no temporary worker accommodation facilities are to be provided for the Scheme. This wording has therefore been deleted from the list of associated development in Schedule 2 of the dDCO (TR010039/APP/3.1 Rev 3).</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
5.4	<p><u>Schedule 2 of dDCO spelling errors</u></p> <p>The ExA pointed out an error in Schedule 2 where "ordinance" has been used rather than "ordnance".</p>	<p>The Applicant agreed to proof read the dDCO (TR010039/APP/3.1 Rev 3) and amend all such errors.</p>	<p>The Applicant has no further representations to make.</p>
5.5	<p><u>Schedule 2, Requirement 1- Nationally Protected Species</u></p> <p>The ExA pointed out Schedule 2, Requirement 1- Nationally Protected Species. Within this, the definition of European protected species was made exclusive but should not have been.</p>	<p>The Applicant recalled previous discussions on this point and from memory believed that this point had been resolved. The Applicant agreed to double check and amend Requirement 1 if necessary.</p>	<p>The Applicant has reviewed the definitions of "European protected species" and "national protected species" and has amended the definition of the latter with the addition of the words 'or which are European protected species' in line with the wording used for the A438 Black Cat DCO and to ensure that the two definitions are not mutually exclusive.</p>
5.6	<p><u>Issues on which the Applicant was awaiting an SoS decision</u></p> <p>The ExA raised two previous issues on which the Applicant was awaiting an SoS decision before making any changes: 1) creation of single registration of documents; and 2) deemed refusal (where SoS has asked for further information and the undertaker has not provided it).</p> <p>The ExA said point 1) above can wait for SoS comments. However point 2) needs to be included following Hillingdon HS2 case.</p>	<p>The Applicant referred to the Hillingdon case (on which it has previously offered a submission at 1.6.14(c) of its response to the ExA's first written questions [REP2-035] and agreed to look into the matter further and come back with a possible solution.</p>	<p>The Applicant notes that the A1 Birtley DCO has been approved since the Hillingdon case in 2020 and the Secretary of State has not considered it relevant to include a clause in requirement 18 to the effect that the application or part thereof is refused where the Secretary of State has asked for further information and the undertaker has not provided it. This may be because Hillingdon concerned inadequate information provided to the local authority rather than in this case the provision of information to the Secretary of State who has ultimate authority to make a</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	Hearing Action Point 46 (EV-021)		<p>determination on the basis of information proved.</p> <p>The Applicant notes however that in the M54/M6 DCO the following provision has been added to requirement 12:</p> <p>"(3) Where the Secretary of State requests further information pursuant to paragraph 13, and no further information has been submitted eight weeks from that day immediately following that on which the application was received by the Secretary of State, the application or (if applicable) the part of the application to which the request for further information relates is taken to have been refused by the Secretary of State."</p> <p>The Applicant will continue to monitor this issue and if the M54/M6 DCO is approved as drafted by the Secretary of State, the Applicant will notify the Examining Authority.</p>
5.7	<p><u>Any further points</u></p> <p>The ExA has raised all points and asked the Applicant whether they had anything further to add.</p>	<p>The Applicant raised the following further points:</p> <ol style="list-style-type: none"> <li>1. The ExA had previously asked for Consultees for requirements to be added. For the Detailed Design the Local Highway</li> </ol>	<p>Consultees for the Requirements have been updated as follows:</p> <ol style="list-style-type: none"> <li>1. Requirement 3 (detailed design) – the Local Highway Authority has been added.</li> </ol>



Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
		<p>Authority was requested as a consultee. The Applicant had no objection to this.</p> <p>2. At Requirement 4 EMP, Natural England was requested as a Consultee together with EA and Highways England. The Applicant already has two of these consultees but will add Natural England.</p> <p>3. The ExA has suggested in Requirement 5 (Landscaping) that Natural England or Environment Agency are made consultees. The Applicant did not believe this is necessary.</p> <p>4. Finally in respect of Protected Species, the Applicant will be consulting Natural England. The ExA has requested consultation with the Local Planning Authority also. The Applicant did not think this was necessary and was not aware of a precedent for this.</p> <p>5. The Applicant raised the issue of the mismatch between the Rights of Way Plans and the Schedules. For example, the 2.7m of underbridge for the bridleway. The Applicant confirmed that this would be corrected for Deadline 4.</p>	<p>2. Requirement 4 (EMP) – Natural England has been added.</p> <p>3. Requirement 5 (Landscaping) – this Requirement is framed in the same way for the Blofield, Tuddenham and Thickthorn DCOS. Similarly, Natural England and the EA are not included as consultees for the M54/M6 DCO. The Applicant therefore does not consider that they need to be added for the Wansford Scheme.</p> <p>4. Requirement 7 (protected species) – the Applicant considers that consultation with Natural England is sufficient. This approach is consistent with the M54/M6 DCO. Consistency between the Rights of Way plans and the Schedules:</p> <p>5. Schedule 3, part 6 (footpaths, cycle tracks, footways and bridleways) of the DCO has been amended to ensure consistency with the Rights of Way Plans.</p>
<b>AGENDA ITEM 6 - Consents, licenses and other agreements</b>			
6.1	<u>Draft Works Plans</u>	The Applicant recalled the original submission of a draft Works Plan and	The Applicant has submitted a draft black and white version of the Works Plan at

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	<p>The ExA noted that the revised draft Works Plan is better but would be better still in black and white.</p> <p>Hearing Action Point 48 (EV-021)</p>	<p>wondered whether the ExA had reviewed this yet to enable them to prepare updated versions.</p> <p>The Applicant agreed to produce a black and white version of the plan for Deadline 4.</p>	<p><b>Annex B</b> in accordance with the ExA's request.</p> <p>The Applicant considers that the version submitted at Deadline 2 (Annex A (REP2-036)) is clearer and intends to submit a full set of the Works Plans at Deadline 5 in accordance with the example submitted at Deadline 2, unless the ExA raises any further comments in either a Rule 17 request or written questions.</p>
6.2	<p>The Applicant raised this issue as it was an agenda item.</p> <p>Hearing Action Point 49 (EV-021)</p>	<p>The Applicant confirmed no significant changes to the Consents and Agreements Position Statement (REP3-007) submitted at Deadline 3, however letters of no impediment have been issued in respect of the water vole and badger and will be submitted at Deadline 4.</p> <p>A letter of no impediment in respect of bats is expected soon and will be submitted to the Examination upon receipt.</p>	<p>Letters of no impediment have been issued in respect of badger and water vole have been submitted at <b>Annex C</b>.</p>
<b>AGENDA ITEM 7 - Review of issues and actions arising</b>			
7.1	<p><u>Action points</u></p> <p>The ExA reviewed action points discussed and listed as follows:</p>	<p>The Applicant agreed these action points.</p> <p>Final point from the Applicant: confirmed that no section 106 agreements would be needed.</p>	<p>The Applicant has responded to the action points.</p>

Ref	Question / Issues Raised at ISH4 and Hearing Action Point	Summary of Applicant's Response at ISH4 – Draft Development Consent Order	Applicant's Written Response
	<ol style="list-style-type: none"> <li>1. Applicant to confirm whether there are appropriate rights over land in temporary possession for permanent mitigation (Hearing Action Point 42 (EV-021));</li> <li>2. Applicant to review drafting of article 34(9)(a) (Hearing Action Point 43 (EV-021));</li> <li>3. Applicant to review Work 59 in light of following Schedule (Hearing Action Point 44 (EV-021));</li> <li>4. Applicant to review wording in regard to 'temporary worker accommodation' (Hearing Action Point 45 (EV-021));</li> <li>5. Applicant to consider the inclusion of deemed refusal on lack of information (Hearing Action Point 46 (EV-021));</li> <li>6. Applicant to produce a black and white revised Work plan (Hearing Action Point 47 (EV-021)); and</li> <li>7. Applicant to provide Letter of no impediment in respect of badger and water vole once received (Hearing Action Points 18 and 42 (EV-021)).</li> </ol>	<p>The ExA raised a potential side agreement discussed in earlier examination with National Grid. Potential for agreement with Western Power Distribution.</p>	

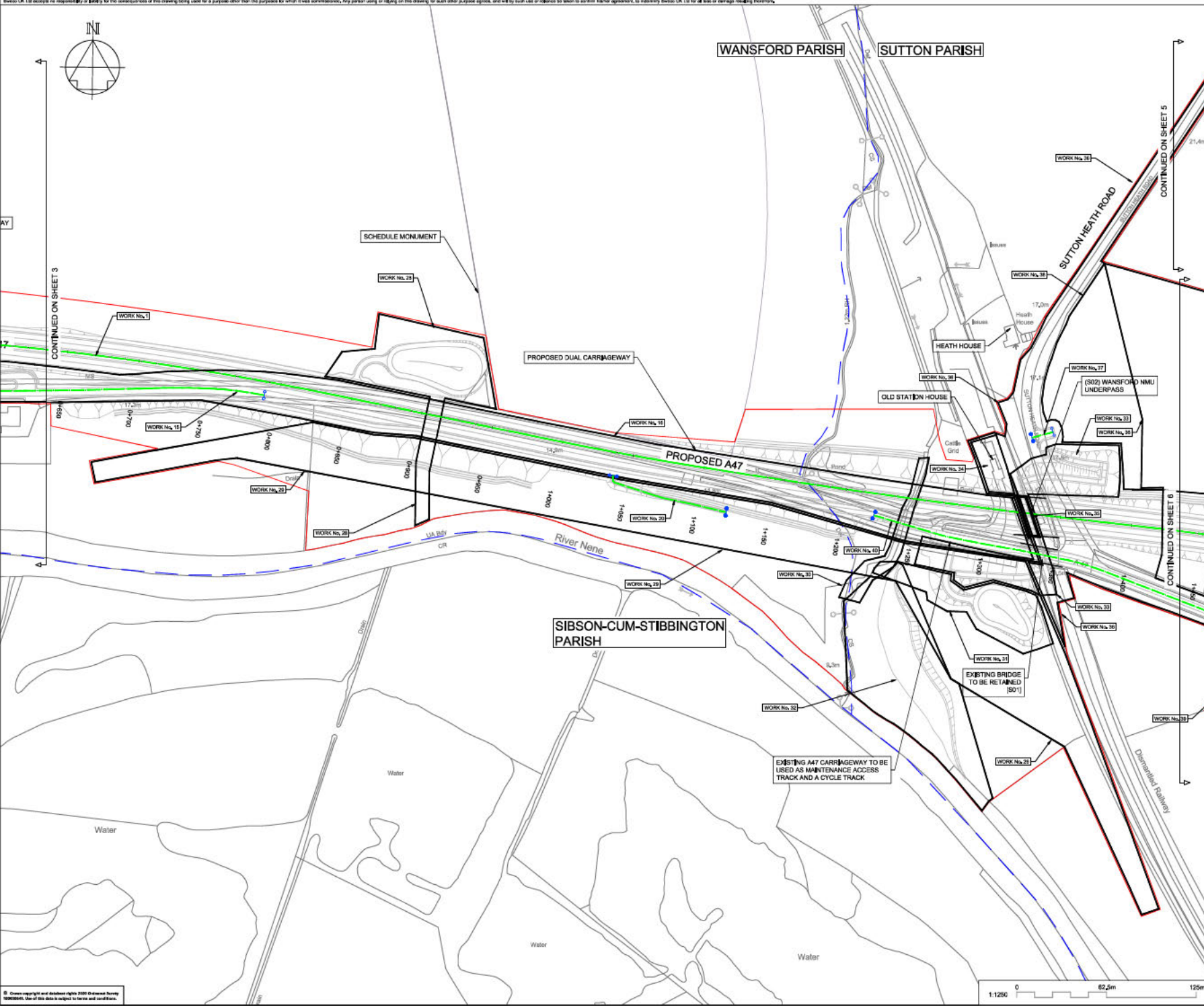
## ANNEX A – SUMMARY OF S102 AND DATES OF MEETINGS WITH TENANTS

Name	Status	S102A letter issued	Meeting Dates where scheme info provided / updated	Date Applicant aware not in Book of Reference
Mr and Mrs B	Tenant of Mary Gilbert Estate	03/03/2022	12/02/2021	Feb 2022
Mr V	Tenant of Milton Estates	04/02/2022	14/01/2022	Dec 2021
Mr M	Tenant of Milton Estates	04/02/2022	07/01/2022 and 09/09/2021	Dec 2021
Mr and Mrs H	Tenant of Milton Estates	04/02/2022	09/09/2021 and 06/01/2022	Dec 2021
Mr and Mrs W	Tenant of Homes England	03/03/2022	16/02/2021, 24/07/2020 and 11/11/2021	Feb 2022

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## **ANNEX B – WORKS PLAN EXAMPLE SHEET**

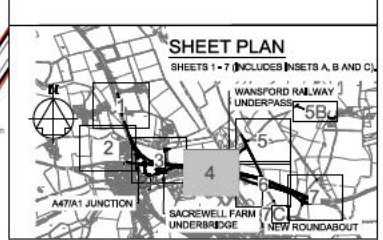
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**NOTES**

Purpose of use  
**FOR DCO SUBMISSION**

Development Consent Order Number / Document



1. THESE PLANS SHOULD BE READ IN CONJUNCTION WITH SCHEDULE 1 (AUTHORISED DEVELOPMENT) TO THE DEVELOPMENT CONSENT ORDER (APPLICATION DOCUMENT REFERENCE TR10038MAPP1X), THE LAND PLANS (APPLICATION DOCUMENT REFERENCE TR10038MAPP1X) AND THE OVERLAPPING DRAWINGS AND SECTIONS (APPLICATION DOCUMENT REFERENCE TR10038MAPP1X).
2. THE PROPOSED WORKS WILL BE SUBJECT TO DETAILED DESIGN DEVELOPMENT. ANY CHANGES WILL BE LIMITED TO THOSE WITHIN THE ORDER LIMITS OR THE RELEVANT LIMITS OF OPERATION WHERE NOT CONFLICTING WITH THE ORDER LIMITS AND SUBJECT TO THE REQUIREMENTS OF SCHEDULE 2 TO THE DEVELOPMENT CONSENT ORDER (APPLICATION DOCUMENT REFERENCE TR10038MAPP1X).

- KEY:**
- ORDER LIMITS
  - PARISH COUNCIL BOUNDARY
  - SCHEME LAYOUT
  - WORK CENTRELINE
  - NON-HIGHWAY WORKS LIMIT OF DETECTION (DIFFERENT COLOURS ARE PROVIDED ONLY TO DIFFERENTIATE BETWEEN OVERLAPPING LIMITS)
  - COMMENCEMENT OF HIGHWAY WORKS
  - TRANSITION OF HIGHWAY WORKS
  - TERMINATION OF HIGHWAY WORKS

REV	DATE	REVISION NOTE	DRG	CHKD	APPD
P01	27/07/21	DCO ISSUE	CDM	AWR	SCM
P02	04/08/21	DCO ISSUE	CDM	AWR	SCM
D01	04/08/21	DCO ISSUE	CDM	AWR	SCM
P03	20/08/21	DCO ISSUE	CDM	AWR	SCM
P04/1	-	LINE TYPES AND COLOURS AMENDED	-	-	-

DESIGNER  
**SWECO**

CONTRACTOR  
**GallifordTry**

CLIENT  
**highways england**

PROJECT TITLE  
**A47 WANSFORD TO SUTTON DUALLING**

PROJECT STAGE  
**PCF STAGE 4**

DRAWING TITLE  
**WORKS PLANS  
REGULATION 5(2)(j)  
SHEET 4 OF 7**

SUBMITTY  
**WORK IN PROGRESS**

SHEET NO <b>A1</b>	SCALE <b>1:1250</b>	STATUS <b>S0</b>	REVISION <b>P04.01</b>
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DRAWING NUMBER  
**HE551494-GTY-HGN-000-DR-CH-35004**



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## **ANNEX C – NATURAL ENGLAND LETTERS OF NO IMPEDIMENT WATER VOLE AND BADGER**

Date: 15 March 2022  
Our ref: 2021-55985-SCI-SCI  
NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT - A47 WANSFORD TO SUTTON



Richard Webber-Salmon  
Sweco UK Ltd  
Grove House  
Mansion Gate Drive  
Leeds  
LS7 4DN  
*Sent by e-mail only*

**Wildlife licensing**  
Natural England  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH  
Email:  
[wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)  
Tel: 020 8026 1089

Dear Richard Webber-Salmon,

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** INITIAL APPLICATION  
**LEGISLATION:** THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended) and THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended)  
**NSIP: National Highways A47 Wansford to Sutton.**  
**SPECIES:** *Water Vole Arvicola amphibius*

Thank you for your draft Water Vole mitigation licence application/ Letter of No Impediment request in association with the above NSIP site, received in this office on the 23 November 2021. As stated in our published guidance, once Natural England is content that the draft licence/LONI application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Alan Britton, discussed this matter with Helen Booth of MHE Consulting via e-mail correspondence on the 14 February 2022 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

1. If a litter of young is encountered during the destructive search of burrows works must cease immediately and advise sought from Natural England.
2. A suitable water vole 'covered ledge' of the type being developed/installed in long (c.50m+) culverts elsewhere (the 'JM' design) is to be installed in the proposed new culvert under the A47 (Section 4.1 of the draft MS dated 05/10/2021 refers).



3. The 2x high-level 'mammal ledges' in the new culvert under the A47 are to be retained as proposed/drawn (Section 4.1 of the draft MS dated 05/10/2021 refers).
4. Should monitoring indicate that the mammal ledges are not being used by water voles, and the culverts are causing fragmentation, measures must be taken to remedy this.

### **Next Steps**

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

<http://webarchive.nationalarchives.gov.uk/20140605090108/>

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Alan Britton

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF Alan Britton'.**

### **Submitting Documents.**

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

# Customer Feedback – Wildlife Licensing

To help us improve our service please complete the following questionnaire and return to:

Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

<http://www.gov.uk/guidance/wildlife-licences>



<b>Natural England Reference Number (optional):</b>	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

**1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?**

*Difficult (1)* 
                         
 *OK (2)* 
                         
 *Easy (3)* 
                         
 *Very Easy (4)*

If 1 please specify who you initially contacted in relation to your issue/enquiry?

**2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?**

*Unaware (1)* 
                         
 *Very Limited Awareness (2)* 
                         
 *Partially Aware (3)* 
                         
 *Fully Aware (4)*

**3. How would you rate the service provided by Natural England?**

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

**4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?**

*Fully* 
                         
 *Partially* 
                         
 *Unresolved*

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

**5. Was there a public reaction to any action taken under the licence or as a result of our advice?**

*Positive support* 
                         
 *No reaction* 
                         
 *Negative reaction*

**6. Would you use a fully online licensing service if it could be made available in the future?**

*Definitely* 
                         
 *Possibly* 
                         
 *Unlikely* 
                         
 *No*

**7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box  and ensure your Natural England reference number is at the top of this page.**

Date: 16 February 2022  
Our ref: 2021-55884-SPM-AD1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT)



Mr J Stafford  
Senior Ecologist  
SWECO Services UK Ltd

**Wildlife licensing**  
Natural England  
Horizon House  
Deanery Road Bristol  
BS1 5AH  
Email:  
[wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)  
Tel: 020 8026 1089

[REDACTED]

*Sent by e-mail only*

Dear Mr Joshua Stafford

<p><b>DRAFT MITIGATION LICENCE APPLICATION STATUS:</b> INITIAL DRAFT APPLICATION <b>LEGISLATION:</b> THE PROTECTION OF BADGERS ACT 1992 (as amended) <b>NSIP:</b> A47 Wansford to Sutton Dualling <b>SPECIES:</b> Badger</p>
--

Thank you for your initial draft badger mitigation licence application in association with the above NSIP site, received in this office on the 22<sup>nd</sup> September 2021. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### Assessment

Following our assessment of the initial draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Toni Olsen, discussed this matter with Joshua Stafford via e-mail correspondence on 16 February 2022 and where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- Please ensure an updated badger survey is undertaken and the results submitted with the final application to confirm sett classification is the same as what the current proposal is based upon.
- Please ensure the minimum diameter of the artificial sett tunnels, **including entrances**, is 300mm. In the Method Statement titled 'HE551494-GTY-EAC-000-MS-LE-50001 – Badger draft mitigation licence method statement\_Part 1\_23.09.pdf' it is stated entrances will be reduced to 225mm at entrances.
- Please ensure to include the location of the proposed artificial setts on the maps submitted with the final application. Any artificial sett must be constructed in a suitable

location (within the affected badger clan's territory) and be made of materials not harmful to badgers.

- Please ensure to list on the final application an Authorised Individual with previous experience in artificial sett creation, including the licence reference numbers, who will supervise the construction of the artificial sett.

## Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

<http://webarchive.nationalarchives.gov.uk/20140605090108/>

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely,

Toni Olsen  
Wildlife Lead Adviser  
Natural England Wildlife Licensing Service

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF TONI OLSEN'**

### **Submitting Documents.**

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.