



Your ref: TR010039

Planning Inspectorate
National Infrastructure Planning
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A47 Wansford to Sutton
National Highways
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11 July 2022

Dear Mr Jackson,

APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A47 WANSFORD TO SUTTON SCHEME (TR010039)

DEADLINE 11 AND RESPONSE TO THE EXAMINING AUTHORITY'S RULE 17 LETTER 6 JULY 2022 (PD-019)

Please find confirmation of the documents submitted by National Highways ("the Applicant") to the Planning Inspectorate for Deadline 11 of the Examination for the A47 Sutton to Wansford Scheme (the "Scheme"). This is in accordance with the request set out by the Examining Authority (the "ExA") in the Rule 8 letter dated 18 January 2022 (PD-007). Information is also submitted in response to the ExA's Rule 17 letter dated 6 July 2022 (PD-019).

SUBMISSION OF DOCUMENTS

As per the ExA's request in the Rule 8 letter (PD-007), matters raised at the Issue Specific and DCO Hearings, subsequent submissions by the Applicant, and the Rule 17 letter dated 6 July 2022 (PD-019), the Applicant has enclosed the following documents for Deadline 11.

| Application Document Reference | Name of Document |
|--------------------------------|---|
| 3.1 | Draft Development Consent Order (clean and tracked changes versions) (submitted as PDF versions and a Word version) |
| 3.2 | Explanatory Memorandum (clean and tracked changes versions) |

| Application Document Reference | Name of Document |
|--------------------------------|---|
| 8.1 | Statement of Commonality for the Statements of Common Ground (clean and tracked changes versions) |
| 8.2 | Statement of Common Ground with Peterborough City Council |
| 8.6 | Statement of Common Ground with Natural England |
| 8.8 | Statement of Common Ground with Anglian Water |
| 9.1 | Guide to the Application (clean and tracked changes versions) |
| 9.13 | Schedule of Changes to the Draft Development Consent Order |
| | Validation Report for the draft Development Consent Order (Rev 8) |

RULE 17 REQUESTS

The following section responds to the ExA's Rule 17 Requests within the Rule 17 Letter dated 6 July 2022 (**PD-019**):

1. Letters of 'No Impediment' in respect of bats and great crested newts

Bats

The Applicant is currently supplying the additional information requested by Natural England as part of the application for the Letter of 'No Impediment' (LONI) for Bats and is continuing to engage with them throughout the process.

Great Crested Newts

No evidence of Great Crested Newts (GCN) was reported within the areas surveyed in 2020. In addition, further surveys have recently concluded that GCN are absent from the site and surrounding area of the Scheme. Therefore, no licence is required from Natural England and a LONI has not been applied for.

The GCN survey conducted in 2022 will be reported as part of the Second Iteration of the Environmental Management Plan (EMP) (**TR010039/APP/7.5**).

2. Statements of Common Ground

In the Rule 17 letter (**PD-019**), the ExA asked for clarification on the status of a number of Statements of Common Ground (SoCGs) which remained in draft, and has asked for signed versions to be submitted or an explanation as to why these have not progressed from versions previously submitted.

Peterborough City Council – This SoCG has been signed and submitted at Deadline 11 (**TR010039/EXAM/8.2 Rev 1**).

Natural England - This SoCG has been signed and submitted at Deadline 11 (**TR010039/EXAM/8.6 Rev 1**).

Anglian Water Services Limited – This SoCG has been signed and submitted at Deadline 11 (**TR010039/EXAM/8.8 Rev 1**).

SoCGs with the following parties were marked as ‘not required’ in the Statement of Commonality for Statements of Common Ground (**REP10-008**) submitted at Deadline 10, further information and the reasoning behind this is provided below:

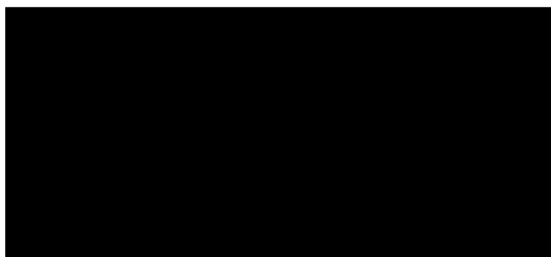
Environment Agency - In the Statement of Commonality for Statements of Common Ground (**REP10-008**) submitted at Deadline 10, it was set out that all matters with the Environment Agency are now agreed and the Applicant, with the agreement of the Environment Agency, no longer intends to submit a SoCG. This is confirmed in an email provided as Annex A to that document.

Western Power Distribution East Midlands) PLC – A SoCG is not required with Western Power as all of the issues between the parties are agreed in principle. Agreed protective provisions were included in the dDCO submitted at Deadline 9 (**REP9-002**). The formal withdrawal of WPD's objection is awaiting the conclusion of legal formalities between the parties, but there are no points of dispute between the parties. Please see the Statement of Commonality for the Statements of Common Ground (**TR010039/EXAM/8.1**) submitted at Deadline 11.

3. Outstanding matters in light of Made Development Consent Order relating to A47 Blofield to North Burlingham

In Annex B to the Applicant's Covering Letter (**REP10-001**) at Deadline 10, the Applicant set out its response to the Secretary of State's decision in respect of the A47 Blofield to North Burlingham Development Consent Order. There were a number of matters where the Applicant considered it had insufficient time by Deadline 10 to fully consider any implications for the A47 Wansford to Sutton proposal. The Table at **Annex A** provides an update on these matters.

Yours sincerely,



Craig Stirzaker
Project Manager
National Highways

Annex A - Applicant's further comments on SoS's modifications to the A47 Blofield to North Burlingham DCO

Applicant's further comments on SoS's modifications to the A47 Blofield to North Burlingham DCO

| Where in DCO | Requested change for Blofield DCO | Amend Wansford DCO? | Reason |
|---|---|-------------------------|---|
| Article 2 (interpretation) | The definition of "commence" is amended with the words "and site clearance" being omitted, as the Secretary of State agrees with the ExA's recommendation that it be removed from the definition [ER 8.4.9 – 8.4.25]. | Retain "site clearance" | <p>Site clearance is excluded from the definition of "commence" specifically in relation to the "diversion and laying of underground apparatus".</p> <p>To the extent that the laying of such apparatus does not trigger commencement, the Applicant considers that the associated site clearance required to carry out this operation should also be excluded.</p> <p>Precedent wording that excludes "diversion and laying of underground apparatus and site clearance" from the definition of "commence" is found in the M54 to M6 Link DCO (April 2022) and the M42 Junction 6 DCO (May 2020).</p> <p>However, for the sake of clarity, the Applicant proposes to amend the definition slightly to "diversion and laying of underground apparatus and <u>including</u> site clearance".</p> |
| Article 3 (disapplication of legislative provisions) | Paragraph (2) has been omitted to maintain consistency with highways DCOs as no justification is given for the variation in the Applicant's Explanatory Memorandum ("the EM"). | Retain paragraph (2) | <p>The Applicant considers that paragraph (2) should be retained because:</p> <ol style="list-style-type: none"> Its inclusion is justified by the EM which explains that "[t]he disapplication of this paragraph allows the relevant drainage authority to make a variation to awards made under a public or local Act which may affect or relate to the drainage of land". Section 32 is also disapplied by Article 3 of the M25 Junction 10 DCO (May 2022) – and for the same reason as set out in the EM. |
| Article 6 (maintenance of authorised development) | The references to "construction" have been removed to maintain consistency with highways DCOs as no justification is given for the variation in the EM. | Yes | The Applicant has removed the reference to "construction" in accordance with paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022). |

| Where in DCO | Requested change for Blofield DCO | Amend Wansford DCO? | Reason |
|--|--|---|---|
| Article 15 (street works) | Paragraph (1)(c) is omitted (and paragraph (1)(e) amended accordingly) as it is not preceded in other highways DCOs and since no justification for its inclusion is given in the EM. | Yes | The Applicant has removed paragraph (1)(c) in accordance with paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022). |
| Article 21 (discharge of water) | Noting the reference in the EM to "public sewers" in addition to drains, references to "public sewer" are inserted, and the definition of "public sewer or drain" is amended to ensure consistency with other highways DCOs by including reference to an urban development corporation, and the cross-references in paragraph (10) have been amended to ensure consistency with other highways DCOs. | References to "public sewer or drain" are already included in Wansford article 21. No amendment necessary. However, the requested definition – including reference to Homes England as well as an urban development corporation – has now been included as a general definition under article 2. | The Applicant has included a revised definition of "public sewer or drain" under article 2 in response to paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022) as follows: "public sewer or drain" means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation. |
| Article 31 (application of the 1981 Act) | Paragraphs (4) and (9) have been amended to follow the approach used in the majority of highways DCOs, noting that no justification is provided in the EM for following the much less common approach used in the two precedents cited by the Applicant and, in particular, the proposed omission of the entirety of section 5 of the Compulsory Purchase (Vesting Declarations) Act 1981. | The relevant paragraphs are (4) and (8). Paragraph (4) has been amended as requested. The wording of paragraph (8) has been retained. | Paragraph (4) has been amended in accordance with paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022). Paragraph (8) is retained for consistency with article 31 (9) of the emerging A47 Tuddenham DCO. |
| 34 (temporary use of land for carrying out the authorised development) | In Schedule 7 (land of which temporary possession may be taken), the Secretary of State accepts the amendments to article 34(8) and Schedule 7 proposed by the Applicant as a result of the Secretary of State's | Retain current wording | The Applicant notes the SoS's concern about the interrelationship between temporary and permanent powers of acquisition as set out in the SoS letter dated 19 April 2022 relating to the Portishead Branch Line (MetroWest Phase 1) scheme. |

| Where in DCO | Requested change for Blofield DCO | Amend Wansford DCO? | Reason |
|--|--|---------------------|--|
| | <p>mind to agree letter in respect of the proposed Portishead Branch Line – Metrowest Phase 1B DCO, as outlined by the Applicant in part B of its 27 April 2022 response to the Secretary of State's letter dated 13 April.</p> | | <p>Having considered the drafting changes made to article 33 and Schedule 7 of the Blofield DCO, the Applicant proposes to retain article 34(9)(a) of the Wansford DCO as drafted because:</p> <ul style="list-style-type: none"> a) It is consistent with article 27(2) (Compulsory acquisition of rights and imposition of restrictive covenants); and b) It places in context the circumstances where permanent acquisition of rights may occur on land to be used temporarily for carrying out the authorised development. <p>For the same reasons, the Applicant does not propose to make consequential amendments to Schedule 5.</p> |
| <p>Schedule 1 (authorised development)</p> | <p>Has been amended so that the additional works permitted where they are connected to the specific works identified in the Schedule, are limited to those which do not give rise to any materially new or materially different environmental effects compared to those reported in the environmental statement, which maintains consistency with highways DCOs.</p> | <p>Yes</p> | <p>The Applicant has amended the wording introducing further development in Schedule 1 in accordance with paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022).</p> |
| <p>Part 1 of Schedule 2 (requirements)</p> | <p>The definition of the outline landscape and ecology management plan in paragraph 1 is amended as it is not a document certified by the Secretary of State for the purposes of the Order – although it forms part of the first iteration of the environmental management plan, which is a certified document.</p> | <p>Yes</p> | <p>The Applicant has included a definition of "Landscape and ecology management plan" in Part 1 of Schedule 2 in accordance with paragraph 147 of the Secretary of State's decision letter for the A47 Blofield DCO (22 June 2022) as follows:</p> <p>"the Landscape and ecology management plan" means the management plan included at Annex B.5 to the EMP (First Iteration);"</p> <p>The word "outline" is omitted for consistency with the terms used in the Wansford EMP.</p> |