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Denise Carlo



Your Ref:

Our Ref: TR0100015

Date: 4 February 2014

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Dear Cllr Carlo,

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

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

Thank you for your letter dated 3 February 2014 and your previous letters of 31 January 2014, 29 January 2014 and 27 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 and Norfolk Transport Action Group and I have received correspondence from you 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/ipc/uploads/projects/TR010015/2.%20Post-Submission/Procedural%20Decisions/TR010015\\_Norwich%20Distributor%20Road\\_Section\\_55\\_Checklist.doc.pdf](http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/TR010015/2.%20Post-Submission/Procedural%20Decisions/TR010015_Norwich%20Distributor%20Road_Section_55_Checklist.doc.pdf)

Norwich and Norfolk Transport Action Group has provided an analysis of consultation responses demonstrating local opposition to the scheme. This was apparent from the consultation report submitted, but in any case, support or lack of is not an issue for acceptance.

I note that your letter dated 3 February has the title "Pre-Action Protocol Letter". As no decision as to whether or not to accept the application had been made on 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 and Norfolk Transport Action Group 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.