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Our Ref: TR010039

Date: 10 May 2022

Dear Mr Stirzaker

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

I write under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to request further information following your letter of 6 May 2022 requesting the Examining Authority's (ExA) views on the three proposed changes.

There are three changes which the Applicant wishes to introduce to the Proposed Development. This letter relates to all of them, and also to the other information proposed to be submitted under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). As proposed Change Two has the potential for the greatest effect on the Examination Timetable I will address this first.

Proposed Change Two

This change, if accepted, would modify the proposed access alignment to Sacrewell Farm. As the Applicant has identified, this would involve an increase in the area of land subject to compulsory acquisition (and a reduction in the area of land subject to temporary possession) and thus the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 (as amended) ('the CA Regulations') would be engaged.

The implications of the engagement of the CA Regulations depends, particularly, on the effect of Regulation 4, and thus whether Regulations 5 to 19 apply. Regulations 5 to 19 apply where:

- (a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land; and

(b) a person with an interest in the additional land does not consent to the inclusion of the provision.

There are three plots the subject of the change as set out in the Book of Reference [REP3-009]; Plots 3/2e, 3/2i, and 3/3c. To ensure that Regulations 5 to 19 do not apply agreement would be required from all persons with an interest in the additional land. This would need to be submitted, preferably, with any request for the change, but if not very shortly thereafter.

Looking at the Book of Reference, each includes a person “Unknown (in respect of Restrictive Covenants contained within a Deed of Grant dated 9 January 1976)” as having an interest. This may mean that getting written agreement may not be possible.

The Applicant has set out a proposed timetable in the event that consent from all persons with an interest in the land is obtained, but the ExA would request that the Applicant sets out a proposed timetable in the event such consent could not be obtained, and Regulations 5 to 19 were applicable.

Clearly, any such timetable would need to ensure that all matters, including the necessary Hearings, would be able to be completed before the end of the Examination on 12 July 2022.

Proposed Change One

This change, if accepted, would realign the new link road from the A47 Wansford eastern roundabout to the new A47 westbound off slip from the dualled A47 (work no. 15) by a distance of approximately 14 metres. This is shown on drawing HE551494- GTY-HGN-000-DR-CH-31003.

This drawing also shows the area for Ecological Mitigation. This area overlaps the line of the realigned road. The ExA therefore requests clarification as to how the ecological mitigation that was proposed within this area would be re-provided within the Proposed Development. The Applicant indicates that the effect on “biodiversity will be considered further”. The ExA considers that in the light of the importance of this matter that this needs to be addressed within any submission.

Proposed Change Three

This change, if accepted, would omit a section of cycle route at the eastern extent of the Proposed Development. The ExA notes that this is shown on drawing HE551494-GTY-HKF-000-DR-CH-31007. However, it is not clear whether this would involve the alterations of any works (as set out in Schedule 1 to the draft Development Consent Order [REP5-005], the Works Plans [RE5-003] or any other document and the ExA asks for clarification of this.

Consultation on all three Proposed Changes

The Applicant has set out that it intends to contact host local authorities (Peterborough City Council), Parish Councils (Wansford and Sutton) and other relevant Interested Parties participating in the Examination and affected landowners imminently to inform them of the Applicant’s intention to submit a request for proposed changes to the Proposed

Development and seek their initial views on the proposed changes. However, part of the rationale for Proposed Change One is to reduce construction phasing requirements associated with utility diversions. The ExA therefore considers that consultation should also include statutory undertakers whose apparatus may be affected.

Construction Period Extension

The ExA notes that the Applicant is proposing to undertake additional work to assess the environmental effects of the Proposed Development based on a worst-case scenario of the construction period lasting 28 months and will submit revised assessments as appropriate in the form of an addendum to the ES. The ExA welcomes this approach and requests that the rationale is clearly explained where it is concluded that individual assessments do not require updating.

The Applicant has indicated that it intends to undertake a limited consultation prior to submitting the further information. The ExA queries whether, given the concerns expressed by Natural England over the potential air quality effects on the Sutton Heath and Bog Site of Special Scientific Interest that it should also be consulted.

Concluding Comment

The Applicant is also asked to consider the interdependency of the three proposed changes and any consequential changes that may need to be made to other drawings and the draft Development Consent Order.

I would be grateful if responses could be made by **Deadline 7, 20 May**.

Yours sincerely

Robert Jackson

Robert Jackson
Examining Authority

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