



Your ref: TR010039

Transport Infrastructure Planning Unit
Department for Transport
Great Minister House
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London
SW1P 4DR

A47 Wansford to Sutton
National Highways
Woodlands
Manton Road
Bedford
MK41 7LW

0300 123 5000

26 January 2023

By Email to transportinfrastructure@dft.gov.uk
Cc: A47WansfordtoSutton@planninginspectorate.gov.uk

Dear Ms Dominey,

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

**CONSULTATION SEEKING COMMENTS FROM NATURAL ENGLAND, THE
APPLICANT AND ALL INTERESTED PARTIES**

Please find below the response by National Highways (“the Applicant”) to the letter from the Secretary of State dated 19 January 2023.

Protected Species

Point 1

1. The Secretary of State requests Natural England to confirm the outcome of its assessment of the draft bat European Protected Species Licence application by no later than 2 February 2023. If the assessment has not been finalised by 2 February 2023, the Secretary of State requests that Natural England provide a full summary of any outstanding concerns by that date.

Applicant’s Response

The Applicant received a Letter of No Impediment (LONI) for Bats on 23 January 2023 with caveats. The Applicant does not have any concerns regarding the caveats listed in the LONI and these will be addressed as part of the full licence application and the ongoing consultation with Natural England.

A copy of the LONI is appended to this letter.

Book of Reference

Points 2, 3 and 4

2. In the light of Anglian Water Services Limited's representation dated 11 November 2022, the Secretary of State requests the Applicant to submit a revised version of the Book of Reference setting out the correct position in respect of Plot 3/2g.

3. The Secretary of State notes that in Part 1 of the Book of Reference (Categories 1 and 2), Plots 5/5a and 5/6i are listed as "Number not used"; however, both plot numbers appear in Part 3 (Names and addresses of those persons whose entitlement to enjoy private easements or rights may be extinguished, suspended or interfered with). For Plot 5/5a, the interests are stated to be in favour of British Gas and Milton (Peterborough) Estates Company and for Plot 5/6i, the interests are stated to be in favour of Milton (Peterborough) Estates Company and National Grid. Neither plot appears to be shown on the Land Plans.

4. The Secretary of State requests the Applicant to confirm the correct position in respect of Plots 5/5a and 5/6i and update the Book of Reference accordingly.

Applicant's Response

The Applicant has changed the Book of Reference with regards to Point 2 (Parts 1 and 3) and Point 3 (Part 3).

In response to Point 4 the updated Book of Reference now includes the correct position with respect to Plots 5/5a and 5/6i: these numbers have not been used.

A tracked change and clean version of the Book of Reference (**TR010039/APP/4.3 Rev 4**) have been submitted.

Request for comments from all Interested Parties

Point 5

5. In response to questions in the Secretary of State's consultation letter of 10 January 2023, the Applicant, Natural England and the Secretary of State for Levelling Up, Housing and Communities provided responses which have been published on the project page on the Planning Inspectorate website. The Secretary of State invites comments from all Interested Parties on the responses provided.

Applicant's Response

The Applicant wishes to provide the following responses to the submissions published on 18 January 2023:

Climate Emergency Policy and Planning (CEPP)

By following the DMRB: LA114 methodology, the assessment reported construction greenhouse gases (“GHGs”) across a series of lifecycle phases, including:

- Products and materials (A1-3) - use of materials for temporary and permanent construction activities;
- Transport to works site (A4) – the transportation of materials to the Proposed Scheme site, e.g. by HGV; and
- Construction and installation processes (A5) - construction plant use.

PAS 2080:2016 – ‘Carbon Management in Infrastructure’ sets out a consistent process to ensure that carbon is managed consistently across projects and programmes. The lifecycle stages within PAS 2080 are adapted from the lifecycle stages within BS 15978 (Sustainability of construction works).

PAS 2080:2016 does not provide a methodology for how emissions under each of these lifecycle stages are quantified, and what should or should not be measured. However, it does state that the earlier carbon emissions are considered on a scheme, the greater the opportunity to reduce emissions. Figure 4 from PAS 2080:2016 demonstrates this, showing that the earlier carbon is considered the greater the ability to influence whole life carbon but at the same time demonstrates that at earlier stages, the accuracy of assessment will be less.

With regards to the comment “The Applicant has not demonstrated that it has accounted for all the emissions in each of these PAS 2080 modules”, Section 7.1.3.3 of PAS 2080:2016 describes that all activities relating to GHG emissions for which there is available data shall be included, and that professional judgement and justification shall be given for omitted areas. As stated in Section 14.5 of ES Chapter 14 (**APP-052**), not all information to assess plant emissions was available at the time of the assessment and while plant emissions were included for site clearance, earthworks and drainage, due to uncertainty regarding construction fuel use, these emissions would be confirmed during PCF Stage 5 (preconstruction). This reflects the position set out in *R(Khan) v LB Sutton* [2014] EWHC 3663 (Admin) which held that “[a]n ES is required to include such information as is reasonably required to assess the environmental effects of the development and which the applicant can reasonably be required to compile having regard to current knowledge”. As such, the assessment is considered to be consistent with the approach outlined within PAS 2080.

With regards to addressing the additional sources of construction plant emissions, an update was undertaken at the start of PCF Stage 5 as outlined in ES Chapter 14 (**APP-052**) and the results of this were provided in the response to the Secretary of State dated 17 January 2023.

Update on R(Boswell) v Secretary of State for Transport CO/2837/2022,
CO/3506/2022 & CO/4162/2022

In respect of cumulative carbon assessment, the Applicant disagrees with Dr Boswell's interpretation and notes that the 2017 Regulations do not prescribe a particular approach which must be adopted when describing the likely significant effects of a development in terms of climate change resulting from the cumulation of effects with other existing and/or approved projects. The Applicant has responded previously to Dr Boswell's interpretation on which basis the Applicant does not propose to comment further.

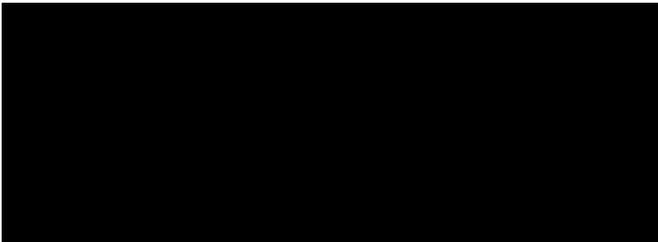
National Grid Gas

The Applicant is aware that a letter was submitted by National Grid Gas ("NGG") which could have been interpreted as an objection. In fact, this was a standard asset protection letter, which it is understood was issued by NGG in error. The Applicant is aware that NGG has already submitted an explanation to the Secretary of State confirming that it has no objection to the Scheme.

Wansford Parish Council

The Applicant notes Wansford Parish Council's comments. It has already responded to the Secretary of State previously on these points. The Applicant has no further response to make.

Yours sincerely,



Craig Stirzaker
Project Manager
National Highways

Date: 23 January 2023
Our ref: 2021-55122-EPS-AD1-2



Mr Craig Stirzaker,
Project Manager
Highways England

██████████@highwaysengland.co.uk

Sent by e-mail only

Dear Mr Stirzaker,

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended) THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)
NSIP: A47 Wansford to Sutton, Peterborough TF 07296 00557 to TL 10255 99202
SPECIES: Bat - Soprano pipistrelle, Common pipistrelle, Brown long-eared, Daubentons, Noctule

Thank you for your subsequent draft bat mitigation licence application in association with the above NSIP site, received in this office on the 24th October 2022.

As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser Jessica Briggs discussed this matter with Irfaan Junaideen via e-mail and telephone correspondence where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission.

For clarity these include:

- Please ensure that the formal method statement includes a full updated desk study with a 2 km buffer of the final DCO boundary.

- Please ensure that the formal method statement and Figures are updated to include all survey information and results.
- Please ensure a Work Schedule is provided in the formal application. All bat-related activities and relevant building works should be included and timings must be appropriate for the type(s) of roost present.
- Please ensure that the formal method statement includes the details of hibernation potential for trees 20 and 51 as this is currently missing from section C7. At the same section ensure that where you have categorised roosts as medium/moderate hibernation suitability, adequate justification has been provided as to why hibernation surveys were not required
- Please ensure that the formal method statement makes clear where Licence Policy 4 is being applied i.e., where hibernation roosts are assumed and species predicted
- Regarding initial impacts at the A1 River Nene Bridge; at section D1 you state;

'The only works to be taking place within the vicinity of the bridge are some minor adjustments to the already existing footpath that runs from the bridge to the carriageway... Works on the footpath are not confirmed and may not be necessary, but the plans are to retain the footpath so any works to be taking place on it would be short term and very minor.'

Should adjustments to the footpath be confirmed please ensure the formal method statement is updated with the exact nature of the works and whether the Daubentons roost will be impacted etc.

- Regarding initial impacts at the A1 River Nene Bridge; at section C you state that the bridge has high hibernation roost potential and at section D1 you state that unsupervised works within the vicinity of the roost during the active and hibernating bat season have potential to cause temporary disturbance the roost. However, you state as works will take place no less than 200m away from the roost initial noise and lighting impacts are described as very minor and unlikely to cause significant disturbance. Later at section E3.1 you state works will take place outside the maternity season to avoid disturbance impacts.

Please clarify within the method statement and Work Schedule document whether works will take place outside the hibernation period. If works are planned during this sensitive period please detail whether mitigation is proposed

- Regarding post-development impacts at A1 River Nene Bridge; at section D3 you state;

'the closest changes in lighting will be restricted to the western roundabout and sliproad, with the furthest extend of lights spill increase no stronger than 0.5lux (the equivalent of full moon light levels) about 200m away from the bridge. Therefore the post-development interference impacts are considered to be negligible for the Daubenton's maternity roost.'

Referring to the accompanying document 'A1 bridges lighting.png' please ensure the following is addressed:

- Clarify whether light levels on the light contour plan are representative of when lighting is set to maximum output

- Clarify whether the light levels on the light contour plan show the increase in lux from the new lighting or whether this is the total lux (we need to know the overall light levels i.e. the existing levels plus the new lighting)
 - It should also be noted that light contour plans should indicate levels from 0.2lux
- Regarding initial impacts at Sacrewell Farm buildings you state;

'Disturbance caused through the elevated noise levels from construction and operation of a site compound directly south of the farm, along with the works carried out on the connecting road and carriageway. According to the noise assessment as part of the environmental statement, the noise levels during construction will be of major impact without mitigation, minor with mitigation'

Please ensure that the relevant section(s) of the Environmental Statement which includes the noise assessment are provided as part of the formal application

Please ensure that the formal method statement includes details of mitigation measures which will ensure that all impacts during construction will be avoided or minimised. For example the use of low vibration/quiet equipment, checks/audits, night time construction curfews, reporting and monitoring etc. If required, what type of acoustic barriers will be installed around each structure and what are the attenuation properties of these barriers.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Jessica Briggs

Tel: [REDACTED]

E-mail: [REDACTED]@naturalengland.org.uk

Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF (Jessica Briggs).

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

END