

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

Volume 9

9.30 Applicant's Response to Rule 17 Letter

Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(c)

Planning Act 2008

May 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

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

9.30 APPLICANT'S RESPONSE TO RULE 17 LETTER

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1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47 Wansford to Sutton Scheme was submitted on 05 July 2021 and accepted for examination on 02 August 2021.
- 1.1.2 The purpose of this document is to set out National Highways' (the Applicant) responses to points raised by the ExA in the Rule 17 letter dated 10 May 2022.

2 TABLE RESPONDING TO POINTS RAISED BY EXA IN THE RULE 17 LETTER

Issue Raised by The ExA Requiring Further Information		Applicant's Response
CHANGE 1 - Realign the new link road from the A47 Wansford eastern roundabout to the new A47 westbound off slip from the dualled A47 (work no. 15) by a distance of approximately 14 metres		
1.	<p>In relation to Change 1, the ExA noted that the proposed ecological mitigation area overlaps the line of the realigned road. The ExA requested:</p> <p>a) clarification as to how the ecological mitigation within this area would be re-provided</p> <p>b) details of the effect on biodiversity</p>	<p>As referred to in the Applicant's Notification of intention to submit a Change Request [AS-044] dated 6 May 2022, the Applicant is undertaking an assessment of likely significant effects of the proposed changes in an addendum to the Environmental Statement (addendum ES 1). At this stage the Applicant is able to confirm the following which will be illustrated in a revised Masterplan to be submitted with the change request at Deadline 8:</p> <p>a) <i>The ecological mitigation area that was designated within the slip road loop will be reduced as a result of this proposed change. To ensure that there is no net loss of the area for ecological mitigation, additional areas have been designated for ecological mitigation, including habitat creation. This includes a section in the east of the site, between the retained portion of the current A47 carriageway and the newly created A47 dual carriageway. Access to this area will also be provided, to ensure the grassland habitat created can be managed and maintained in a favorable condition.</i></p> <p>b) <i>The impact of this proposed change on biodiversity has been assessed. The primary change in impact will be the additional loss of arable habitat. Due to the low biodiversity value of arable land, the change in effect of this additional impact on all receptors was deemed a negligible negative effect. For otters and water vole, the change was deemed a negligible positive effect, by moving the impact further from the River Nene. No important features, such as bat roosts, badger setts, etc will be impacted by this change.</i></p>
CHANGE 2 - Modify the proposed access alignment to Sacrewell Farm		
2.	<p>In relation to Change 2, the ExA seeks to establish whether Regulation 4 of the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 ("Regulation 4") is engaged in respect of plots 3/2e, 3/2i and 3/3c by reference to Restrictive</p>	<p>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.</p>

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	Covenants contained within a Deed of Grant dated 9 January 1976 in favour of a "person Unknown".	<p>To summarise, the plots affected by the change request are as follows:</p> <p>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</p> <p>Plots 3/2e, 3/3d, 3/2f and 3/3c all fall within title numbers CB300287 and CB326797.</p> <p>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.</p> <p>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.</p>
3.	If Regulation 4 is not to be engaged, written agreement is required from all persons with an interest in the additional land.	<p>The Applicant can confirm that it is in the process of consulting with and seeking written agreement from the affected landowners: the William Scott Abbott Trust (Sacrewell Farm) and Riverford Organics. The Applicant is confident that such agreement will be forthcoming and will provide written confirmation of this to the Examination by Deadline 8.</p> <p>Although Anglian Water has the benefit of an easement and covenants (to protect its easement) for large diameter water mains under title numbers CB300287 and CB326797, this apparatus (and the route of the easement shown on the Deed of Grant) as noted above is located to the east and north of the land affected by the proposed change. Anglian Water's interest</p>

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		will therefore not be affected by the additional small area for permanent acquisition and the Applicant considers that its agreement does not need to be secured.
4.	The ExA asked the Applicant to confirm the timetable that would be required in the event that the consent of all persons with an interest in land cannot be obtained, i.e. if Regulation 4 is engaged.	<p>There is insufficient time left in the Examination to comply with the procedural timetable set out in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p> <p>In the Applicant's Notification of intention to submit a Change Request [AS-044] dated 6 May 2022, the Applicant suggested a shortened timetable for informal consultation to include those parties referred to in point 6 below.</p> <p>On the basis that all landowners have now been identified and that agreement is anticipated to be reached with those affected, the Applicant is of the view that Regulation 4 will not be engaged and that the prescribed consultation process will not be required.</p>
CHANGE 3 - Omit a section of cycle route at the eastern extent of the Development		
5.	The ExA requested clarification as to whether the omission of part of a cycle route at the eastern end of the proposed Development would involve the alterations of any works (as described in Schedule 1 to the draft Development Consent Order [REP5-005], the Works Plans [RE5-003] or any other document.	The Applicant is able to confirm that this change involves alterations to the works as described in Schedule 1. Schedules 1 and 3 of the DCO [REP5-005], the Works Plans [REP5-003], the General Arrangement Plans [REP2-006] and the Rights of Way and Access Plans [REP2-004] will be updated and submitted to the Examination at Deadline 8.
CONSULTATION		
6.	In addition to proposed consultation with Peterborough City Council, the Parish Councils of Wansford and Sutton, Interested Parties and affected landowners in relation to the proposed changes to the Development, the ExA indicated that consultation should include statutory undertakers whose apparatus may be affected.	Accepted.
CONSTRUCTION PERIOD EXTENSION		
7.	In relation to the potential extension of the construction period to 28 months (based on a worst-case scenario), the ExA requested a	The potential extension of the construction period to 28 months (based on a worst-case scenario) will be detailed within the second ES Addendum

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	clear explanation of the rationale where it is concluded that particular environmental assessments do not require updating.	proposed in the Applicant's letter of 6 May 2022 [AS-044, paragraph 7.4] to be submitted to the Examination at Deadline 8. This Addendum will provide updated environmental assessments where required. Furthermore, where it is concluded particular environmental assessments do not require updating, a clear explanation of the rationale will be given.
8.	The ExA queried whether, given the concerns expressed by Natural England over the potential air quality effects on the Sutton Heath and Bog Site of Special Scientific Interest, it should also be consulted.	The Air Quality assessment for the potential extension of the construction period to 28 months is currently being undertaken. Once the assessment has been concluded the results will be shared with Natural England for their comments.
OTHER		
9.	The ExA asked the Applicant to consider the interdependency of the three proposed changes and any consequential changes that may need to be made to other drawings and the draft Development Consent Order.	As noted in respect of proposed Change 3 (no. 5 above), details of all three proposed changes and their interdependency with other elements of the Scheme are being finalised. Consequential changes to the plans and to the dDCO will be notified to the ExA, together with updates of all relevant documents, at Deadline 8.