



National Infrastructure Planning  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

5th February 2021

Dear Mr Hutson,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A47 BLOFIELD TO NORTH BURLINGHAM PROJECT (TR010040)**

**PROCEDURAL DECISION FOLLOWING ISSUE OF ACCEPTANCE DECISION**

Thank you for your letter dated 2nd February 2021. I have set out below our response to the points you have raised.

**EVIDENCE REQUESTED BEFORE THE START OF THE RELEVANT REPRESENTATION (RR) PERIOD**

**1. Appendix 4.1**

This Appendix was omitted from the application documents in error and has been submitted with this letter.

**2. Confidential Information**

As set out in the Covering Letter which accompanied the application (document **TR010040/APP/1.1**) Highways England requested that the Inspectorate publish all the application documents with the exception of the Confidential Badger Survey Report (Appendix 8.6 to the ES (**TR010040/APP/6.2**)).

This document contains confidential information pertaining to species protected under the Protection of Badgers Act 1992 and The Wildlife and Countryside Act 1981).

No other document or content of the application needs to be treated as confidential.

**EVIDENCE REQUESTED BEFORE THE START OF THE EXAMINATION (OR DURING THE RELEVANT REPRESENTATION (RR) PERIOD IF FEASIBLE)**

A response to a number of the points raised has been set out below:

**5. ES Chapter 14: Climate Change (Doc 6.1)**

ES Chapter 14: Climate incorrectly referred to the construction period being 18 months whilst elsewhere in the application, this is envisaged to be 22 months.

ES Chapter 14 should have referred to the construction period as being 22 months and the assessment was undertaken on this basis. All other ES chapters assess a 22 month construction period.

A revised version of ES Chapter 14 has been submitted with this letter.

## **7. Crown Land Plans (Doc 2.8)**

The Applicant can confirm that the inconsistencies identified within the Crown Land Plans have been addressed. A revised document is submitted with this letter.

## **8. Rights of Way and Access Plans (Doc 2.4) and General Arrangement Plans (Doc 2.6)**

The Applicant confirms that all of the cycle tracks to be created as part of the scheme, and shown on the plans, are shared use highways which rights for pedestrians and cyclists to use them. Wherever we have used the term "cycle track" in the DCO or the plans it refers to such an arrangement.

To explain our approach, we have sought to use the formal statutory term for this type of highway. The starting point is Section 329 Highways Act 1980 includes the following definition:

*“cycle track” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with or without a right of way on foot;*

The part of the definition which is emphasised above leaves open the question whether a cycle track includes a right of way on foot.

Because it is intended that all cycle tracks created under the Draft DCO will include a right of way on foot, the definition of "cycle track" included in Article 2(1) of the Draft DCO makes it clear that such rights are included (see our emphasis)

*“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act(c) and for the purposes of this Order includes a right of way on foot;*

## **9. ES Figure 12.3: Agricultural Land Holdings (Doc 6.3)**

The Applicant believes that the categorisation in ES Figure 12.3 is correct. In respect of land included for the acquisition of new rights only (rather than freehold) the Applicant also seeks temporary possession of the relevant land, to enable the Applicant to exclude owners and beneficiaries of rights over the relevant land whilst works are carried out in that land – for instance to install pipes.

The impact on the relevant landowners and occupiers will be temporary and not permanent. Permanent impacts would be confined to sub-soil, such as the installation, use and retention of pipes, with the land otherwise reverting to the control of the landowner and occupier once the conduits or pipes have been installed. On this basis, whilst permanent new rights are sought over the relevant parcels, the impact on land use is only temporary.

## **Consultees identified on a precautionary basis**

The advice from the Planning Inspectorate with regards to taking a precautionary approach to consultation has been noted and Highways England will be contacting all the parties. All parties will be sent a copy of the S56 Notice, Covering Letter and USB containing all the application documents.

## **Other Matters Raised**

### **1. Report to Inform Habitats Regulations Assessment (HRA Report) (Doc 6.9)**

As requested the HRA Report will be resubmitted to the Planning Inspectorate with the inaccuracies and inconsistencies addressed. This will be submitted during the Relevant Representations (RR period).

### **2. Environmental Management Plan (EMP) (Doc 7.7)**

Further detail on the dust management measures within the REAC which would form the basis of the Construction Noise and Dust Management Plan (CNDMP) will be submitted during the Relevant Representations (RR period).

The Applicant can confirm that:

- The number REAC 'W7' was not used and the REAC will be amended to make this clear;
- There are not meant to be two REAC 'G9' references. The REAC will be amended accordingly;
- Designated sites included in Annex A are those identified as potential constraints to the Scheme. Other designated sites within the extent of the figure have not been shown as they are not considered potential constraints to the Scheme.

### **3. ES Chapter 7: Landscape and Visual Effects (Doc 6.1)**

A response to this point will be provided during the Relevant Representations (RR period).

### **4. Landscape and Ecological Management**

As requested an outline Landscape and Ecological Management Plan will be submitted during the Relevant Representations (RR period).

### **6. Outline Traffic Management Plan (oTMP) (Doc 7.8)**

A plan identifying the envisaged routes for construction traffic and deliveries will be submitted during the Relevant Representations (RR period).

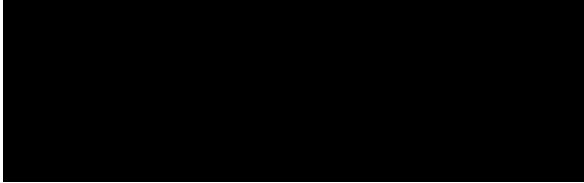
## **DOCUMENT ERRATUM**

The Applicant has also submitted with this letter a revised version of the Covering Letter to the application (**TR010040/APP/1.1**) removing the QA sheet which had inadvertently been included.

If you have any queries on any of these matters please do not hesitate to contact me.

Highways England are keen to progress with the S56 process and would be grateful if you could confirm when the PINS project website will be updated to include all the application documents (excluding the Confidential Badger Report).

Yours sincerely,



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Highways England

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