

Application by National Highways for A47 Wansford to Sutton Dualling

The Examining Authority's further written questions and requests for information (ExQ2)

Issued **5 April 2022**
Deadline **20 April 2022**

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ2. It follows on from the ExA's written questions (ExQ1 [PD-008]). If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues also published today. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a large number of questions, it will assist the ExA if you use a table based on this one. An editable version of this table in Microsoft Word is available on our website.

Please contact A47WansfordtoSutton@planninginspectorate.gov.uk if you have any questions.

The date for responses is Deadline 5, **20 April 2022**.

Abbreviations used

PA2008	The Planning Act 2008	NE	Natural England
CA	Compulsory Acquisition	NSER	NSER - Report to Inform Habitats Regulations Assessment (No Significant Effects Report) [REP3-016]
dDCO	Draft DCO [REP4-002]	PA2008	Planning Act 2008 (as amended)
Defra	Department for Environment, Food and Rural Affairs	PCC	Peterborough City Council
EMP	Environmental Management Plan	REAC	Record of Environmental Actions and Commitments as set out the Environmental Management Plan [REP2-027]
ES	Environmental Statement	RR	Relevant Representation
ExA	Examining Authority	SSSI	Site of Special Scientific Interest
HBMCE	Historic Buildings and Monuments Commission for England (generally known as Historic England)	TP	Temporary Possession
HEWRAT	Highways England Water Risk Assessment Tool	WCH	Walker, Cyclist, Horse rider
NMU	Non-Motorised User		

References

References set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#), which is updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference, followed by the question number, for example: ExQ2.1.1 – refers to the issue 'Air quality and emissions' and is question 1.

ExQ2	Question to:	Question:
2.0	General questions	
2.0.1.	The Applicant	<p>Works Plans</p> <p>The ExA considers that the revised potential rendering of the Works Plan submitted at D4 (at Annex B of the Applicant's Written Summary of Oral Submissions at Hearing [REP4-018] are clearer than those previously submitted. However, he considers that utilising different types of line (e.g. dashed lines (of different styles), dots, etc) may also assist interpretation between the different individual works. There may be a rendering problem. In the box entitled "Existing A47 carriageway to be used as a maintenance access track and a cycle track" the letter "I" does not appear correctly.</p>
2.1.	Air quality and emissions	
2.1.1.	The Applicant	<p>Emissions</p> <p>On 19 November 2021 Defra issued a new version of the Emissions Factor Toolkit (version 11) which includes data relating to the UK vehicle fleet and associated emissions for the period between 2031 and 2050 inclusive.</p> <ul style="list-style-type: none"> a) The ExA appreciates the comments made by the Applicant in its Written Summary of Oral Submissions at Hearings [REP4-018] at reference 6.5 but would welcome a fuller explanation of the differences between the model undertaken and the Emissions Factor Toolkit (v11). b) Could the Applicant also give an estimate based on the Emissions Factor Toolkit (v11) of the difference between that and the emissions assessed. c) If the assessment based on v11 results in a worse case could the Applicant please provide a formal assessment.

ExQ2	Question to:	Question:
2.2.	Biodiversity, ecology, and natural environment (including Habitats Regulations Assessment (HRA))	
2.2.1.	The Applicant NE PCC	<p>Standing advice On 14 January 2022 Natural England and the Forestry Commission updated their standing advice in respect of protected species and ancient woodland, ancient trees, and veteran trees. Could the Applicant, NE and PCC please make any comments they feel appropriate in light of these revisions.</p>
2.2.2.	NE	<p>Sutton Heath and Bog SSSI In its response to ExQ1.2.8 the Applicant indicates that "the habitat 40m into the SSSI is largely deciduous woodland containing species which are not sensitive to nitrogen deposition".</p> <p>a) Is NE satisfied with this statement and able to confirm this? b) If not, could NE provide evidence to show that the Applicant's approach is not appropriate.</p>
2.2.3.	The Applicant	<p>Veteran tree (T20) In its response to ExQ1.2.11 the Applicant indicates that a revised ES Appendix 7.6 Arboricultural Impact Assessment would be submitted at D2. This was submitted as [REP2-022]. However, this document is noted in the Version History of the assessment (rather than the cover sheets) as being Version D which was last amended in June 2021 and is only described as "Amended layout" rather than any changes of substance.</p> <p>At D4 the Applicant submitted a further version [REP4-007] but this is stated as only having amended the cover rather than the report.</p>

ExQ2	Question to:	Question:
		<p>a) Could the Applicant please explain what the revisions between the versions originally submitted [APP-096] and that submitted at D4 [REP4-007] contain? To assist this could Version D please be supplied in a tracked change version from Version C (or if further amendments are submitted at D5 (20 April 2022) the tracking should be 'back' to Version C).</p> <p>b) The Applicant has indicated that the compensation is "part of the planting proposals". Could the Applicant explicitly set out those parts of the planting proposals that would have been omitted had not there been a veteran (or locally notable) tree to compensate for. The ExA points out that if this cannot be explicitly stated then logically the planting would not be compensation for this loss.</p>
2.2.4.	The Applicant	<p>Biodiversity metric The Applicant has submitted a Biodiversity Metric calculation at D2 [REP2-037]. This indicates that there are no hedgerows included within the analysis. This is not accurate, as the responses by the Applicant and IPs to ExQ1.2.12 and ISH2 make clear.</p> <p>Could an accurate metric please be provided?</p>
2.2.5.	The Applicant	<p>Report to inform Habitats Regulations Assessment At ISH2 the Applicant agreed that the Report to Inform Habitats Regulations Assessment [REP3-016] contained errors and did not deal with a number of matters. These include:</p> <ul style="list-style-type: none"> the agreed hydraulic connectivity to Rutland Water Special Protection Area and Ramsar site; visual disturbance and whether it was considered as a potential effect on qualifying features on the Nene Washes Ramsar site. The latest version of the

ExQ2	Question to:	Question:
		<p>Report to Inform Habitats Regulations Assessment [REP3-016] has deleted some references to this, but others remain. Furthermore, the Inspectorate's draft screening matrices for the SPA does not appear to have been updated to include visual disturbance, if relevant, and there are a number of other discrepancies in the completed matrices;</p> <ul style="list-style-type: none"> • water abstraction – in the Applicant's response to ExQ1.2.25 [REP2-035] it is stated "Clarification will be provided in the updated Report [...] to be provided at Deadline 3". However, this does not appear to have been undertaken; and • updating of the main text of the Report and the Planning Inspectorate's matrices, as requested in ExQ1.2.26. <p>Could the Applicant please consider these points and undertake a general review of the Report to Inform Habitats Regulations Assessment to ensure that it is consistent within itself. This should be submitted both as a 'clean' document and 'tracked change' at D5 (20 April 2022).</p>
2.3.	Compulsory acquisition, temporary possession and other land or rights considerations	
2.3.1.	The Applicant	<p>CA and TP negotiations</p> <p>Can the Applicant please provide an update of the current situation of negotiations with affected landowners and occupiers over potential acquisition by agreement?</p>
2.3.2.	The Applicant	<p>Crown land</p> <p>a) Could the Applicant please provide the latest information in respect of the Crown land within the application site and whether the appropriate Crown authorities have given written consent under s135 of the PA2008.</p> <p>b) If so, could the Applicant please provide copies of those written consents.</p>
2.3.3.	The Applicant	<p>Statutory undertakers</p>

ExQ2	Question to:	Question:
	Statutory Undertakers	Can the latest position of the current situation of negotiations with Statutory Undertakers be updated and in particular with regard to the protective provisions?
2.3.4.	The Applicant	<p>The Bungalow, Old Great North Road, Stibbington</p> <p>In response to ExQ1.3.5 the Applicant has identified this property as “not affected” by the Proposed Development. However, it is clear that part of the garden of the property falls within the Zone of Theoretical Visibility in ES Figure 7.4 [APP-059]. Given the Human Rights implications of not notifying the owners and occupiers could the Applicant please look again at this.</p>
2.3.5.	The Applicant	<p>Land Plans [REP2-003] and Crown Land Plans [REP2-007]</p> <p>a) The shape of Inset F showing the area around 6 – 12 (evens) Great North Road is not the same as that on the plans and includes additional land. Can these please be aligned?</p> <p>b) The same applies to Inset A on Sheet 5.</p> <p>c) Could Sheet 3 Inset B on Sheet 2 please be made larger and also the “cut-line” shown on Sheet 3 included.</p> <p>d) Neither Inset A nor Inset C on Sheet 6 appear to have been identified on the main plan. Could this please be included.</p>
2.3.6.	The Applicant	<p>Extent of land subject to CA and TP</p> <p>In its response to ExQ1.3.7 the Applicant has indicated that two plots (Plots 3/2c and 3/5f on the Land Plans [REP2-003]) are subject to works which would appear from the response not to be subject to specific works set out in the dDCO [REP3-003].</p> <p>If they are needed for specific works, then surely those works should be specified in the dDCO, or alternatively, the land excluded from CA/TP on the basis that it is not necessary.</p>

ExQ2	Question to:	Question:
2.4.	Cultural heritage	
2.4.1.	The Applicant PCC	<p>Heritage assets In its responses to ExQ1.4.3 [REP2-067] PCC has noted a number of discrepancies as to the identification of heritage assets. Could the Applicant please discuss this with PCC and make any necessary changes to the documentation.</p>
2.4.2.	The Applicant HBMCE PCC	<p>Milestone adjacent to A47 (WAN05) In the REAC Reference CH4 it is indicated that a milestone has been identified on the north verge of the A47 slightly to the east of the petrol filling station. The Applicant indicates that its proposal is to remove/ reinstall this. It then states: "The asset will then be proposed to be listed to Grade II for or local listing as appropriate".</p> <p>While appreciating that formal listing needs to go through the normal procedures, could the Applicant, HBMCE and PCC:</p> <ul style="list-style-type: none"> a) Indicate what status that they consider the asset should be given in the Examination? b) Set out their views as to the effect of the Proposed Development on the significance of the asset?
2.4.3.	The Applicant	<p>Archaeology In the revised text to paragraph 6.6.73 of Chapter 6 of the ES [REP2-010] it is indicated that the archaeological zones are different to those used in the Trail Trenching Report [APP-090] to account for additional information such as cropmarks and Historic Environment Record data.</p> <p>Could the Applicant indicate on a plan, whether existing or proposed, the physical</p>

ExQ2	Question to:	Question:
		extent of the zones referred to in paragraph 6.6.73.
2.5.	Cumulative and cross-cutting effects	
2.5.1.	The Applicant	<p>Environmental targets pursuant to Environment Act 2021</p> <p>While appreciating that it is a consultation and therefore potentially subject to change, could the Applicant please give its response to the environmental targets under the Environment Act 2021 proposed by Defra (published 16 March 2022) in respect of:</p> <ul style="list-style-type: none"> • biodiversity; • water quality; • resource efficiency and waste reduction; and • air quality, <p>and set out how this Proposed Development would measure against them.</p>
2.5.2.	The Applicant	<p>Major accidents and disasters</p> <p>In its response to ExQ1.5.11 the Applicant indicates that it has a standard side agreement with National Grid for gas and electricity apparatus affected by highway schemes, and these are being formalised in respect of the Proposed Development.</p> <p>Could the Applicant confirm whether it is intending to submit these agreements, when completed, into the Examination, and if so when it anticipates this will be?</p>
2.6.	Draft Development Consent Order (dDCO) [REP4-003] & Explanatory Memorandum [REP3-005]	
2.6.1.	The Applicant	<p>Articles 2(1), 5(2), 22 and 46</p> <p>A definition of “adjacent land” has been provided in Article 2(1). This was provided principally to limit the effect of Article 5(2). However, the term is also utilised in</p>

ExQ2	Question to:	Question:
		<p>Articles 22(4)(b), 46(1) and 46(2)(b).</p> <p>It would appear that this definition in relation to Article 46 would limit its effect beyond that which the original drafting intended and Interested Parties may not be aware of this.</p> <p>Could the Applicant please confirm that the use of the term in Articles 22 and 46 are appropriate making any changes necessary?</p>
2.6.2.	The Applicant	<p>Articles 24, 27 and 34</p> <p>Could the Applicant please set out the full reasoning in lay language for the drafting of Article 24 to ensure that it is effective? This is sought due to the complexity of Article 27 and 34 and the internal cross-referencing therein.</p>
2.6.3.	The Applicant	<p>Article 53</p> <p>Could the 100 year exemption for notification of the local planning authority set out in Article 53(12) be fully explained and justified? Given the most likely location for such finds would be either in or in proximity to the Scheduled Monument, and the uncertainty of opinion as to the history of this site, should not any human remains found be subject to full investigation to help resolve this uncertainty?</p>
2.6.4.	The Applicant	<p>Schedule 1</p> <p>The rubric at the end of the Schedule, in point (a) makes reference to “abandoned sections” of highway. Given the specific meaning in planning law of the term “abandoned”, could the Application please use another word or term.</p>
2.6.5.	The Applicant Anglian Water	<p>Schedule 9</p> <p>The Applicant’s Progressed Statements of Common Ground and Statement of Commonality of the Statements</p>

ExQ2	Question to:	Question:
		<p>of Common Ground submitted at D3 [REP3-018] indicates that there are three points of principle between the Applicant and Anglian Water which the Applicant does not expect to be agreed by the close of the Examination.</p> <p>Could both the Applicant and Anglian Water set out, from their own perspectives:</p> <p>a) the issues and why there are disagreements?</p> <p>b) their preferred wording for the relevant protective provisions and why that wording is most appropriate?</p> <p>c) if they are able, why the wording promoted by the other party is inappropriate?</p>
2.7.	Geology and soils	
2.7.1.	The Applicant	<p>Ground Investigation Report</p> <p>The Applicant's response to RRs [REP1-010] indicates that further ground investigation works were due to commence in February 2022. Could the Applicant please confirm when the report of these works is due to be submitted, and thus whether it can be taken into account as part of this Examination?</p>
2.7.2.	The Applicant	<p>Agricultural Land Classification Report</p> <p>A revised Agricultural Land Classification Report was submitted at D2 [REP2-023]. However, this has not been provided in 'tracked change' from that submitted with the application [APP-117]. Could this please be provided.</p>
2.7.3.	The Applicant	<p>Soils handling</p> <p>In its response to ExQ1.7.7 [REP2-035] the Applicant indicates that a Soils Management Plan will form part of the second iteration of the EMP.</p> <p>Could the Applicant please submit an outline Soils Management Plan setting out the overall principles that will be followed.</p>

ExQ2	Question to:	Question:
2.8.	Landscape and visual	
2.8.1.		The ExA has are no landscape and visual questions at this point in the Examination.
2.9.	Noise and vibration	
2.9.1.	PCC	Definitions/ Specification Could PCC please provide definitions and further information as to the terms "TSM" and "CASC+" in respect of road surfacing?
2.9.2.	The Applicant	Road surfacing In its response to ExQ1.9.5 [REP2-067] PCC indicated the use of TSM or CASC+ road surfacing. a) Could the Applicant please give its response to this suggestion? b) Could the Applicant please explain how the use of the proposed surfacing is to be secured? (This request relates not just to that used for side roads, but on those roads which will become the responsibility of the undertaker).
2.10.	Socio-economic effects	
2.10.1.	Sutton Parish Council	Sutton Drift Could Sutton Parish Council please provide any formal minutes of the Council it has supporting the restriction of Sutton Drift so as it would no longer be a highway open to all traffic.
2.11.	Traffic and transport	
2.11.1.	The Applicant	Stopping up of Upton Road south of Lower Lodge Farm The Applicant indicates that alternative provision is to be made via the Wansford NMU underpass. Could the Applicant please set out the distances that a WCH would

ExQ2	Question to:	Question:
		have to travel from Lower Lodge Farm to the existing junction of the A47 with Sutton Heath Road, in both the existing and proposed scenarios. The routes should also be shown on a plan to an Ordnance Survey base.
2.11.2.	The Applicant	<p>Wansford roundabouts</p> <p>In the Applicant's response to RR [REP1-010] Common Response D indicates:</p> <p>a) "a transport modelling junction signalisation assessment has been undertaken". Could this please be provided?</p> <p>b) "consideration was given to the opening of two lanes westbound between the Wansford eastern and western roundabouts. However, a safety review undertaken did identify the two free flow lanes on the approach to the western roundabout increased the risk of collisions at the western roundabout". Could a copy of the review please be provided?</p>
2.11.3.	The Applicant	<p>Wansford west roundabout</p> <p>a) Could the Applicant please provide a detailed drawing of the junction as to how the proposed "upgrade cycle crossing" is to be utilised given the lack of cycle lanes or similar facilities on any of the four arms of the roundabout?</p> <p>b) It is also stated that there is only one access lane to the Wansford west roundabout. However, on the ground two lanes are indicated at the access point. Could the Applicant please clarify the proposals in this regard.</p>
2.11.4.	The Applicant	<p>Old North Road (& Thackers Close) to A1/A47 Slip Road Junction Safety</p> <p>In its response to RR [REP1-010] Common Response D the Applicant indicates "Consideration was given to widening the northbound offslip from the A1 to two lanes to reduce queue lengths at this location. However, a review of this proposal by the Operational Road Safety team highlighted a greater level of risk for the Old North Road junction users who would be required to cross an additional lane of traffic". Could a copy of the review please be provided?</p>

ExQ2	Question to:	Question:
2.12.	Water environment and flood risk	
2.12.1.	The Applicant	<p>HEWRAT Assessment</p> <p>Table 4.2 of the Drainage Strategy Report [APP-129] does not include a “Q” catchment, as referred to in paragraph 4.7.7. Applicant responded Catchment Q is remaining as per existing and is included and assessed within network ABDEQ as described in para 4.7.7. Table 4.2 contains a typographical error and omits the letter Q from the Network ABDE. The Applicant provided an updated version for D3 [REP3-014] but it contains the same omission. Can this please be corrected?</p>
2.12.2.	The Applicant	<p>Drainage maintenance</p> <p>In its response to ExQ1.12.16 [REP2-067] PCC noted that “where new roads and drainage are required it will be provided by the project and will be subject to technical review by the Councils [sic] technical team.”</p> <p>a) Could the Applicant please confirm whether it is content with this approach and if not, set out its understanding?</p> <p>b) If it is content, could the Applicant set out how this is to be secured in the dDCO.</p>
2.12.3.	PCC	<p>Post-consent approvals</p> <p>In the Applicant’s response to ExQ1.12.25 [REP2-035] it is stated that information sought by PCC relating to prior-consent matters, including a condition survey of Mill Stream and Whittering Brook, the temporary drainage strategy, details of any further ground investigation, and a full and up-to-date surface water drainage strategy for the operational phase will be secured by Requirement 4. Is PCC content with the arrangements as set out?</p>
2.12.4.	The Applicant	<p>Monitoring</p> <p>The Applicant’s response to ExQ1.12.26 [REP2-035] indicates that detailed</p>

ExQ2	Question to:	Question:
		<p>monitoring arrangements of surface water and groundwater will be set out in the second iteration of the EMP.</p> <p>This explains how actions would be secured but not what they might be.</p> <p>Could the Applicant please set out what actions would be applied should they become necessary.</p>