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Cllr Andrew Boswell,



Your Ref:

Our Ref:

TR0100015

Date:

4 February 2014

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Dear Cllr Boswell,

## **Norwich Northern Distributor Road (NDR)**

### **Planning Act 2008 as amended ('PA2008')**

Thank you for your letter dated 3 February 2014 (sent via your email dated 2 February 2014) and your previous letters of 30 January 2014 and 23 January 2014.

The Secretary of State has today accepted the Norwich Northern Distributor Road application for examination in accordance with s 55 of the PA2008 ("s55"). In reaching this decision, the Secretary of State has:

in respect of s55(3)(e) of the PA2008, had regard to the matters set out in s55(4) of the PA2008, and concluded that the applicant has complied with Chapter 2 of Part 5 of the PA2008; and

in respect of s55(3)(f) of the PA2008, had regard to the extent to which those matters set out in s55(5A) of the PA2008 have either been complied with or followed, and concluded that the application (including accompaniments) is of a satisfactory standard.

I am aware that this application is of great interest to you and the Norwich Green Party and I have received correspondence from you and Cllr Richard Bearman, leader of the Green group on Norfolk County Council, during the acceptance period. The issues of concern that you have raised have been addressed in the completed s55 checklist that details the Planning Inspectorate's consideration of whether or not to accept the application. In particular you may find parts 1.1, 2.2 and 2.15 especially relevant. It can be viewed at:

[http://infrastructure.planningportal.gov.uk/wp-content/uploads/projects/TR010015/2.%20Post-Submission/Procedural%20Decisions/TR010015\\_Norwich%20Distributor%20Road\\_Section\\_55\\_Checklist.doc.pdf](http://infrastructure.planningportal.gov.uk/wp-content/uploads/projects/TR010015/2.%20Post-Submission/Procedural%20Decisions/TR010015_Norwich%20Distributor%20Road_Section_55_Checklist.doc.pdf)

Broadland District Council sent the Planning Inspectorate a copy of your letter of 9 January 2014 as part of their representation into the adequacy of consultation undertaken. To the extent that they fall within our competence, we have addressed these concerns in part 2.2 of the s55 checklist.

Having requested from the applicant all consultation responses received by the applicant, we were disappointed to discover that the Norwich Green Party submission was not available. The applicant claims that they have no record of this consultation response having been received. As you have made the Planning Inspectorate aware of this response, can I thank you for sending a copy of your original submission to the Planning Inspectorate. This has enabled us to compare the issues raised in your submission with those addressed in the consultation report received under s37(3)(c) of the PA2008. We consider that, although it appears that your response was not specifically considered by the applicant, the points you raise have been raised by other consultees and have been covered in the consultation report. It would appear, therefore, that the applicant has had regard to the issues raised. Further, it is considered that any omission of Norwich Green Party's submission to the applicant has therefore, not resulted in prejudice to the consideration of these issues at the acceptance stage, nor will Norwich Green Party's interests be prejudiced as it will be able to participate fully in the examination of the application by making itself an interested party (see below).

Nonetheless, I have written to the applicant expressing my concern that some consultation responses appear to have been inadvertently omitted and indicated that the applicant will need to ensure their document management is thoroughly effective during the future examination period. If you consider that Norfolk County Council has not met the standards that you would expect, then you should pursue the matter directly with the Council using their existing procedures.

I note that your letter dated 3 February 2014 (sent via your email dated 2 February 2014) has the title "Pre-Action Protocol Letter". As no decision as to whether or not to accept the application had been made on either 2 or 3 February 2014, we do not consider the pre-action protocol to have been engaged by your letter. You are advised to obtain your own independent legal advice regarding any steps you may wish to take following today's decision to accept the application.

Some of the issues you raise in your letters appear to relate to the merits of the application and not the acceptance stage. The Secretary of State is of the view that the application (including accompaniments) is of a standard he considers satisfactory to be accepted for examination. Issues related to the merits of the application will be considered during examination of the application.

The Planning Inspectorate aims to conduct a fair, open and impartial examination on behalf of the Secretary of State, in which all issues that are important and relevant will be explored. Norwich Green Party may participate in this examination by lodging a relevant representation at the appropriate time; thereafter your organisation will be considered an interested party to the examination. The Planning Inspectorate has produced Advice note eight to aid participation in the Planning Act 2008 process, I hope that this will be of use to you. It can be viewed at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

Yours sincerely

*Mark Southgate*

Mark Southgate  
Director of Major Applications and Plans

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.