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Mr Tony Clarke  
Right to Ride Representative  
1 Robert Gybson Way  
Norwich  
NR3 3PH

Your Ref: 10022842

Our Ref: TR010015

Date: 10 June 2014

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Dear Mr Clarke

**Application by Norfolk County Council for an Order Granting Development Consent for the Norwich Northern Distributor Road (NDR)**

Thank you for your letter of 04 June 2014 regarding the above application.

Norfolk County Council (NCC) has produced an index to accompany their application documents to ease navigation between documents to members of the public which can be viewed by following this link:

<http://infrastructure.planningportal.gov.uk/document/2527731>

This does not confirm that the documentation is, as you claim "inadequate as published". The said index has in fact been produced following your personal request at the Preliminary Meeting of 2 June 2014 to make the navigation of documents easier for users of the website.

The Planning Inspectorate can provide advice to aid interested parties; it is accepted that different parties will have differing needs in relation to the examination of an application, hence why I offered to assist you on the basis of a specific query.

As executive agency of the Government, the Planning Inspectorate has minimal contact with Government political advisors. Where there is advice given, the Planning Inspectorate has a statutory duty, under section 51 of the Planning Act 2008 (as amended) (PA 2008), to record the advice that is given in relation to the application and to make this publicly available. Therefore you will be able to view such advice on the Norwich NDR project page of the National Infrastructure pages of the Planning Portal website. Regulation 11 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 also identifies the Inspectorate's duties to record advice in accordance with section 51 of the PA 2008.

For clarification, the Examining Authority (ExA) will consider all submissions in the form of written representations made by interested parties. Interested parties are

reminded that the purpose of written representations is to provide the ExA with submissions and evidence regarding issues which are important and relevant to the consideration of the application. You may provide as much or as little detail as you wish in your written representation, but a representation is more likely to carry weight with the ExA if it is specific and supported by evidence. Paragraph 71 of the Department for Communities and Local Government's Planning Act 2008: Guidance for the examination of applications for development consent also states that, 'Participants should also provide with their written representations any data, methodology and assumptions used to support their submissions.'

In regard to your third point of your letter of 16 May 2014, while NCC may or may not provide a presentation on traffic flow information, this would be separate from their statutory consultation duties. In accepting this application for examination, the Secretary of State determined that NCC had met their statutory obligations.

It is pleasing that interested parties are engaging in this examination in such a proactive manner, and the appointment of a traffic expert may allow complex material to be dealt with more swiftly. However, it is important to note the difference between the adversarial inquiry system, and the examinations we now run into National Infrastructure projects. In the past, some parties did go to great expense to retain barristers and expert witnesses for adversarial inquiries. However, under the PA 2008 the ExA takes an inquisitorial approach, and leads the questioning themselves. The ExA may ask questions not raised by interested parties, or seek to protect the interests of those not represented at all. Interested parties are invited to make their case, and their participation is welcomed, but the ExA will examine these representations and those of the applicant independently. Cross examination by barristers and expert witnesses is permitted, but it is discouraged exactly because of the disparity of ability between parties that you highlight.

I would also like to take this opportunity to refer to your letter of 28 May 2014, where you have supplied detailed information and objections to the application. I advise that this be submitted as a written representation unless you tell me otherwise. Any additional documentation or evidence that you would like to include to it I am happy to receive and will ensure that this is included within your representation. This will be made publicly available via the Norwich NDR project page of the National Infrastructure pages of the Planning Portal website.

If you have any further questions, please do get in touch.

Yours sincerely

*Steffan Jones*

**Steffan Jones**  
**Case Officer**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.