

# A47 Wansford to Sutton Dualling

**Scheme Number: TR010039**

**Volume 9**

## **9.24 Applicant's Response to the Examining Authority's Further Written Questions (ExQ2)**

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

Planning Act 2008

April 2022

Deadline 5

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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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**9.24 APPLICANT'S RESPONSE TO THE EXAMINING  
AUTHORITY'S FURTHER WRITTEN QUESTIONS  
(EXQ2)**

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## **1 INTRODUCTION**

### **1.1 Purpose of this Document**

- 1.1.1 The Development Consent Order (DCO) application for the A47 Wansford to Sutton Scheme was submitted on 05 July 2021 and accepted for examination on 02 August 2021.
- 1.1.2 The purpose of this document is to set out National Highways' (the Applicant) response to the Examining Authority's Further Written Questions (ExQ2), published on the 05 April 2022.

## 2 APPLICANT'S RESPONSE TO THE EXAMINING AUTHORITY'S FURTHER WRITTEN QUESTIONS

Question number	Question to	Question	Applicant's Response
<b>1.0 General Questions</b>			
2.0.1.	The Applicant	<p><b>Works Plans</b></p> <p>The ExA considers that the revised potential rendering of the Works Plan submitted at D4 (at Annex B of the Applicant's Written Summary of Oral Submissions at Hearing [REP4-018] are clearer than those previously submitted. However, he considers that utilising different types of line (e.g. dashed lines (of different styles), dots, etc) may also assist interpretation between the different individual works. There may be a rendering problem.</p> <p>In the box entitled "Existing A47 carriageway to be used as a maintenance access track and a cycle track" the letter "l" does not appear correctly.</p>	The Works Plans have been revised and submitted at Deadline 5 ( <b>TR010039/EXAM/2.3 Rev 2</b> ).
<b>2.1. Air quality and emissions</b>			

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2.1.1.	The Applicant	<p><b>Emissions</b></p> <p>On 19 November 2021 Defra issued a new version of the Emissions Factor Toolkit (version 11) which includes data relating to the UK vehicle fleet and associated emissions for the period between 2031 and 2050 inclusive.</p> <p>a) The ExA appreciates the comments made by the Applicant in its Written Summary of Oral Submissions at Hearings [REP4-018] at reference 6.5 but would welcome a fuller explanation of the differences between the model undertaken and the Emissions Factor Toolkit (v11).</p> <p>b) Could the Applicant also give an estimate based on the Emissions Factor Toolkit (v11) of the difference between that and the emissions assessed.</p> <p>c) If the assessment based on v11 results in a worse case could the Applicant please provide a formal assessment.</p>	<p>It is not envisaged that the use of the Emission Factor Toolkit (EFT) version 11 (v11) would materially change the end-user emissions assessment based on the methodology followed in Environmental Statement (ES) Chapter 14 Climate (<b>APP-052</b>).</p> <p>At the time of the end-user traffic assessment for Wansford, the then current version of the EFT was version 10 (v10). In November 2021, v11 was released. The primary differences between the two versions are explained in the EFT v11 user guide (<a href="https://laqm.defra.gov.uk/wp-content/uploads/2021/11/EFTv11.0-user-guide-v1.0.pdf">https://laqm.defra.gov.uk/wp-content/uploads/2021/11/EFTv11.0-user-guide-v1.0.pdf</a>).</p> <p>In summary, the important differences are the:</p> <ul style="list-style-type: none"> <li>• Ability to make comparisons up until 2050 (previously 2030)</li> <li>• Fleet splits (e.g. percentage of petrol, diesel and electric vehicles) have been included and taken to 2050.</li> </ul> <p>At the time of the assessment, the Applicant considered that EFT v10 would not give the most accurate assessment based on the limitations of V10 highlighted in the differences between v10 and v11 above. To take account of this, a manual method was used by the Applicant to calculate end-user emissions. This assessment used information from the traffic models (e.g. link length, speed of vehicles, percentage of HGV etc.) and data from the Department for Transport (DfT) WebTAG Databases to account for the fleet split (Table A1.3.9) and carbon emissions per litre of fuel burnt or per kWh used</p>

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			<p>(Table A3.3).</p> <p>As described in the EFT v11 user guide, v11 of the EFT now includes vehicle fleet split and emission factors out until 2050 with this data sourced from the DfT. As such, EFT v11 now aligns with the assessment undertaken by the Applicant and it would be expected that the assessment from both methods would give similar results. There would be slight variations as the WebTAG datatables used in the Applicant's assessment would have been published prior to the data source for the EFT v11's so the underlying data would not be identical. This means that the projected fleet make up and emission factors are slightly different. However, the Applicant does not consider that this minor difference would materially change the assessment of end-user emissions.</p> <p>It should be noted that the latest version of the DfT's datatables (November 2021) still only predicts a 44% update of electric vehicles in 2050. This is far behind policy in this area which bans the sale of petrol and diesel vehicles after 2030 and as such would suggest that the assessment of end-user emissions undertaken for Environmental Statement (ES) Chapter 14 Climate (<b>APP-052</b>) (and assessments using EFT v11) both still overestimate end-user carbon emissions.</p>
<b>2.2. Biodiversity, ecology, and natural environment (including Habitats Regulations Assessment (HRA))</b>			
2.2.1.	The Applicant  NE	<b>Standing advice</b> On 14 January 2022 Natural England and the Forestry Commission updated their standing advice in respect of protected species and ancient	The Applicant has complied with the relevant NPSNN tests. However, the updated guidance is perhaps an important and relevant matter that the Applicant has

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	PCC	woodland, ancient trees, and veteran trees. Could the Applicant, NE and PCC please make any comments they feel appropriate in light of these revisions.	<p>reviewed. The updated guidance has added further detail on the effects of development, on mitigation and compensation measures and the factors to be considered for buffer zones such as if the surrounding area is less densely wooded, close to residential areas or steeply sloped. ES Chapter 8 Biodiversity (<b>AS-015</b>) considers the effects of the Scheme on trees and woodlands. No ancient woodland has been identified within the scheme boundary.</p> <p>The potential for indirect effects on ancient woodland through air pollution, surface-water run-off, sedimentation and water level changes in the construction and operation of the Scheme has been assessed and the conclusion reached that there would be no residual change after mitigation. It is not considered that there is anything in the updated advice that changes the Applicant's approach or assessment.</p>
2.2.2.	NE	<p><b>Sutton Heath and BOG SSSI</b></p> <p>In its response to ExQ1.2.8 the Applicant indicates that "the habitat 40m into the SSSI is largely deciduous woodland containing species which are not sensitive to nitrogen deposition".</p> <p>a) Is NE satisfied with this statement and able to confirm this?</p> <p>b) If not, could NE provide evidence to show that the Applicant's approach is not appropriate.</p>	
2.2.3.	The Applicant	<p><b>Veteran tree (T20)</b></p> <p>In its response to ExQ1.2.11 the Applicant indicates</p>	a) The changes made to the ES Appendix 7.6 Arboricultural Impact Assessment ( <b>REP4-007</b> )



Question number	Question to	Question	Applicant's Response
		<p>that a revised ES Appendix 7.6 Arboricultural Impact Assessment would be submitted at D2. This was submitted as [REP2-022]. However, this document is noted in the Version History of the assessment (rather than the cover sheets) as being Version D which was last amended in June 2021 and is only described as "Amended layout" rather than any changes of substance.</p> <p>At D4 the Applicant submitted a further version [REP4-007] but this is stated as only having amended the cover rather than the report.</p> <p>a) Could the Applicant please explain what the revisions between the versions originally submitted [APP-096] and that submitted at D4 [REP4-007] contain? To assist this could Version D please be supplied in a tracked change version from Version C (or if further amendments are submitted at D5 (20 April 2022) the tracking should be 'back' to Version C).</p> <p>b) The Applicant has indicated that the compensation is "part of the planting proposals". Could the Applicant explicitly set out those parts of the planting proposals that would have been omitted had not there been a veteran (or locally notable) tree to compensate for. The ExA points out that if this cannot be explicitly stated then logically the planting would not be compensation for this loss.</p>	<p>submitted at Deadline 4 was done using PDF and track changes were not possible.</p> <p>The changes made to ES Appendix 7.6 (<b>REP4-007</b>) include the following –</p> <ul style="list-style-type: none"> <li>• Amendments to Table 2 to rectify errors.</li> <li>• Table 3 was amended to be consistent with changes made to table 2.</li> <li>• Table 4 was amended to include a group of trees missed (G4) as an error.</li> <li>• Section 3.3 was added which included a small amount of text on post construction landscapes.</li> </ul> <p>b) The status of individual trees is identified in ES Appendix 7.6 Arboricultural Impact Assessment (<b>REP4-007</b>). One tree that is required to be removed has been identified as possibly being a veteran tree (T20) though this has not been confirmed and would make no difference to the scale of compensatory planting proposed.</p> <p>The Applicant is in the process of organising a survey to determine the veteran status of T20 and will provide further information in due course</p> <p>The landscaping scheme proposed includes hundreds of new trees including individual trees and areas of new woodland planting. Planting is proposed to mitigate a number of effects including biodiversity and landscape. No specific trees have been identified to compensate for the loss of T20, however proposed tree planting has</p>

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			been selected in areas most suitable for new planting.
2.2.4.	The Applicant	<p><b>Biodiversity metric</b>            The Applicant has submitted a Biodiversity Metric calculation at D2 [REP2-037]. This indicates that there are no hedgerows included within the analysis. This is not accurate, as the responses by the Applicant and IPs to ExQ1.2.12 and ISH2 make clear.</p> <p>Could an accurate metric please be provided.</p>	The updated Biodiversity Matric (currently <b>REP2-037</b> ) will be submitted at Deadline 6. This is due to issues with the format of data, required to ensure the metric is updated accurately and provides the accurate outputs.

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2.2.5.	The Applicant	<p><b>Report to inform Habitats Regulations Assessment</b></p> <p>At ISH2 the Applicant agreed that the Report to Inform Habitats Regulations Assessment [REP3-016] contained errors and did not deal with a number of matters. These include:</p> <ul style="list-style-type: none"> <li>• the agreed hydraulic connectivity to Rutland Water Special Protection Area and Ramsar site;</li> <li>• visual disturbance and whether it was considered as a potential effect on qualifying features on the Nene Washes Ramsar site. The latest version of the Report to Inform Habitats Regulations Assessment [REP3-016] has deleted some references to this, but others remain. Furthermore, the Inspectorate's draft screening matrices for the SPA does not appear to have been updated to include visual disturbance, if relevant, and there are a number of other discrepancies in the completed matrices;</li> <li>• water abstraction – in the Applicant's response to ExQ1.2.25 [REP2-035] it is stated "Clarification will be provided in the updated Report [...] to be provided at Deadline 3". However, this does not appear to have been undertaken; and</li> <li>• updating of the main text of the Report and the Planning Inspectorate's matrices, as requested in ExQ1.2.26.</li> </ul> <p>Could the Applicant please consider these points and undertake a general review of the Report to Inform Habitats Regulations Assessment to ensure that it is consistent within itself. This should be submitted both as a 'clean' document and 'tracked change' at D5 (20 April 2022).</p>	<p>The Report to Inform Habitats Regulations Assessment (<b>TR010039/APP/6.9 Rev 2</b>) has been updated and submitted at Deadline 5.</p>

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<b>2.3. Compulsory acquisition, temporary possession and other land or rights considerations</b>			
2.3.1.	The Applicant	<b>CA and TP negotiations</b> Can the Applicant please provide an update of the current situation of negotiations with affected landowners and occupiers over potential acquisition by agreement?	The Compulsory Acquisition Schedule ( <b>TR010039/EXAM/9.9 Rev 3</b> ) has been updated and provided at Deadline 5.
2.3.2.	The Applicant	<b>Crown land</b> a) Could the Applicant please provide the latest information in respect of the Crown land within the application site and whether the appropriate Crown authorities have given written consent under s135 of the PA2008. b) If so, could the Applicant please provide copies of those written consents.	a) Discussions are ongoing with the Government Legal Department (GLD) in relation to obtaining Crown consent from the relevant Government departments. b) No consent has been received to-date, but the Applicant is pursuing this with GLD.
2.3.3.	The Applicant  Statutory Undertakers	<b>Statutory undertakers</b> Can the latest position of the current situation of negotiations with Statutory Undertakers be updated and in particular with regard to the protective provisions?	The latest position in respect of discussions with statutory undertakers is set out in the Statement of Commonality for the Statements of Common Ground ( <b>TR010039/EXAM/8.1 Rev 2</b> ).
2.3.4.	The Applicant	<b>The Bungalow, Old Great North Road, Stibbington</b> In response to ExQ1.3.5 the Applicant has identified this property as "not affected" by the Proposed Development. However, it is clear that part of the garden of the property falls within the Zone of Theoretical Visibility in ES Figure 7.4 [APP-059]. Given the Human Rights implications of not notifying the owners and occupiers could the Applicant please	The owners of the relevant property are not affected by the Scheme in that they are not relevant consultees for the purposes of Section 42 Planning Act 2008. In respect of Section 42(1)(d) the persons the Applicant is required to consult are set out in Section 44, and the owners of the property do not fall within any statutory category set out in the Planning Act 2008.  The Applicant does not understand what specific human

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		look again at this.	<p>rights implications would arise in relation to a property part of which may be within the Zone of Theoretical Visibility of the Scheme – there is no prospect of the Scheme giving rise to any claim in respect of Article 8, or Article 1 of the First Protocol in the circumstances.</p> <p>At the most, the owners of the relevant property may be potential consultees in respect of environmental impact assessment. The Applicant's duty in that regard has been discharged, as set out in the Statement of Community Consultation, and the Adequacy of Consultation Responses.</p> <p>Given the ExA's question however the Applicant has further considered the relevant property and potential visual effects. There is no public access to the immediate vicinity of the property. The assessment of likely levels of visibility of the Scheme has therefore been undertaken on site from a distance, and with reference to mapping, aerial photography and the zone of theoretical visibility (ZTV) (ES Figure 7.4) (<b>REP2-020</b>).</p> <p>The property and its garden curtilage sit in a low lying position in the valley floor to the south of the River Nene at an elevation of approximately 10m above ordnance datum (AOD). Aerial photography shows that the immediate context of the property is heavily vegetated with tree cover and is visually enclosed. This is especially so to the north in the direction of the Scheme. Views to the north are likely to be enclosed by tree cover associated with the margins of the patchwork of lakes which extend over a large area between the property and the River. Opportunities for</p>

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			<p>glimpsed views north towards the Scheme (including temporary activities and plant associated with its construction) are likely to be extremely limited. The ZTV (ES Figure 7.4) (<b>REP2-020</b>) also indicates that the potential for visibility of the Scheme from the property is very limited. This appears to be confirmed by views from representative viewpoint 2 which shows the view from the footpath on the edge of Stibbington towards the property (see ES Figures 7.6.3a for the view in winter and 7.6.3b for the view in summer) (<b>APP-062</b>) and features tree cover of substantial height associated with the patchwork of lakes between the property and the Scheme.</p> <p>On the basis of the visibility assessment detailed above, the Applicant does not believe any Human Rights issues to be engaged in respect of The Bungalow.</p>
2.3.5.	The Applicant	<p><b>Land Plans</b> [REP2-003] and <b>Crown Land Plans</b> [REP2-007]</p> <p>a) The shape of Inset F showing the area around 6 – 12 (evens) Great North Road is not the same as that on the plans and includes additional land. Can these please be aligned?</p> <p>b) The same applies to Inset A on Sheet 5.</p> <p>c) Could Sheet 3 Inset B on Sheet 2 please be made larger and also the “cut-line” shown on Sheet 3 included.</p> <p>d) Neither Inset A nor Inset C on Sheet 6 appear to have been identified on the main plan. Could this please be included.</p>	<p>The Land Plans (<b>TR010039/APP/2.2 Rev 3</b>) and the Crown Land Plans (<b>TR010039/APP/2.8 Rev 2</b>) have been updated and submitted at Deadline 5 to address these points.</p>
2.3.6.	The Applicant	<b>Extent of land subject to CA and TP</b>	This Works Plan areas have been amended to show the

Question number	Question to	Question	Applicant's Response
		<p>In its response to ExQ1.3.7 the Applicant has indicated that two plots (Plots 3/2c and 3/5f on the Land Plans [REP2-003] are subject to works which would appear from the response not to be subject to specific works set out in the dDCO [REP3-003].</p> <p>If they are needed for specific works, then surely those works should be specified in the dDCO, or alternatively, the land excluded from CA/TP on the basis that it is not necessary.</p>	<p>full extent of the work area required, therefore removing this discrepancy. The Works Plans have been revised and submitted at Deadline 5 (<b>TR010039/EXAM/2.3 Rev 2</b>).</p>
<b>2.4. Cultural Heritage</b>			
2.4.1.	The Applicant  PCC	<p><b>Heritage assets</b></p> <p>In its responses to ExQ1.4.3 [REP2-067] PCC has noted a number of discrepancies as to the identification of heritage assets. Could the Applicant please discuss this with PCC and make any necessary changes to the documentation.</p>	<p>The Applicant will discuss this with Peterborough City Council (PCC) in the regular meeting which is held to progress the Statement of Common Ground (SoCG).</p>
2.4.2.	The Applicant  HBMCE  PCC	<p><b>Milestone adjacent to A47 (WAN05)</b></p> <p>In the REAC Reference CH4 it is indicated that a milestone has been identified on the north verge of the A47 slightly to the east of the petrol filling station. The Applicant indicates that its proposal is to remove/ reinstall this. It then states: "The asset will then be proposed to be listed to Grade II for or local listing as appropriate".</p> <p>While appreciating that formal listing needs to go through the normal procedures, could the Applicant, HBMCE and PCC:</p> <p>a) Indicate what status that they consider the asset</p>	<p>The milestone is a non-designated heritage asset of medium value. Its value derives mostly from its survival, evidential significance as an index of time depth of the road network, group value with others of its type in general and others on the same route specifically. Its setting on the road verge is relatively intact, with increases in noise and volumes of traffic over the years since the road was turnpiked. However, being overgrown for significant periods has led to reduced visibility and increased risk of damage.</p> <p>Without appropriate action, the milestone would likely be</p>



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		<p>should be given in the Examination?</p> <p>b) Set out their views as to the effect of the Proposed Development on the significance of the asset?</p>	<p>destroyed during construction.</p> <p>The proposals for this asset are to remove the milestone during site works, undertake conservation works on it and relocate as close to the original location as possible. The asset will then be proposed for listing at national level (grade II) or for local listing.</p> <p>The impact of the proposals is considered to be moderate beneficial in magnitude, due to the long term protection from conservation works. This gives a moderate beneficial significance of effect.</p> <p>The Applicant would like to make clear that the action to propose for listing does not guarantee listed status will be granted.</p>
2.4.3.	The Applicant	<p><b>Archaeology</b></p> <p>In the revised text to paragraph 6.6.73 of Chapter 6 of the ES [REP2-010] it is indicated that the archaeological zones are different to those used in the Trail Trenching Report [APP-090] to account for additional information such as cropmarks and Historic Environment Record data.</p> <p>Could the Applicant indicate on a plan, whether existing or proposed, the physical extent of the zones referred to in paragraph 6.6.73.</p>	<p>The zones of potential as described in the bullet points under paragraph 6.6.73 are shown on Figure 6.4 ((<b>APP-058</b>), as part of ES Figures 6.1 – 6.4).</p> <p>The areas used in the trial trenching report are referred to in that report as “Priority areas” and are shown on Figure 2 of ES Appendix 6.6 Archaeological trial trenching survey report (PDF page 148, <b>APP-090</b>).</p>
<b>2.5. Cumulative and cross-cutting effects</b>			
2.5.1.	The Applicant	<b>Environmental targets pursuant to Environment Act 2021</b>	<p><b>Biodiversity</b> -</p> <p>ES Chapter 8 Biodiversity (<b>ES-015</b>) summarises the</p>



Question number	Question to	Question	Applicant's Response
		<p>While appreciating that it is a consultation and therefore potentially subject to change, could the Applicant please give its response to the environmental targets under the Environment Act 2021 proposed by Defra (published 16 March 2022) in respect of:</p> <ul style="list-style-type: none"> <li>• biodiversity;</li> <li>• water quality;</li> <li>• resource efficiency and waste reduction; and</li> <li>• air quality,</li> </ul> <p>and set out how this Proposed Development would measure against them.</p>	<p>effects of the Scheme at section 8.12. The quantities of habitat types and areas to be remediated or enhanced are set out at Table 8-13. The Biodiversity Metric (<b>REP2-037</b>) calculates that 111.60 biodiversity units will be lost and 186.5 biodiversity units will be delivered, which is a net gain.</p> <p>The proposed national biodiversity targets are to be achieved by 2042 and it is reasonable to expect that government will use the array of tools and actions available to it in order to achieve the targets. The Biodiversity Net Gain (BNG) provisions of the Environment Act do not apply to the Scheme but it is reasonable to expect that BNG and associated measures such as Local Natural Recovery Schemes will be among the tools used. It is not yet known if the Scheme's net gains, to be secured by the Operational Landscape Environmental Management Plan (OLEMP), would be counted in respect of the 2042 targets. However, by 2042 the habitats and planting set out in the OLEMP will be mature and the predicted net gains should have been achieved. This would provide a positive contribution towards the objectives of the proposed targets, whether or not future guidance provides for their inclusion.</p> <p><b>Water</b></p> <p>In respect of water quality and availability, targets concern the reduction of pollutants from abandoned metal mines, reducing nutrient pollution from agriculture, reducing phosphorus loadings from treated wastewater and reducing the use of public water supply in England per head of population. The Applicant does not envisage that</p>

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			<p>any policies or actions published in response to these targets would be relevant to the Scheme.</p> <p><b>Materials</b>          In respect of waste and resource efficiency, the proposed target is to achieve a reduction in residual waste kg per capita of approximately 560 kg by 2042. The quantity of waste 'per capita' has not been calculated for this project. Instead, there is a project requirement to divert waste from landfill in line with the Waste Hierarchy and this supports the government's overarching waste reduction objective.</p> <p>As detailed in paragraph 10.9.11 of the ES Chapter 10 Material Assets and Waste (<b>APP-048</b>), the Environmental Management Plan (EMP) (<b>REP2-027</b>) 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 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. Table 10-4 estimates the main categories and quantities of materials to be used during construction and gives the recycled content (% by weight). Although the current consultation does not set a target in respect of the strategic ambition set out in the Resources and Waste Strategy to at least double resource productivity (the economic value per unit of raw material use) by 2050, it is estimated that 54% of the materials to be used during construction of the Scheme will be recycled content.</p>

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			<p><b>Air quality</b></p> <p>In respect of air quality, the consultation proposes two new targets in respect of fine particulate matter:</p> <ol style="list-style-type: none"> <li>1. Annual Mean Concentration Target ('concentration target') – a target of 10 micrograms per cubic metre (<math>\mu\text{g m}^{-3}</math>) to be met across England by 2040</li> <li>2. Population Exposure Reduction Target ('exposure reduction target') – a 35% reduction in population exposure by 2040 (compared to a base year of 2018)</li> </ol> <p>The assessment presented at ES Chapter 5 Air Quality (<b>APP-043</b>) has been undertaken within the framework of the existing legal framework for air quality standards. It predicts concentrations of particulate matter (at all human health receptors) to be below the Air Quality Standard (AQS) annual mean concentration objective of <math>40 \mu\text{g/m}^3</math>. Overall, 14 of the 22 receptors are expected to show a deterioration in air quality, with 7 showing an improvement in air quality with the Scheme in place. 1 receptor is predicted to experience no change in air quality. All predicted air quality concentrations are below the current Air Quality Objectives (AQO).</p> <p>Both target nos. 1 and 2 are mean figures proposed to be achieved across England rather than to provide targets for use in the assessment of projects. Defra is looking at the role that local authorities will play in helping to meet the Environment Act targets as part of the Air Quality Strategy review. There will be a consultation on this in late 2022, before it is finalised, and it is expected that a revised</p>

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			National Air Quality Strategy will be published in 2023. In terms of the Scheme, it is relevant to note that particulate matter originates from vehicle exhaust emissions and that Government policy set out in the Net Zero Strategy and Transport Decarbonisation Plan and National Highways' own Net Zero: 2030 / 2040 / 2050 plan have a shared focus on reducing vehicle exhaust emissions. There is thus no reason to expect that the grant of the DCO would prejudice the attainment of the proposed air quality targets.
2.5.2.	The Applicant	<p><b>Major accidents and disasters</b></p> <p>In its response to ExQ1.5.11 the Applicant indicates that it has a standard side agreement with National Grid for gas and electricity apparatus affected by highway schemes, and these are being formalised in respect of the Proposed Development.</p> <p>Could the Applicant confirm whether it is intending to submit these agreements, when completed, into the Examination, and if so when it anticipates this will be?</p>	The Applicant will not be submitting any agreements to the Examination but will update the dDCO ( <b>TR010039/APP/3.1 Rev 4</b> ) to reflect the form of protective provisions agreed between the parties.
<b>2.6. Draft Development Consent Order (dDCO) [REP4-003] &amp; Explanatory Memorandum [REP3-005]</b>			
2.6.1.	The Applicant	<p><b>Articles 2(1), 5(2), 22 and 46</b></p> <p>A definition of "adjacent land" has been provided in Article 2(1). This was provided principally to limit the effect of Article 5(2). However, the term is also utilised in Articles 22(4)(b), 46(1) and 46(2)(b).</p> <p>It would appear that this definition in relation to Article 46 would limit its effect beyond that which the original drafting intended and Interested Parties may</p>	In the Applicant's oral response at ISH-1 (as summarised in the Applicant's Written Submission of Oral Submissions at ISH1( <b>REP1-011</b> )), the Applicant confirmed that the term "adjacent to" as applied in Article 5(2) refers to legislation that may apply to land in close proximity to, but not within the Order Land. The Applicant also confirmed that, unless any specific case is raised to the contrary, reference to "adjacent" out-with Article 5(2) refers to land sharing a common boundary.

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		<p>not be aware of this.</p> <p>Could the Applicant please confirm that the use of the term in Articles 22 and 46 are appropriate making any changes necessary?</p>	<p>In response to ExQ1 numbers 1.6.11, 1.6.12 and 1.6.22, the Applicant included the following definition in Article 2(1) of the dDCO at Deadline 1 (then APP-016):</p> <p><i>"adjacent land" means that land which is necessary to carry out the development of the Works or ensure the safe construction of any section or part of the Works".</i></p> <p>The Applicant acknowledges that this definition could limit the effect of Article 46 as the ExA suggests and has addressed this by removing the definition of "adjacent land" and instead adopting the approach taken in Article 2(1) of the A428 Black Cat dDCO. The A47 Wansford dDCO (<b>TR010039/APP/3.1 Rev 4</b>) has been amended as follows:</p> <p>1. Article 2(1) now includes the following definition:</p> <p><i>"land adjacent to the Order limits" means any land outside but adjacent to the Order limits which is reasonably necessary to construct or maintain the authorised development or any section or part of the authorised development"</i></p> <p>2. In Article 5(2) the words "adjacent land" have been replaced with the words "land adjacent to the Order limits". The Article now reads: "Any enactment applying to land within the Order limits or <b>land adjacent to the Order limits</b> has effect subject to the provisions of this Order"</p> <p>In line with the A19 Downhill Lane Junction DCO 2020 (Article 18), the A1 Birtley to Coal House DCO 2021</p>

Question number	Question to	Question	Applicant's Response
			<p>(Article 21) and the A303 Sparkford to Ilchester Dualling DCO 2021 (Article 21) the words "adjacent land" are retained in Article 22(4)(b).</p> <p>With regard to Article 46(2)(b), the words "contiguous or adjacent land" remain unchanged and as such mirror the wording in Article 33(2)(b) of the A428 dDCO and the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.</p> <p>The above changes have been incorporated into the revised dDCO (<b>TR010039/APP/3.1 Rev 4</b>) submitted at Deadline 5.</p>
2.6.2.	The Applicant	<p><b>Articles 24, 27 and 34</b></p> <p>Could the Applicant please set out the full reasoning in lay language for the drafting of Article 24 to ensure that it is effective? This is sought due to the complexity of Article 27 and 34 and the internal cross-referencing therein.</p>	<p>The purpose of Article 24 is to authorise the outright acquisition by compulsory purchase of all land, including all rights over that land, required for the Scheme. This is a very wide "blanket" power designed to ensure that, as a starting point, there is no impediment to the Scheme being constructed. The power conferred by Article 24 is, however, limited by the more specific provisions of articles 27(2) and 34(9) as set out in Article 24(2).</p> <p>Article 27 allows for the permanent acquisition of rights over land as well as the land itself. It includes the power for new rights over land to be created and for restrictive covenants to be imposed. Paragraph 27(2) in particular limits the powers of compulsory acquisition granted and confirms that in relation to the land specified in column 1 of Schedule 5 (i.e. the land shaded blue on the land plans), the Applicant may only acquire such rights or impose such restrictive covenants as are required for the</p>

Question number	Question to	Question	Applicant's Response
			<p>specified purposes detailed in Schedule 5. The effect of this is to prohibit outright acquisition and restrict compulsory acquisition powers to those required to deliver the scheme. Article 27 also provides that, where the Applicant only needs to acquire rights over land, it is not obliged to acquire any greater interest in that land.</p> <p>Article 34 relates to temporary use of land. As with Article 27, the effect of article 34 is to restrict the operation of article 24. Paragraph 34(9) is subject to paragraph 34(1)(a)(i) which provides that the land specified in columns 1 and 2 of Schedule 7 (ie the land shaded green on the land plans) is to be used temporarily and may not be acquired outright. Whilst paragraph 34(9) signposts the carve-out from the blanket provision of Article 24 contained in paragraph 34(1), its primary function is to identify two exceptions to that carve-out: paragraph (9)(a) allows the Applicant to acquire permanent new rights over the any land specified in Schedule 5 (ie the land shaded blue on the land plans); and paragraph (9)(b) enables the Applicant to acquire so much of, or such rights in, the subsoil of or airspace over that land without acquiring the whole of the land.</p> <p>The Applicant considers that Article 24 is effective in that it establishes the starting position that the Order land may be acquired as required for the Scheme, but then applies the limitations in Articles 27, which limit the powers in relation to the land shaded blue to those rights listed in Schedule 5, and Article 34, which limits the powers of acquisition in relation to the land shaded green to temporary possession only.</p>



Question number	Question to	Question	Applicant's Response
			The wording of Article 24 is identical to that contained in the M42 Junction 6 (Article 24) and A1 Birtley (Article 23) made Orders.
2.6.3.	The Applicant	<p><b>Article 53</b></p> <p>Could the 100 year exemption for notification of the local planning authority set out in Article 53(12) be fully explained and justified? Given the most likely location for such finds would be either in or in proximity to the Scheduled Monument, and the uncertainty of opinion as to the history of this site, should not any human remains found be subject to full investigation to help resolve this uncertainty?</p>	<p>The 100 year period is the minimum to ensure that human remains are not subject to the Human Tissue Act (2004). It has also been established as the accepted threshold for notification of the police and the SoS (Historic England (2017). 'Guidance for Best Practice for the Treatment of Human Remains Excavated from Christian Burial Grounds in England' (2017) and the criteria contained in the Ministry of Justice application form for authority to excavate human remains for archaeological purposes also apply the 100-year threshold.</p> <p>In Article 53(12)(a), this threshold specifically relates to an exemption from having to publish notices in local newspapers and on or near the land where human remains have been found where the undertaker is satisfied that those remains were interred more than 100 years ago.</p> <p>Taking as a starting point the assumption that "the most likely location for such finds would be either in or in proximity to the Scheduled Monument", any remains found specifically within the "scheduled monument area", whether human or more broadly "archaeological" in nature, are protected by the provisions in Schedule 2, Requirement 9. Sub-paragraphs (4) and (5) respectively of that Requirement require the undertaker, on discovering archaeological remains not previously identified, to leave them in situ and notify the Historic Buildings and</p>



Question number	Question to	Question	Applicant's Response
			<p>Monuments Commission and, further, not to undertake any construction operations within 10 metres of the archaeological remains without written consent from Historic England. Under sub-paragraph (6), if the Historic Buildings and Monuments Commission determines that those remains require further investigation or mitigation, no construction may take place within 10 metres of the remains until provision has been made for such mitigation or further investigation and recording of the remains in accordance with details to be submitted to, and approved in writing by, the Historic Buildings and Monuments Commission.</p> <p>In effect, this means that any human remains co-located with archaeological remains in or in proximity to a Scheduled Monument, as is the case here, will be subject to full investigation. The Applicant is therefore satisfied that sufficient protection is afforded by the dDCO as drafted (<b>TR010039/APP/3.1 Rev 4</b>).</p> <p>By way of precedent, the same exemption from newspaper/on site notification occurs in the M42/Junction 6 Order (Article 48(12)), the A303 Stonehenge Order (subsequently quashed, although not on these grounds) (article 16(2)) and, most recently (5 April 2022) the Little Crow Solar Park Order (Article 12(11)). Each of these orders includes identical wording relating to the 100 year rule threshold, which in turn mirrors the wording of the Crossrail Act 2008 at Schedule 15, paragraph 1(3).</p>
2.6.4.	The Applicant	<b>Schedule 1</b> The rubric at the end of the Schedule, in point (a)	The Applicant has replaced the word "abandoned" with the word "disused". This amendment has been included in the

Question number	Question to	Question	Applicant's Response
		makes reference to "abandoned sections" of highway. Given the specific meaning in planning law of the term "abandoned", could the Application please use another word or term.	revised dDCO submitted at Deadline 5 ( <b>TR010039/APP/3.1 Rev 4</b> ).
2.6.5.	The Applicant Anglian Water	<p><b>Schedule 9</b>  The Applicant's Progressed Statements of Common Ground and Statement of Commonality of the Statements of Common Ground submitted at D3 [REP3-018] indicates that there are three points of principle between the Applicant and Anglian Water which the Applicant does not expect to be agreed by the close of the Examination.</p> <p>Could both the Applicant and Anglian Water set out, from their own perspectives:  a) the issues and why there are disagreements?  b) their preferred wording for the relevant protective provisions and why that wording is most appropriate?  c) if they are able, why the wording promoted by the other party is inappropriate?</p>	<p>(a) The table at <b>Annex A – Anglian Water Protective Provisions – Outstanding issues between the parties (TR010039/EXAM/9.25)</b> sets out the three areas which remain in dispute between the Applicant and Anglian Water, the Applicant's understanding of Anglian Water's concerns, and its responses to those concerns.</p> <p>(b) The Applicant's preferred version of the Protective Provisions is set out at <b>Annex B - National Highways' Preferred Protective Provisions with Anglian Water (TR010039/EXAM/9.25)</b>.</p> <p>(c) The Table in <b>Annex A (TR010039/EXAM/9.25)</b> sets out the Applicant's view as to why the wording suggested by Anglian Water is not appropriate.</p>
<b>2.7. Geology and Soils</b>			
2.7.1.	The Applicant	<p><b>Ground Investigation Report</b>  The Applicant's response to RRs [REP1-010] indicates that further ground investigation works were due to commence in February 2022. Could the Applicant please confirm when the report of these works is due to be submitted, and thus whether it can be taken into account as part of this Examination?</p>	The Applicant's has responded in Point 7.1 of ISH2 within Applicant's Written Summary of Oral Submissions at Hearings ( <b>REP4-018</b> ) and has nothing further to add.

Question number	Question to	Question	Applicant's Response
2.7.2.	The Applicant	<b>Agricultural Land Classification Report</b> A revised Agricultural Land Classification Report was submitted at D2 [REP2-023]. However, this has not been provided in 'tracked change' from that submitted with the application [APP-117]. Could this please be provided.	<p>The changes made to the ES Appendix 9.2 Agricultural Land Classification Report (<b>REP2-023</b>) were done using PDF and track changes were not possible.</p> <p>The changes made to ES Appendix 9.2 Agricultural Land Classification Report include –</p> <ul style="list-style-type: none"> <li>• Section 4.2 was amended to correct some errors</li> <li>• Section 4.3 and Table 4.3: grade Areas was updated to address the inconsistencies as detailed the Applicant's response to the Applicant's Response to the Examiner's First Written Questions ExQ1.7.4 within (<b>REP2-035</b>).</li> </ul>
2.7.3.	The Applicant	<b>Soils handling</b> In its response to ExQ1.7.7 [REP2-035] the Applicant indicates that a Soils Management Plan will form part of the second iteration of the EMP.  Could the Applicant please submit an outline Soils Management Plan setting out the overall principles that will be followed.	<p>The Soils Management Plan will be produced as part of the Second Iteration of the EMP (<b>REP2-027</b>) during Stage 5 of the Scheme, Detailed Design.</p> <p>The Soil Management Plan will consist of two elements, other highways schemes have followed the same approach. An indicative outline structure provided in <b>Annex C – Soil Management Plan Indicative Structure (TR010039/EXAM/9.25)</b>. This structure is subject to change to reflect the specifics of the A47 Wansford to Sutton Scheme.</p>
<b>2.8. Landscape and Visual</b>			
2.8.1.		The ExA has are no landscape and visual questions at this point in the Examination.	
<b>2.9. Noise and Vibration</b>			
2.9.1.	PCC	<b>Definitions/ Specification</b>	

Question number	Question to	Question	Applicant's Response
		Could PCC please provide definitions and further information as to the terms "TSM" and "CASC+" in respect of road surfacing?	
2.9.2.	The Applicant	<p><b>Road surfacing</b></p> <p>In its response to ExQ1.9.5 [REP2-067] PCC indicated the use of TSM or CASC+ road surfacing.</p> <p>a) Could the Applicant please give its response to this suggestion?</p> <p>b) Could the Applicant please explain how the use of the proposed surfacing is to be secured? (This request relates not just to that used for side roads, but on those roads which will become the responsibility of the undertaker).</p>	<p>ExQ1.9.5 referred to Paragraph 2.5.38 of Chapter 2 The Proposed Scheme of the ES (<b>AS-013</b>), which states:  <i>"The mainline pavement surface would be a Thin Surface Course System with any bridge decks requiring Hot Rolled Asphalt (HRA) as a surface course. The surfacing of any local authority roads would be developed during the detailed design stage. For the purposes of the environmental assessment, the local authority roads have been modelled as HRA."</i></p> <p>HRA was only considered for the purposes of assessment of the local authority roads, and was not part of the design.</p> <p>The Applicant is continuing discussions with Peterborough City Council (PCC) with regards to the road surfacing systems for the local authority network. It is not possible to confirm the type of surfacing at this point as a contractor has not yet been appointed.</p> <p>It is expected that road surfacing will be addressed in the SoCG between the Applicant and PCC.</p>
<b>2.10. Socio-economic effects</b>			
2.10.1.	Sutton Parish Council	<p><b>Sutton Drift</b></p> <p>Could Sutton Parish Council please provide any formal minutes of the Council it has supporting the restriction of Sutton Drift so as it would no longer be a highway open to all traffic.</p>	

Question number	Question to	Question	Applicant's Response
<b>2.11. Traffic and Transport</b>			
2.11.1.	The Applicant	<p><b>Stopping up of Upton Road south of Lower Lodge Farm</b></p> <p>The Applicant indicates that alternative provision is to be made via the Wansford NMU underpass. Could the Applicant please set out the distances that a WCH would have to travel from Lower Lodge Farm to the existing junction of the A47 with Sutton Heath Road, in both the existing and proposed scenarios. The routes should also be shown on a plan to an Ordnance Survey base.</p>	Please refer to <b>Annex D – Separation of Communities Walking Cycling and Horse Riding Lower Lodge Farm (TR010039/EXAM/9.25)</b> which shows the relevant routes.
2.11.2.	The Applicant	<p><b>Wansford roundabouts</b></p> <p>In the Applicant's response to RR [REP1-010] Common Response D indicates:</p> <p>a) "a transport modelling junction signalisation assessment has been undertaken". Could this please be provided?</p> <p>b) "consideration was given to the opening of two lanes westbound between the Wansford eastern and western roundabouts. However, a safety review undertaken did identify the two free flow lanes on the approach to the western roundabout increased the risk of collisions at the western roundabout". Could a copy of the review please be provided?</p>	<p>a) Please refer to <b>Annex E - A47/A1 Western Roundabout Traffic Signal Option Assessment Technical Note (TR010039/EXAM/9.25)</b>.</p> <p>b) A copy of this safety review has been submitted at Deadline 5 – please refer to <b>Annex F - Wansford flyover lane layout safety risk assessment (TR010039/EXAM/9.25)</b>.</p>
2.11.3.	The Applicant	<p><b>Wansford west roundabout</b></p> <p>a) Could the Applicant please provide a detailed drawing of the junction as to how the proposed</p>	a) Please refer to <b>Annex G – Cycle Routes Through Wansford West Roundabout (TR010039/EXAM/9.25)</b> , which shows the proposed cycle routes through the Wansford

Question number	Question to	Question	Applicant's Response
		<p>"upgrade cycle crossing" is to be utilised given the lack of cycle lanes or similar facilities on any of the four arms of the roundabout?</p> <p>b) It is also stated that there is only one access lane to the Wansford west roundabout. However, on the ground two lanes are indicated at the access point. Could the Applicant please clarify the proposals in this regard.</p>	<p>western roundabout and the existing cycle facilities to be removed.</p> <p>Cyclist travelling eastbound [dark blue line] along the A47 will be encouraged to slip off the main carriageway onto the existing cycle track on approach to the roundabout. They can then utilise the proposed cycle crossing to hook across the A47 and access the existing cycle track on the southern side of the A47. From there, cyclists can utilise the existing splitter island (located in the mouth of Old North Road) and then the short section of existing cycle track on the eastern side of Old North Road to access the southbound carriageway towards Wansford.</p> <p>Cyclists travelling northbound on Old North Road out of Wansford and wishing to travel westbound on the A47 [light blue line] will utilise the carriageway of Old North Road and then slip off in advance of the roundabout to join the existing cycle track provided on the southern side of the A47. Cyclist can then join the westbound carriageway of the A47 at a point around 50m to the west of the roundabout.</p> <p>Cyclists undertaking north to south (and vice versa) movements along Old North Road through the roundabout will continue to use either the existing carriageway or the pedestrian underpass [shown yellow], although, they will be required to dismount through the underpass as advised.</p>

Question number	Question to	Question	Applicant's Response
			<p>Although dedicated facilities for cyclists will be limited post implementation of the Scheme, cyclists will not be prohibited from using the carriageways of the existing roads to pass through the roundabout.</p> <p>b) The approaches to the existing Wansford western roundabout from the A47 are locally widened to provide two entry lanes. The approaches from the north and south comprise a single lane entry to the roundabout.</p> <p>No changes are proposed to the layouts of the entry lanes as part of the Scheme.</p>
2.11.4.	The Applicant	<p><b>Old North Road (&amp; Thackers Close) to A1/A47 Slip Road Junction Safety</b></p> <p>In its response to RR [REP1-010] Common Response D the Applicant indicates "Consideration was given to widening the northbound offslip from the A1 to two lanes to reduce queue lengths at this location. However, a review of this proposal by the Operational Road Safety team highlighted a greater level of risk for the Old North Road junction users who would be required to cross an additional lane of traffic". Could a copy of the review please be provided?</p>	<p>A copy of this safety review has been submitted at Deadline 5 – please refer to <b>Annex H - Wansford Western Roundabout - Safety Assessment (TR010039/EXAM/9.25)</b>.</p> <p>The location in question is referenced in Table 3-5 item 2.4 and Table 3-8 item 2.4.</p>
<b>2.12. Water environment and flood risk</b>			



Question number	Question to	Question	Applicant's Response
2.12.1.	The Applicant	<b>HEWRAT Assessment</b> Table 4.2 of the Drainage Strategy Report [APP-129] does not include a "Q" catchment, as referred to in paragraph 4.7.7. Applicant responded Catchment Q is remaining as per existing and is included and assessed within network ABDEQ as described in para 4.7.7. Table 4.2 contains a typographical error and omits the letter Q from the Network ABDE. The Applicant provided an updated version for D3 [REP3-014] but it contains the same omission. Can this please be corrected?	ES Appendix 13.2 Drainage strategy report has been amended to include "Q" in Table 4.2 and has been submitted at Deadline 5 ( <b>TR010039/APP/6.3 Rev 2</b> ).
2.12.2.	The Applicant	<b>Drainage maintenance</b> In its response to ExQ1.12.16 [REP2-067] PCC noted that "where new roads and drainage are required it will be provided by the project and will be subject to technical review by the Councils [sic] technical team." a) Could the Applicant please confirm whether it is content with this approach and if not, set out its understanding? b) If it is content, could the Applicant set out how this is to be secured in the dDCO.	(a) The Applicant confirms that the approach outlined by PCC reflects normal practice in line with the Design Manual for Roads and Bridges (DMRB). It also reflects the process that is already included in the development of the Scheme. Please see the response at (b) below for details of how that process is secured in the dDCO ( <b>TR010039/APP/3.1 Rev 4</b> ).  (b) When constructing new roads and associated drainage, National Highways adheres to the procedures set out in the DMRB. In turn, the definitions section of the dDCO Requirements (paragraph 1(1)), makes it clear that all iterations of the EMP ( <b>REP2-027</b> ) must be produced in accordance with the DMRB.  Requirement 4 (Environmental Management Plan) makes specific provision at paragraph (2)(h) for a water monitoring and management plan and at paragraph (5) requires that "the relevant part of the authorised



Question number	Question to	Question	Applicant's Response
			<p>development must be operated <b>and maintained</b> in accordance with the EMP (Third Iteration)."</p> <p>Further, Requirement 8(1) (Surface and foul water drainage) provides that: <i>"No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the drainage strategy and the mitigation measures set out in the REAC [Record of Environmental Actions and Commitments] including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation by the undertaker with the relevant planning authority and the lead local flood authority on matters related to their functions."</i></p> <p>The mechanism for the design, approval and maintenance of drainage works is thus secured in the dDCO (<b>TR010039/APP/3.1 Rev 4</b>) not only by the operation of Requirements 1, 4 and 8, but also by the detailed, discipline-specific provisions of the REAC (table 1.5 of the EMP (<b>REP2-027</b>)). See, in particular, the measures included at RD8 and the associated reporting/monitoring requirement that includes PCC.</p> <p>In addition, Article 12 (Construction and maintenance of new, altered or diverted streets and other structures) provides that:  <i>"(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed</i></p>

Question number	Question to	Question	Applicant's Response
			<p><i>in writing with the local highway authority, the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion."</i></p> <p>Any system of drainage for a highway also comprises highway, and indeed this article mentions culverts or other structures. PCC could refuse its reasonable satisfaction if the works do not accord with what has been approved under Requirement 4 or 8.</p>
2.12.3.	PCC	<p><b>Post-consent approvals</b></p> <p>In the Applicant's response to ExQ1.12.25 [REP2-035] it is stated that information sought by PCC relating to prior-consent matters, including a condition survey of Mill Stream and Whittering Brook, the temporary drainage strategy, details of any further ground investigation, and a full and up-to-date surface water drainage strategy for the operational phase will be secured by Requirement 4. Is PCC content with the arrangements as set out?</p>	
2.12.4.	The Applicant	<p><b>Monitoring</b></p> <p>The Applicant's response to ExQ1.12.26 [REP2-035] indicates that detailed monitoring arrangements of surface water and groundwater will be set out in the second iteration of the EMP.</p> <p>This explains how actions would be secured but not what they might be.</p>	<p>The Water Management and Monitoring Plan (as referred to in Annex B.7 of the EMP (<b>REP2-027</b>)) will stipulate that both surface water and groundwater monitoring data should be reviewed by a competent person (that is, a hydrologist or hydrogeologist) and compared to both baseline (that is, pre-construction monitoring) and also to threshold concentrations for water quality, or to typical groundwater level ranges (that is, a significant change in water levels occurs). The threshold levels would be agreed</p>

Question number	Question to	Question	Applicant's Response
		Could the Applicant please set out what actions would be applied should they become necessary.	with the Environment Agency as part of its review of the EMP. In the unlikely event that significant changes occur, or threshold concentrations are breached, the Applicant expects that the Environment Agency would wish for immediate notification and possibly for construction in that area to cease until further assessment could be carried out.