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The Applicant
Cambridgeshire County Council
Natural England
Historic England
Western Power (East Midlands) Plc
Anglian Water Limited
Interested Parties

Your Ref:
Our Ref: TR010039
Date: 24 May 2022

Dear Sir/ Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3), 9 and 17

Application by National Highways for an Order Granting Development Consent for the A47 Wansford to Sutton dualling scheme

Request for further information and Notice of a change to the Examination timetable

I refer to the Rule 8 letter of 18 January 2022 where I set out, among other matters, the timetable for the examination of the above project. I also refer to various subsequent changes.

Statements of Common Ground

In the Rule 8 letter I requested that Progressed Statements of Common Ground (SoCG) be submitted at Deadline (D) 3 (1 March 2022). However, on that date only a Statement of Commonality of Statements of Common Ground (SCSoCG) was submitted.

The timetable also allowed at D7 (20 May 2022) for “Progressed SoCG and SCSoCG”, and I note that a number of draft SoCGs were submitted. However, no SoCGs, even in draft form, were submitted between the Applicant and:

- Huntingdonshire District Council;
- Cambridgeshire County Council;
- North Northamptonshire Council,
- Natural England;
- Historic England; and
- All relevant Statutory Undertakers.

The latest version of the SCSoCG notes that “SoCG under preparation” for those with Cambridgeshire County Council, Natural England and Historic England, and “SoCG may be required” for that with Western Power (East Midlands) Plc. It also notes, that unlike the

other cases where the “SoCG in draft” is cited, no draft SoCG between the Applicant and Anglian Water Limited has been submitted to date.

I understand why there will be no SoCGs with Huntingdonshire District Council and North Northamptonshire Council.

The failure to submit the five draft SoCGs with Cambridgeshire County Council, Natural England, Historic England, Western Power (East Midlands) Plc and Anglian Water Limited has the potential to cause issues in the Examination of the Proposed Development and may have other implications.

Therefore, I am requesting that the Applicant submits information in respect of these five SoCGs by **6 June 2022**.

This should be the latest version of the SoCG, in whatever state. If the Applicant is unable to submit even drafts then a full explanation should be submitted giving full details of why this has not been possible.

This letter is also addressed to the five bodies on the basis that they may wish to make representations on the current situations from their points of view.

I am therefore also altering the Examination Timetable to this effect. Any comments on these will be covered by the existing timetable item at D8 of “Any further information requested by the ExA under Rule 17 of the Examination Rules”.

Consequently, I am publishing at Annex A a revised Examination Timetable taking into account these changes.

Report for Implications of European Sites

For Interested Parties information, I have concluded that I do not need to issue a Report of the Implications of European Sites (RIES) in respect of the Proposed Development. This is not to say that consideration of this topic will not need to form part of my Report to the Secretary of State for Transport, rather that no RIES is necessary.

Proposed Changes

In its submissions at D7 in relation to my Rule 17 letter of 16 May 2022 that the Applicant has identified the ‘Persons unknown’ in respect of the restrictive covenants as Anglian Water Authority (and its successors in title). It is suggested that as those parts of the relevant land parcels affected by the covenants would not be directly affected there is no need to secure written agreement from Anglian Water so that Regulations 5 to 19 of the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 are not engaged.

I note that for Regulations 5 to 19 not to apply written agreement is required for all those “with an interest in the additional land” not just landowners. In this context this would include Anglian Water Limited.

In my view, to avoid this and to ensure clarity in this regard, rather than the approach suggested by the Applicant, the relevant plots on the Lands Plans should be sub-divided. This would create some Land plots the subject of the covenant and others not subject to

the covenant. New plots would be created and the Book of Reference would be amended accordingly. This would mean that written agreement could be obtained from all those with an interest in the land which would represent additional land as defined in the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010.

Amendment to the timetable

Under Section 98 of the Planning Act 2008 there is a duty to complete the Examination by the end of the period of 6 months beginning the day after the Preliminary Meeting. This 6 month period therefore started on Tuesday 11 January 2022 and thus the deadline for the close of the Examination will be Monday 11 July. The Examination Timetable has been altered to ensure that this is clear.

Yours faithfully

Robert Jackson

Robert Jackson
Examining Authority

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Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due dates
1.	<p>Procedural Deadline A Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on Examination procedure, including draft timetable • Requests to speak at the Preliminary Meeting Part 1 • Requests to speak at Issue Specific Hearing 1 on the draft Development Consent Order (dDCO) 	Friday 7 January 2022
2.	Preliminary Meeting Part 1	Tuesday 11 January 10.00am
3.	<p>Issue Specific Hearing 1</p> <ul style="list-style-type: none"> • Draft Development Consent Order 	Wednesday 12 January 10.00am
4.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Examination Timetable • Issue of Written Questions (WQ) – ExQ1 	Tuesday 18 January
5.	<p>Deadline 1 (D1)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Comments on RRs • Comments on updated application documents. • Post Hearing submissions • Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA • Notification of wish to speak at an Open Floor Hearing (OFH) • Notification of wish to speak at a Compulsory Acquisition Hearing (CAH) • Request to receive future correspondence by email • Proposed itinerary for Accompanied Site Inspection (ASI) from the Applicant • Notification of wish to attend an ASI, if one is required and suggested locations, with justifications • The Applicant to provide the Habitats Screening matrices in MS Word format • Any information requested by the ExA for this deadline 	Friday 28 January

6.	<p>Deadline 2 (D2)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Responses to ExQ1 • Written Representations (WR) and summaries of any WR exceeding 1500 words • Local Impact Reports (LIR) from local authorities • Comments on the Applicant's proposed ASI itinerary • Comments on any submissions received by D1 • Any further information requested by the ExA under Rule 17 of the Examination Rules 	Tuesday 15 February
7.	<p>Deadline 3 (D3)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Comments on responses to the ExQ1 • Comments on WRs • Responses to comments made on RRs • Comments on LIRs • Comments on any submissions received by D2 • Any further information requested by the ExA under Rule 17 of the Examination Rules <p>Requested from the Applicant only:</p> <ul style="list-style-type: none"> • Progressed Statements of Common Ground (SoCG) and Statement of Commonality of the Statements of Common Ground (SCSoCG) • An updated version of the dDCO in clean and tracked versions and a schedule of changes • An updated Compulsory Acquisition Schedule (CAS) in clean and tracked versions • Schedule of changes to the Book of Reference (BoR) • Updated Guide to the Application 	Tuesday 1 March
7A.	<p>Procedural Deadline B</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Registration to speak at Issue Specific Hearing (ISH) 2, 3, 4 and Compulsory Acquisition Hearing (CAH) 1 	Wednesday 9 March
8.	<p>Issue Specific Hearing 2</p> <p>Issue Specific Hearing on Environmental Matters</p>	Tuesday 15 March 10.00 am
8A.	<p>Issue Specific Hearing 3</p> <p>Issue Specific Hearing on Traffic, Transport and Socio-Economic Matters</p>	Wednesday 16 March 10.00 am
8B.	<p>Compulsory Acquisition Hearing 1</p>	Thursday 17 March

		10.00 am
8C.	Issue Specific Hearing 4 Issue Specific Hearing on draft Development Consent Order	Thursday 17 March 2.00 pm
9.	Deadline 4 (D4) Deadline for: <ul style="list-style-type: none"> • Post Hearing submissions including written submissions of oral case • Comments on any submissions received by D3 • Any further information requested by the ExA under Rule 17 of the Examination Rules Requested from the Applicant only: <ul style="list-style-type: none"> • Progressed SoCG and SCSocG • An updated version of the dDCO in clean and tracked versions and a schedule of changes • An updated CAS in clean and tracked versions • Updated Guide to the Application 	Thursday 24 March
10.	Unaccompanied Site Inspection	Tuesday 29 March
11.	Publication by the ExA of: <ul style="list-style-type: none"> • The ExA's further Written Questions (ExQ2), if required 	Tuesday 5 April
12.	Deadline 5 (D5) Deadline for: <ul style="list-style-type: none"> • Responses to ExQ2 if required • Comments on any submissions received by D4 • Any further information requested by the ExA under Rule 17 of the Examination Rules Requested from the Applicant only: <ul style="list-style-type: none"> • Progressed SoCG and SCSocG • An updated version of the dDCO in clean and tracked versions and a schedule of changes • An updated CAS in clean and tracked versions • Updated Guide to the Application • Schedule of changes to the BoR 	Wednesday 20 April
13.	Deadline 6 (D6) Deadline for: <ul style="list-style-type: none"> • Comments on responses to ExQ2, if required 	Tuesday 3 May

	<ul style="list-style-type: none"> • Comments on any submissions received by D5 • Any further information requested by the ExA under Rule 17 of the Examination Rules 	
14.	<p>Hearings 2</p> <p>These Hearings were cancelled on 31 March 2022</p>	
15.	<p>Deadline 7 (D7)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Post Hearing submissions including written submissions of oral case, if required • Comments on any submissions received by D6 • Any further information requested by the ExA under Rule 17 of the Examination Rules <p>Requested from the Applicant only:</p> <ul style="list-style-type: none"> • Progressed SoCG and SCSocG • An updated version of the dDCO in clean and tracked versions and a schedule of changes • An updated CAS in clean and tracked versions • Updated Guide to the Application 	Friday 20 May
16.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) • The ExA's proposed changes to the dDCO, if required • Publication of the ExA's Additional Questions (ExQ3) 	Tuesday 24 May
16A.	<p>Deadline 7A (D7A)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Draft SoCGs between the Applicant and: <ul style="list-style-type: none"> ○ Cambridgeshire County Council ○ Natural England ○ Historic England ○ Western Power (East Midlands) Plc ○ Anglian Water Limited 	Monday 6 June
17.	<p>Deadline 8 (D8)</p> <p>Deadline for:</p> <ul style="list-style-type: none"> • Comments on the RIES (if required) • Comments on the ExA's proposed changes to the draft DCO • Responses to the ExA's Additional Questions (ExQ3) • Comments on any submissions received by D7 	Tuesday 14 June

	<ul style="list-style-type: none"> Any further information requested by the ExA under Rule 17 of the Examination Rules <p>Requested from the Applicant only:</p> <ul style="list-style-type: none"> Progressed SoCG and SCSocG An updated version of the dDCO in clean and tracked versions and a schedule of changes An updated CAS in clean and tracked versions Updated Guide to the Application Schedule of changes to the BoR 	
18.	<p>Deadline 9 (D9)</p> <ul style="list-style-type: none"> Comments on any submissions received by D8 Any further information requested by the ExA under Rule 17 of the Examination Rules <p>Requested from the Applicant only:</p> <ul style="list-style-type: none"> Final SoCG and SCSocG Final dDCO in MS Word clean and tracked versions Final Schedule of changes to the dDCO SI template validation report Final Book of Reference, and schedule of changes Final Compulsory Acquisition Schedule, in clean and tracked versions Final updated Guide to the Application 	Tuesday 28 June
19.	<p>Deadline 10 (D10)</p> <ul style="list-style-type: none"> Comments on any submissions received by D9 Any further information requested by the ExA under Rule 17 of the Examination Rules 	Tuesday 5 July
20.	<p>Deadline 11 (D11)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Any further information requested by the ExA under Rule 17 of the Examination Rules <p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p> <p>The ExA may close the Examination earlier if satisfied that all relevant matters have been addressed.</p>	Monday 11 July

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

Hearing agendas

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a Report on the Implication for European Sites (RIES) during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2017