

Application by National Highways for A47 Wansford to Sutton Dualling

The Examining Authority's further written questions and requests for information (ExQ3)

Issued on 24 May 2022

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ3. 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 ExQ4.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues. 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 3 (indicating that it is from ExQ3) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q3.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact a47wansfordtosutton@planninginspectorate.gov.uk and include 'A47 Wansford to Sutton ExQ3' in the subject line of your email.

A date for responses is **Deadline 8** (14 June 2022), with the exception of the response to ExQ3.0.1 which is **Monday 6 June 2022**.

Abbreviations used

CA	Compulsory Acquisition	NPSNN	National Policy Statement for National Networks
dDCO	Draft DCO	PA2008	Planning Act 2008 (as amended)
EA	Environment Agency	PCC	Peterborough City Council
EM	Explanatory Memorandum	PPG	Planning Practice Guidance
ExA	Examining authority	SoCG	Statement of Common Ground
GEH	A formula used in traffic engineering	SoS	Secretary of State
HBCME	Historic Buildings and Monuments Commission for England (commonly known as Historic England)	TP	Temporary Possession
NMU	Non-Motorised User	VISSIM	A proprietary micro-simulation modelling software

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained at this [link](#).

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3.1.1 – refers to question 1 in this table.

ExQ3	Question to:	Question:
3.0	General questions	
3.0.1	The Applicant	<p>Plans</p> <p>Could the Applicant please provide two plans. A plan showing the extent of the Application site, and a simple, schematic drawing of the proposals, both using an Ordnance Survey map as a base. These should be provided, each, on a single sheet, utilising either the 1:25 000 or 1:50 000 scale maps. The imperative is that they are on a single sheet.</p>
3.1	Air quality and emissions	
3.1.1	The Applicant	<p>Carbon emissions</p> <p>The Applicant is asked to clarify which of the various submissions in relation to carbon emissions it is relying upon.</p> <p>At present there have been the following (main) submissions:</p> <ul style="list-style-type: none"> • Environmental Statement – Chapter 14 – Climate [APP-052] • The Case for the Scheme [AS-022] • Annex D of the Applicant's Response to the Examining Authority's First Written Questions (ExQ1) [REP2-036] <p>If the Applicant considers that this would be best dealt with by setting out its case on this matter in a single location that is acceptable.</p>
3.1.2	The Applicant Interested Parties	<p>Carbon emissions</p> <p>To ask the Applicant and Interested Parties to make any representations in respect of the Proposed Development that they consider appropriate and necessary in the light of the Secretary of State's conclusions in relation to carbon emissions as set out in the Decision Letters in respect of the M54/M6 Link Project, the M25 Junction 10/ A3 Wisley</p>

ExQ3	Question to:	Question:
		Interchange Project and the M25 Junction 28 Improvement Project .
3.2	Biodiversity, ecology and natural environment (including Habitats Regulations Assessment (HRA))	
3.2.1	Natural England	Habitats Regulations Assessment Could Natural England confirm whether it is satisfied with the Applicant's response in the Report to Inform Habitats Regulations Assessment [REP5-010] relation to the question of the potential hydrological link between the Proposed Development and Rutland Water Special Protection Area and Ramsar site?
3.3	Compulsory acquisition, temporary possession and other land or rights considerations	
3.3.1	The Applicant	CA and TP negotiations Can the Applicant please provide an update of the current situation of negotiations with affected landowners and occupiers over potential acquisition by agreement?
3.3.2	The Applicant	Crown Land (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. (b) If so, could the Applicant please provide copies of those written consents.
3.3.3	The Applicant	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?
3.4	Cultural heritage	
3.4.1	The Applicant HMBCE	Scheduled monument north of A47 (List entry 1006796) In the Minutes of the Meeting held on 15 June 2007 set out in Appendix O of the Scheme Assessment Report 2018 – Appendices Preferred Route Decision in relation to Option 3 [AS-031] in paragraph 7.0 it is stated that Option 3 was rejected because “we

ExQ3	Question to:	Question:
		<p>[the now Applicant] cannot demonstrate a wholly exceptional case for progressing with Option 3". Option 3 being a route through the Scheduled Monument.</p> <p>NPSNN paragraph 5.131 indicates that the "wholly exceptional" test applies when there would be "substantial harm", (this test does not apply to less than substantial harm) and it must therefore be assumed that this must have been the judgement in question. Reference ID 18a-018-20190723 of the PPG gives guidance on substantial harm and less than substantial harm.</p> <p>(a) Could the Applicant please set out precisely why it considered that Option 3 would lead to "substantial harm". The minutes only state that this decision was based on the "risk that Historic England will object", and the comment at 3.1 of the Applicant's response to Written Representations [REP3-026] of "Bifurcation of the Scheduled Monument would result in substantial harm in either eventuality" is assertion as it does not explain why it considers substantial harm would be occasioned. The ExA would particularly appreciate documents dating contemporaneously (2017) with this decision.</p> <p>(b) Could HMBCE please provide its assessment in relation to route Option 3 (ie through the Scheduled Monument) in terms of whether this would result in substantial harm, less than substantial harm (quantifying if necessary), or preserve, providing justification for its conclusion?</p>
3.4.2	PCC	<p>Thornhaugh Conservation Area Appraisal</p> <p>The version of the Thornhaugh Conservation Area Appraisal – Report and Management Plan provided [REP2-065] is dated October 2018 and is marked "Draft for Consultation". Could PCC confirm whether this has been taken through to adoption and, if so, provide the adopted version and the date of such adoption?</p>

ExQ3	Question to:	Question:
3.4.3	The Applicant	<p>Wansford Road Railway Station In the draft SoCG with Sutton Parish Council in the Matters not Agreed between the Parties at Ref No 2 is stated:</p> <p>“The NH Project Director gave a long awaited explanation on 13/05/2022 as to the reasoning why a proposal for the building put forward by a resident of Sutton was rejected in favour of that put forward by Nene Valley Railway.”</p> <p>While appreciating that this relates to a matter of Designated Funds rather than being part of the Proposed Development, the ExA would appreciate being appraised of this explanation. This should include reasoning for the decision.</p>
3.5	Cumulative and cross-cutting effects	
3.5.1		The ExA has no cumulative and cross-cutting questions at this point in the Examination.
3.6	Draft Development Consent Order (DCO) [REP5-005/REP5-006]	
3.6.1	The Applicant	<p>Article 7 – Planning permission Could the Applicant please explain why this particular provision is necessary?</p> <p>The response should not just cite ‘precedent’ but should fully set out the Applicant’s case. It may be useful to set out a scenario where, without the benefit of the provision, there would be difficulties in implementation were the DCO to be granted.</p>
3.6.2	The Applicant	<p>Article 10 – Consent in transfer benefit of Order Could the Applicant please respond to the SoS’s decision in the M25 Junction 28 Improvement Project to add a provision (in that case as Article 9(4)) to make it explicit that the undertaker alone is liable for any compensation payable pursuant to this provision.</p>
3.6.3	The Applicant	Article 11 – Application of the 1991 Act

ExQ3	Question to:	Question:
		Could the Applicant please respond to the SoS's decision in the M25 Junction 28 Improvement Project to amend the provision (in that case as Article 10) to make it consistent with other highway DCOs. The ExA notes that the provision in the dDCO in this case is somewhat different to that made.
3.6.4	The Applicant	Article 16 – Temporary alteration, diversion prohibition and restriction of use of streets Could the Applicant please respond to the SoS's decision in the M25 Junction 28 Improvement Project to amend the provision (in that case as Article 13) to make it consistent with other highway DCOs. The ExA notes that the provision in the dDCO in this case is somewhat different to that made and a different title has been used.
3.6.5	The Applicant PCC EA Parish Councils	Time limits for deemed consent In the SoS's decision on the M25 Junction 28 Improvement Project he has extended both the period under which, in the absence of a response, a deemed consent is granted, and the period of consultation pursuant to Requirements. In this dDCO this relates to what would be Articles 16(6) (Temporary alteration, diversion prohibition and restriction of use of streets), 20(11) (Traffic Regulation) and 21(8) (Discharge of water) and Schedule 2, Regulation 18 (Details of Consultation). Could the Applicant, PCC, the EA and Parish Councils please give their responses to the SoS's decision.
3.6.6	The Applicant EA	Potential Requirement regarding Flood Risk Could the Applicant and EA provide their latest positions in respect of the need for an additional requirement relating to flood risk?
3.6.7	The Applicant	Compulsory Acquisition Provisions Could the Applicant respond to the SoS's changes in the made Development Consent Order for the M25 Junction 10/ A3 Wisley Interchange Project and the M25 Junction 28

ExQ3	Question to:	Question:
		Improvement Project in respect of the application of the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017. The ExA notes that the provision in the dDCO in this case is somewhat different to that made.
3.6.8	The Applicant Anglian Water	<p>Protective provisions</p> <p>The Applicant and Anglian Water are asked for their comments in relation to their respective positions in relation to Protective Provisions in light of the conclusions on similar matters set out in paragraphs 17.5.27 to 17.5.46 of the ExA's Report in relation to the M54/ M6 Link. As these matters were agreed by the parties subsequent to the close of that Examination the SoS did not need to conclude on them.</p> <p>The ExA appreciates that some matters here are different from those in dispute in the M54/ M6 Link Project, but there are similarities.</p> <p>The ExA would particularly like to receive representations on the 7 year 6 months period in relation to the financial benefit, given the life-time of water apparatus which can be intimated from the table set out after paragraph 2(g) in the Applicant's Response to the Anglian Water Protective provisions set out in Annex A of the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) – Annexes [REP5-023].</p>
3.6.9	The Applicant Anglian Water	<p>Protective Provisions</p> <p>In Annex A of the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) – Annexes [REP5-023] the Applicant sets out why it considers that the Anglian Water's Inflow system would not be suitable for this project.</p> <p>The Applicant has set out four main points (although the last is a complaint about the system rather than a point). The ExA does not know this system, and therefore requests further information in response to the individual objections:</p>

ExQ3	Question to:	Question:
		<p>(a) Why could not a project login be utilised rather than an individual login?</p> <p>(b) Could the individual elements of the overall project be sub-divided to make them compatible with Inflow, and if not, why not?</p> <p>(c) Does the Inflow system have the ability to 'save' information submitted to a point, and then re-commencing inputting at that point?</p> <p>(d) Why is a requirement to submit information sequentially not suitable - a detailed response, rather than "that does not reflect how the Applicant works or is able to work" (see paragraph under the bullets) is required?</p> <p>(e) Could the Applicant explain why it is unable to obtain a corporate card to allow for payments to be made in this form?</p> <p>The Applicant is given the opportunity to set out why it does not consider the Inflow system is suitable for this project.</p>
3.7	Geology and soils	
3.7.1		The ExA has no geology and soils questions at this point in the Examination.
3.8	Landscape and visual	
3.8.1		The ExA has no landscape and visual questions at this point in the Examination.
3.9	Noise and vibration	
3.9.1		The ExA has no noise and vibration questions at this point in the Examination.
3.10	Socio-economic effects	
3.10.1		The ExA has no socio-economic questions at this point in the Examination.
3.11	Traffic and transport	
3.11.1	The Applicant	<p>Wansford West Roundabout</p> <p>In its response at the bottom of page 18 of the Applicant's Further Response to Actions from Hearings [REP5-020] the Applicant makes reference to the differences between</p>

ExQ3	Question to:	Question:
		<p>roundabouts and signalised junctions. This is not what the ExA was asking about. Rather he was asking about the capacity and safety aspects of signal controlled roundabouts, or at least partially signally controlled roundabouts (as the Wansford east roundabout is at present), when compared with non-signal controlled (ie conventional) roundabouts.</p> <p>Does the Applicant have any information on this? For this reason, the Western Roundabout Traffic Option Assessment Technical Note (Annex E of the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) – Annex E [REP5-023], while of interest, is not directly relevant.</p>
3.11.2	The Applicant	<p>Wansford West Roundabout</p> <p>The layout shown as “Design Fix B Layout” at Appendix A of Annex H: Wansford Western Roundabout – Safety Assessment” (the Safety Assessment) in the Applicant's Response to the Examining Authority's Further Written Questions (ExQ2) – Annexes [REP5-021] is different from that forming the Proposed Development.</p> <p>In its response to RR [REP1-010] Common Response D the Applicant indicates “Consideration was given to widening the northbound off slip 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”. This is quoted in ExQ2.11.4 [PD-010].</p> <p>However, the conclusions set out in the Safety Assessment was that the risk assessment considered them to be “Broadly Acceptable”, but that “the safety objectives for the activity are deemed to be acceptable by the removal of the medium level risk and the cumulative risk values for all hazards being no worse than the existing situation”.</p>

ExQ3	Question to:	Question:
		<p>Tables 3-7 and 3-8 in the Safety Assessment identify a single medium risk value for the existing layout and none for the proposed design (as shown in Appendix A).</p> <p>Given that the layout shown in Design Fix B is an improvement on both the current situation and the Proposed Development, could the Applicant please explain why it does not form part of the Proposed Development, particularly as the Common Response D would appear to be based on incorrect information.</p>
3.11.3	The Applicant	<p>Traffic Modelling</p> <p>Could the Applicant in respect of the VISSIM model, please confirm the following:</p> <p>There is zero traffic in the model at the start, then it ‘runs’ for 30 minutes to, effectively, populate the system, then there is a 1 hour period for analysis and, finally, a 30 minute emptying of the model to allow journeys to complete.</p> <p>(a) If this is incorrect, could the Applicant please explain why, and how I have misunderstood the model?</p> <p>(b) If this is correct, could the Applicant please explain how the model deals with background traffic, in other words traffic that is effectively moving within the model area; for example, a commuter who lives and work within the area, but travels from one to the other?</p>
3.11.4	The Applicant	<p>Traffic Modelling</p> <p>The Sensitivity Test Technical Note (Annex C of Applicant’s Further Response to Actions from Hearings – Annexes [REP5 021]) in Section 5 “Conclusions and Fitness for Purpose” reports against the TAG criterion. However, it does not conclude against the GEH criterion. It is noted that the analysis does not pass the GEH criterion for all</p>

ExQ3	Question to:	Question:
		analysis in Tables 3-7 to 3-9 and Tables 4-4 to 4-9. Could the Applicant please provide a commentary and conclusion in relation to the GEH criterion?
3.11.5	The Applicant	NMU Route in southwest of Application site In the Legal Note on Wansford Nene Way Permissive 1, the Applicant refers to Options 1a and 1b as shown on Drawing HE551494-GTY-HGN-000-DR-CH-38004. Could this drawing please be provided?
3.12	Water environment and flood risk	
3.12.1	The Applicant EA PCC	Peak rainfall allowances Could the Applicant, EA and PCC please respond to the publication by the EA of updated guidance on peak rainfall allowances in 'Flood risk assessments: climate change allowances' which was published on 10 May 2022 in respect of any implications this may have for the consideration of the Proposed Development.
3.12.2	EA	Flood Compensation Could the EA please confirm it is content with the volume of 550m ³ for compensation works for loss of flood storage as set out in response to Action Point (AP) 12 in the Applicant's Comments on Deadline 4 Submissions [REP5-020]?