

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

Volume 9

9.34 Request for a Non-Material Change to the Application

Infrastructure Planning (Examination Procedure) Rules 2010

Planning Act 2008

June 2022

Deadline 8

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

The A47 Wansford to Sutton
Development Consent Order 202[x]

**9.34 REQUEST FOR A NON-MATERIAL CHANGE
TO THE APPLICATION**

Planning Inspectorate Scheme Reference	TR010039
Application Document Reference	9.34
BIM Document Reference	PCF STAGE 4
Author	A47 Wansford to Sutton Project Team, National Highways

Version	Date	Status of Version
Rev 0	June / 2022	Deadline 8

CONTENTS

1	INTRODUCTION.....	1
2	FULL DETAILS OF THE PROPOSED CHANGES.....	1
3	RATIONALE FOR APPLICANT'S CONSIDERATION OF THE PROPOSED CHANGES AS NON-MATERIAL.....	3
4	CONSULTATION.....	3
5	CHANGES TO LAND PLANS AND CONSENT FOR CHANGE	3
6	CONCLUSION	5

1 INTRODUCTION

- 1.1.1 The application for a Development Consent Order ('DCO') for the proposed A47 Wansford to Sutton Scheme ('the Scheme') was submitted by National Highways ('the Applicant') on 5 July 2021. The application was accepted for Examination on 2 August 2021 and the Examination began on 12 January 2022
- 1.1.2 By the Applicant's Notification for Proposed Changes to the Scheme dated 6 May 2022 (**AS-044**) the Applicant provided the details and background to the request for the proposed changes.
- 1.1.3 The Examining Authority (ExA) requested further information on the Applicant's proposed changes by letter dated 10 May 2022 (**PD-011**). In the Applicant's Response to Rule 17 Letter (**REP7-018**) dated 20 May 2022 the Applicant provided further revised details of the Applicant's request for proposed changes to the Scheme.
- 1.1.4 In the ExA's Rule 17 and 8(3) letter dated 24 May 2022 (**PD-013**), the ExA requested further information on the Applicants proposed changes and provided advice and guidance on the proposed changes.
- 1.1.5 The Applicant has taken into account the ExA's guidance and this document is now the Applicant's formal request for a Non-Material Change to the DCO application.

2 FULL DETAILS OF THE PROPOSED CHANGES

- 2.1.1 The application for the proposed changes is supported by the following documentation submitted as part of the Applicant's Deadline 8 submissions:

Land Plans (Sheet 3)	Resubmitted document	TR010039/APP/2.2 Rev 4
Works Plans (Sheets 3 and 7)	Resubmitted document	TR010039/APP/2.3 Rev 3
General Arrangement Plans (Sheets 3 and 7)	Resubmitted document	TR010039/APP/2.5 Rev 2
Draft DCO	Resubmitted document	TR010039/APP/3.1 Rev 5
Explanatory Memorandum	Resubmitted document	TR010039/APP/3.2 Rev 1
Book of Reference	Resubmitted document	TR010039/APP/4.3 Rev 2
Statement of Reasons	Resubmitted document	TR010039/APP/4.1 Rev 1
Environmental Masterplan	Resubmitted document	TR010039/APP/6.8 Rev 3

ES Addendum One	New document	TR010039/EXAM/9.35 Rev 1
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- 2.1.2 This application is also supported by letters of consent from those parties with an interest in any additional land as a result of the proposed changes at Annex A hereto.
- 2.1.3 The Applicant is proposing a total of three discrete works changes resulting in one change to the Land Plans:
- 2.1.4 **Change One:** Alignment of the new link road from the A47 Wansford eastern roundabout to the new A47 westbound off slip from the dualled A47 (work no. 15) to be shifted to the north by a distance of approximately 14 metres (see revised Works Plans, General Arrangement and Rights of Ways plans sheets 3). This is effectively 11 metres beyond the allowable limit of deviation provided for in the draft DCO. The re aligned link road also re aligns the shared cycle track and new permissive bridleway and provides for additional means of access to adjoining land as shown on the revised Rights of Way plan sheet 3. The reason for the change is to reduce construction phasing requirements associated with utility diversions. The change therefore represents a more efficient interface between the Scheme and Anglian Water, Western Power Distribution, Gigaclear, Openreach, Vodafone and GTT assets.
- 2.1.5 **Change Two:** Modification to the means of access alignment to Sacrewell Farm to avoid interface with Anglian Water assets shown on revised Works, General Arrangement, Rights of Way and Land plans sheet 3. This layout improves the visibility at the access to Sacrewell Farm and also addresses the ExA's query at Hearing Action Point 38 (EV-021) and the Applicant's initial response regarding use of a convex mirror to improve visibility in **REP5-020**. Please note as a result of Change Two, work number 23 of the submitted Works Plans is deleted but the work number is re used to show new works as a result of Change One on the revised Works Plans sheet 3.
- 2.1.6 **Change Three:** Shortening of the cycle route at the eastern extent of the Scheme by deleting the section of cycle track proposed on the northern frontage of Peterborough Road (SU15 to SU16 on the submitted Rights of Way plans). The proposed cycle track will then start/finish at SU14 at Nene Way, which is a designated quiet route deemed suitable for use by pedestrians, cyclists and equestrians allowing cyclists to join and leave Peterborough Road at the Nene Way junction. This change will avoid the need for cyclists to cross Peterborough Road and join the eastbound carriageway in the vicinity of the existing bus layby. To facilitate pedestrian access between Nene Way and the existing bus stop, new sections of footway will be provided on both the northern and southern frontages of Peterborough Road. These changes will improve safety for cyclists and are shown in the revised Rights of Way plans sheet 7.
- 2.1.7 As a result of Change Two, land for permanent acquisition and temporary possession is altered and shown on the revised Lands Plans Sheet 3. Further details on the proposed changes to the Land Plans are set out below.

3 RATIONALE FOR APPLICANT'S CONSIDERATION OF THE PROPOSED CHANGES AS NON-MATERIAL

- 3.1.1 The Applicant's review of the guidance on differences between Material and Non-Material applications are outline in section 3 of the Applicant's Notification (**AS-044**). The Applicant also noted in section 3 of **AS-044** that the proposed changes are unlikely to significantly affect the overall assessment and conclusions of likely significant effects presented within the submitted Environmental Statement (ES).
- 3.1.2 The Applicant has now completed a full assessment of the ES as set out in ES Addendum One (**TR010039/EXAM/9.35 Rev 1**). After a rigorous assessment of each topic in the ES, the Applicant has found that both individually and in combination, the proposed changes to the Scheme do not result in any new or different likely significant effects compared to those found in the ES. This finding supports the Applicant's view that the proposed changes amount to a non-material change to the submitted application.

4 CONSULTATION

- 4.1.1 Since the Applicant considers that the proposed changes to the DCO application are non-material, consultation is not strictly necessary. However, the Applicant, in its quest to be as transparent and inclusive as possible, undertook a fourteen day consultation exercise as outlined in section 5 of the Applicant's Notification of Proposed Changes (**AS-044**). The Applicant also added statutory undertakers as confirmed in the Applicant's response to Rule 17 letter (**REP7-018**). There were no substantive comments received as a result of the consultation exercise.

5 CHANGES TO LAND PLANS AND CONSENT FOR CHANGE

- 5.1.1 In the Applicant's Notification of Proposed Changes to the Scheme, (**AS 044**) dated 6 May 2022 the Applicant noted that it is

.." mindful that the enlargement of plot 3/3c land for permanent acquisition and concomitant reduction in the area of plot 3/2e and 3/2i for temporary possession amounts to the inclusion of 'additional land' within the DCO and is subject to the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 (Regulations). As mentioned above, National Highways intends to seek consent to the acquisition of the additional land from the landowners, the William Scott Abbott Trust and Riverford Organics. If that consent can be secured then Regulation 4 will apply and the procedure for the acquisition of additional land set out in Regulations 5 to 19 will not apply."

- 5.1.2 In the Applicant's Response to Rule 17 Letter (**REP7-018**) dated 20 May 2022, in response to the ExA's query whether further consent was required due to restrictive covenants contained within a Deed of Grant dated 9 January 1976 in favour of a "person Unknown, the Applicant responded as follows:

*"The Applicant has reviewed the Land Plans (**REP5-002**) and notes that plot 3/2f and plot 3/3d are also affected by the change request but plot 3/2i is not affected To summarise, the plots affected by the change request are as follows:*

Plot 3/2e for temporary possession: Currently 3430 sq m, proposed 2344 sq m

Plot 3/3d for temporary possession: Currently 1999 sq m, proposed 1494 sq m

Plot 3/2f for permanent acquisition: Currently 573 sq m, proposed 1660 sq m

Plot 3/3c for permanent acquisition: Currently 1495 sq m, now 2000 sq m

Plots 3/2e, 3/3d, 3/2f and 3/3c all fall within title numbers CB300287 and CB326797. The Applicant has reviewed the Deed of Grant and has established that it relates to an easement in favour of Anglian Water Authority (Office at Diploma House, Grammar School Walk, Huntingdon) and its successors in title. The Deed of Grant gives Anglian Water the rights and easements necessary to construct inspect use maintain alter cleanse replace remove or render unusable a tunnel for the passage of water of approximately 2.8m diameter subject to various covenants. The location of this easement for a large water pipe is to the east and north of the land subject to the change in permanent acquisition."

- 5.1.3 In the ExA's request for further information PD-013 dated 24 May 2022, the ExA noted 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 subdivided. 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."

- 5.1.4 Taking into account the ExA's guidance in **PD-013**, the Applicant has renumbered the plots which are subject to this change request. The relevant plots are shown on the revised Land Plan Sheet 3 which also now shows the proposed changes to the access to Sacrewell Farm.

- 5.1.5 The re numbering exercise has however meant that more plots are affected by the Change 2 as follows

3/2c – was 19003.17 sq m, now 22009.08 sq m - additional temporary possession land

3/2d – was 34539.10 sq m, now 5211.27 sq m – additional permanent acquisition land

3/2e – was 2343.91 sq m, now 2053.52 sq m – reduced temporary possession land

3/2f – was 1659.63 sq m, now 1263.34 sq m – reduced permanent acquisition land

3/2g – was 134.96 sq m, now 320.00 sq m- additional permanent acquisition land (Note: previous location of 3/2g is now incorporated in 3/3g and 3/2i both now for temporary possession – see below)

3/2i – was 11910.57 sq m, now 11725.18 sq m – reduced temporary possession land

3/3c – was 1999.83 sq m, now 845.27 sq m – reduced permanent acquisition

land. (Note: New plot 3/3c has changed location and previous plot 3/3c is now incorporated in plot 3/3g for temporary possession)

3/3d – was 1494.33 sq m, now 1414.58 sq m- reduced temporary possession land.

3/3f – was 188.08 sq m, now 186.45 sq m – reduced permanent acquisition land

3/3g – 4.31 sq m, now 1240.24 sq m – additional temporary possession land

5.1.6 As a result of the renumbering exercise, the only plots subject to the Anglian Water easement provided in the Deed of Grant dated 9 January 1976 are temporary possession plots 3/2i and 3/3g. Plot 3/2i has reduced in area and cannot be described as additional land for the purposes of requiring consent under Regulation 4. Moreover, part of new plots 3/2i and 3/3g were previously contained within the area of plots 3/3c and 3/2g land for compulsory acquisition in the submitted Land Plans and Book of Reference. For the purposes of Regulation 4, "additional land" means "land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land;" Both plots 3/3c and 3/2g have been identified in the Applicant's Book of Reference (**TR010039/APP/4.3 Rev 2**) as land subject to compulsory acquisition and the Applicant's view therefore is that the consent of Anglian Water is not required.

5.1.7 The Applicant has also revised the submitted Book of Reference (**TR010039/APP/4.3 Rev 2**) to take account of the above plot number changes. It has clarified that the Anglian Water category 2 interest in the Book of Reference only relates to plots 3/2i and 3/3g by virtue of the easement granted in the Deed of Grant. Moreover the Applicant considers that the restrictive covenants referred to in the reference to "Persons Unknown" "(in respect of Restrictive Covenants contained within a Deed of Grant dated 9 January 1976" in the Book of Reference are incumbrances for the benefit of, or subject to the burden of, all the plots referred to in this application. However, they do not amount to a legal interest in land registrable at HM Land Registry and thus Anglian Water is not a person "with an interest in the additional land" as referred to in Regulation 4 of the Regulations by virtue of the restrictive covenants contained in the Deed of Grant.

5.1.8 The Applicant has obtained the consent to the proposed changes from those parties who do have an interest in the additional land, namely, the William Scott Abbot Trust and Riverford Organics. Please see letters dated 17 May and 8 June 2022 signed by both the William Scott Abbot Trust and Riverford Organics at Annex A.

6 CONCLUSION

6.1.1 The Applicant is of the firm view that this application for a change to the submitted application as outline in section 2 above is relatively minor in nature. The Applicant has provided evidence in the form of an Addendum to the ES (**TR010039/EXAM/9.35 Rev 1**) that both individually and in combination, the proposed changes to the Scheme do not result in any new or different likely significant effects compared to those found in the ES.

6.1.2 Moreover the Applicant has considered the regulations in the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 and is of the view that Regulation 4 is not engaged since all persons "with an interest in the additional

land" consents to the changes to land to which authorisation of compulsory acquisition relates.

- 6.1.3 The Applicant therefore requests that this application for a Non-Material Change to the DCO Application is accepted by the ExA.

ANNEX A

Lee Scowen
William Scott Abbot Trust
Sacrewell Farm
Thornhaugh
Peterborough
PE8 6HJ

Craig Stirzaker
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW

17th May 2022

Dear Mr Scowen,

**A47 Wansford to Sutton Development Consent Order
Request for a non-material change to the application**

Further to our recent meeting on Thursday 5th May to discuss changes to the Wansford scheme in regard to the entrance to Sacrewell Farm, I am writing to you to request your formal consent for the proposed change.

This consent will then be submitted to the examination for the Examining Authority ("ExA") to consider and make a decision on if the proposed change is accepted.

To be clear, consent would allow National Highways to have powers to acquire compulsorily the interest it requires to realign the Sacrewell Farm entrance from the original proposals should the change be accepted and the Development Consent Order granted, however we will continue to work to reach an agreement through the District Valuer Services (DVS) in regards to all transactions with the William Scott Abbot Trust.

Summary of Changes

The proposed change in regard to the Sacrewell Farm entrance is as follows:

Modification to the means of access alignment to Sacrewell Farm to avoid interface with Anglian Water and other utility assets running along the new slip road from the petrol station; which it is proposed is to be re-aligned 14 metres to the north to avoid the utility connections. These changes are shown on drawing HE551494-GTY-HKF-000-DR-CH-31003. This layout improves the visibility at the access to Sacrewell Farm and addresses one of the ExA's queries during the examination regarding the access and National Highway's initial response which was a proposal to use a convex mirror to improve visibility. This will not now be required.

The plots to be affected by the proposed change are 3/2f, 3/2e, 3/3c and 3/3d as shown on the Land Plan. The freehold title for the land is held by Sacrewell Farm (CB300287 / CB326797)

The tenant for the land is Riverford Organic Farmers limited

Anglian Water also has the benefit of an easement and covenants for the large diameter water mains to the east and north of the land affected by the proposed change. Anglian Water's interest is therefore not affected by the change.

Relevant documentation (annexed to letter)

- General arrangement drawing HE551494-GTY-HKF-000-DR-CH-31003 showing proposed change to Sacrewell Farm entrance alignment and the re-aligned slip road
- Proposed Land Plan amendment to parcels 3/2f, 3/2e, 3/3c and 3/3d
- Sheet 3 of the currently submitted Land Plan to compare the plot amendments

What is required of you

You will see at the bottom of this correspondence an opportunity for you to sign and return this correspondence, indicating that you consent to the proposed changes. This is required under Section 123 of the Planning Act 2008 – where a change regarding compulsory acquisition is anticipated after an application has been made to the Secretary of State, then the applicant must demonstrate that all parties consent to that change or that the procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 has been followed.

Concluding Remarks

I hope that the information provided with this correspondence is sufficient for you to confirm that you consent to the proposed change to the Sacrewell Farm entrance alignment.

If you have any further questions, please do not hesitate to contact me. I would be grateful if you could indicate your position as soon as possible, ideally by signing a copy of this correspondence and returning it to me.

Your sincerely



Craig Stirzaker
Project Manager

Highways England | Woodlands | Manton Lane | Bedford | MK41 7LW



I Lee Scowen on behalf of William Scott Abbott Trust can confirm that:

- (a) I have read and understood the contents of this correspondence; and
- (b) On behalf of William Scott Abbott Trust I am authorised to confirm that William Scott Abbott Trust consents to National Highways amending the land plan and book of reference submitted with its application for the A47 Wansford to Sutton Development Consent Order to allow for its compulsory acquisition of land to realign the proposed Sacrewell Farm entrance provided by the scheme.

Signed 
Authorised on behalf of William Scott Abbott Trust

Lee Scowen
William Scott Abbot Trust
Sacrewell Farm
Thornhaugh
Peterborough
PE8 6HJ

Craig Stirzaker
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW

8th June 2022

Dear Mr Scowen,

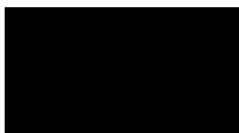
**A47 Wansford to Sutton Development Consent Order
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Many thanks for returning the letter I sent to you dated 17 May 2022 with your consent for the proposed changes to the land plan supporting the proposed changes to the DCO application that National Highways wishes to make. We have now altered the proposed land plan slightly, re numbered the plots and identified the plots on a base plan showing the proposed changes.

Please could you re confirm that you are in agreement with the attached revised land plan to support the proposed changes to the application as a replacement to the land plan I sent you on 17 May 2022 by signing and returning this letter with your consent.

Yours sincerely etc

Your sincerely



**Craig Stirzaker
Project Manager**

Highways England | Woodlands | Manton Lane | Bedford | MK41 7LW



[REDACTED]

[REDACTED]



Nic Shaw
Riverford Organic Farmers Limited
Wash Barn
Buckfastleigh
TQ11 0JU

Craig Stirzaker
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW

17th May 2022

Dear Mr Shaw,

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Request for a non-material change to the application**

Further to our recent phone call on 16th May to discuss changes to the Wansford scheme in regard to the entrance to Sacrewell Farm, I am writing to you to request your formal consent for the proposed change.

This consent will then be submitted to the examination for the Examining Authority ("ExA") to consider and make a decision on if the proposed change is accepted.

To be clear, consent would allow National Highways to have powers to acquire compulsorily the interest it requires to realign the Sacrewell Farm entrance from the original proposals should the change be accepted, and the Development Consent Order granted, however we will continue to work to reach an agreement through the District Valuer Services (DVS) in regards to all transactions with the Riverford Organics.

Summary of Changes

The proposed change in regard to the Sacrewell Farm entrance is as follows:

Modification to the means of access alignment to Sacrewell Farm to avoid interface with Anglian Water and other utility assets running along the new slip road from the petrol station; which it is proposed is to be re-aligned 14 metres to the north to avoid the utility connections. These changes are shown on drawing HE551494-GTY-HKF-000-DR-CH-31003. This layout improves the visibility at the access to Sacrewell Farm and addresses one of the ExA's queries during the examination regarding the access and National Highway's initial response which was a proposal to use a convex mirror to improve visibility. This will not now be required.

The plots to be affected by the proposed change are 3/2f, 3/2e, 3/3c and 3/3d as shown on the Land Plan. The freehold title for the land is held by William Scott Abbot Trust the leasehold title by Riverford Organic Famers Limited (CB300287 / CB326797). We have already met with Mr Scowen of the Trust who has agreed in principle to the change???

I Nic Shaw on behalf of Riverford Organic Farmers Limited can confirm that:

- (a) I have read and understood the contents of this correspondence; and
- (b) On behalf of Riverford Organic Farmers Limited I am authorised to confirm that Riverford Organic Farmers Limited consents to National Highways amending the land plan and book of reference submitted with its application for the A47 Wansford to Sutton Development Consent Order to allow for its compulsory acquisition of land to realign the proposed Sacrewell Farm entrance provided by the scheme.

Signed

Authorised on behalf of Riverford Organic Farmers Limited

" WITHOUT PREJUDICE AND SUBJECT TO THE LANDOWNERS
AGREEMENT " NS.

NOTES

- 1. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
- 2. LAND PLANTING ON THIS LAND IS SUBJECT TO A SEPARATE PLANTING CONTRACT. THE CUT LINE IS COINCIDENT WITH PLANT BOUNDARY.
- 3. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
- 4. LAND PLANTING ON THIS LAND IS SUBJECT TO A SEPARATE PLANTING CONTRACT. THE CUT LINE IS COINCIDENT WITH PLANT BOUNDARY.
- 5. THE DIMENSIONS TO BE MADE IN CONFORMANCE WITH ALL WORKS PLANS AND THE BOOK OF REFERENCE.

LEGEND

- ORANGE LINE: ORANGE LINE
- RED LINE: RED LINE
- PINK LINE: PINK LINE
- GREEN LINE: GREEN LINE
- BLUE LINE: BLUE LINE
- YELLOW LINE: YELLOW LINE
- WHITE LINE: WHITE LINE

PLOT REFERENCE NUMBER REFER TO BOOK OF REFERENCE FOR FULL DETAILS OF LAND.

EXISTING PUBLIC RIGHT OF WAY

PROPOSED PUBLIC RIGHT OF WAY

LAND TO BE ACQUIRED PERMANENTLY

LAND TO BE USED TEMPORARILY

LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY

Plot No.	Area	Use	Notes
3.1a	100000	RES	
3.1b	100000	RES	
3.1c	100000	RES	
3.1d	100000	RES	
3.1e	100000	RES	
3.1f	100000	RES	
3.1g	100000	RES	
3.1h	100000	RES	
3.1i	100000	RES	
3.1j	100000	RES	
3.1k	100000	RES	
3.1l	100000	RES	
3.1m	100000	RES	
3.1n	100000	RES	
3.1o	100000	RES	
3.1p	100000	RES	
3.1q	100000	RES	
3.1r	100000	RES	
3.1s	100000	RES	
3.1t	100000	RES	
3.1u	100000	RES	
3.1v	100000	RES	
3.1w	100000	RES	
3.1x	100000	RES	
3.1y	100000	RES	
3.1z	100000	RES	

Purpose of this DCO APPLICATION

Client: Highways England

highways
england

Development Consent Order Number: TR010039

Project Title: A47 WANSFORD TO SUTTON

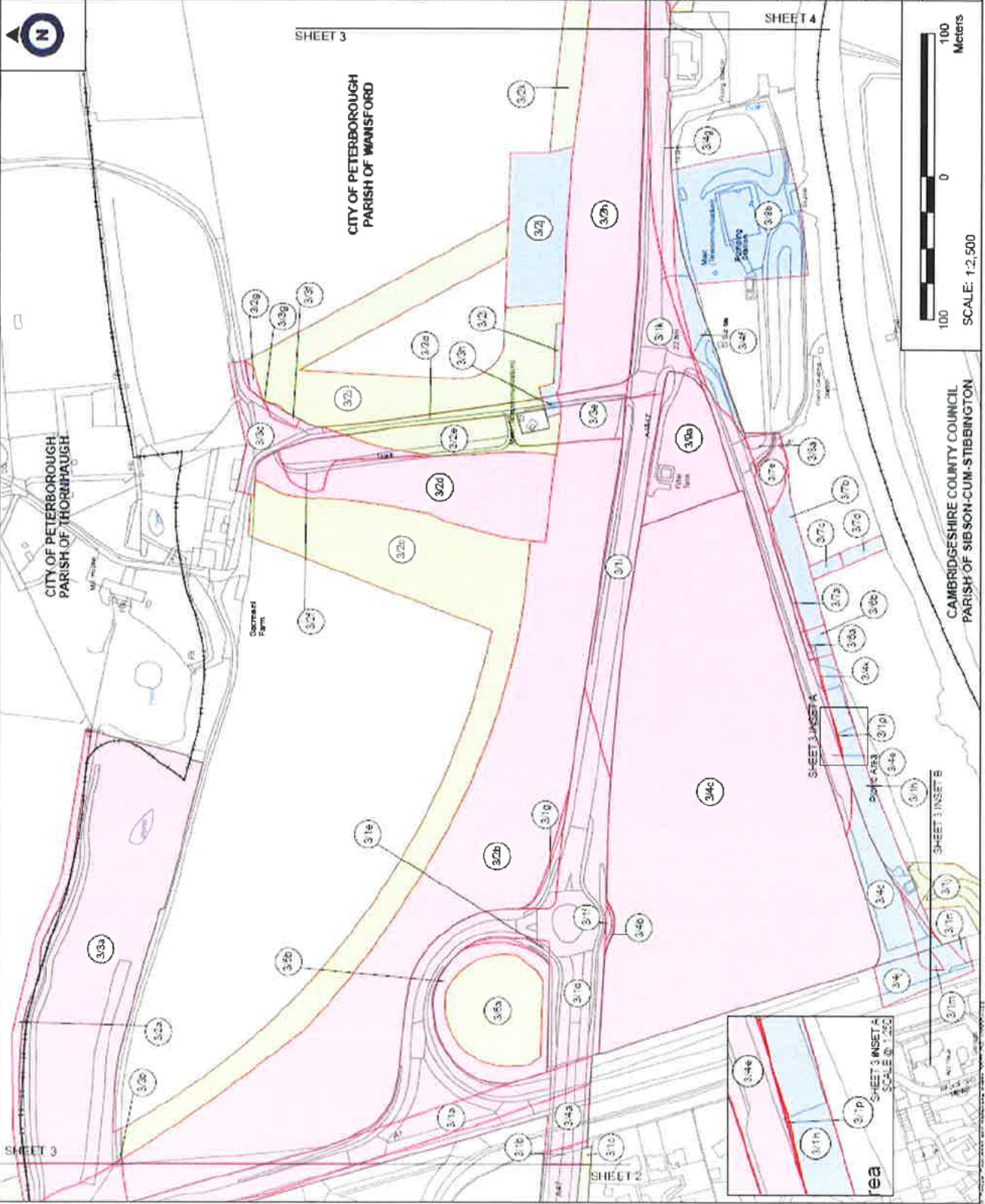
Development Consent Order Drawing Number: TR010039/APP/2.2(c)

Drawing Title: LAND PLANS REGULATION 5(2)(I) SHEET 3 OF 7

Designer	Author	Checked	Date
Highways England	Highways England	Highways England	Highways England

Internal Project Number	Scale	Scale
Highways England	1:2500	1:2500

Project Reference	Project Reference
HE501494-07/LLC-000-DR-EL-30003	HE501494-07/LLC-000-DR-EL-30003



CAMBRIDGESHIRE COUNTY COUNCIL
PARISH OF SIDSON-CUM-STIBBINGTON



SHEET 3

SHEET 3

SHEET 4

100
Meters

Nic Shaw
Riverford Organic Farmers Limited
Wash Barn
Buckfastleigh
TQ11 0JU

Craig Stirzaker
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW

8th June 2022

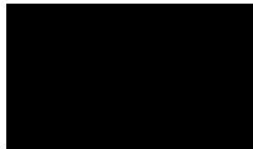
Dear Mr Shaw,

**A47 Wansford to Sutton Development Consent Order
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Please could you re confirm that you are in agreement with the attached revised land plan to support the proposed changes to the application as a replacement to the land plan I sent you on 17 May 2022 by signing and returning this letter with your consent.

Your sincerely



Craig Stirzaker
Project Manager
Highways England | Woodlands | Manton Lane | Bedford | MK41 7LW

On behalf of Riverford Organic Farmers Limited and with reference to consent previously given, I am authorised to confirm that Riverford Organic Farmers Limited consents to amending the land plan in accordance with that attached hereto.

Signed 
Authorised on behalf of Riverford Organic Farmers Limited

