

MJS  
A/10 → pre-app case team — Should we meet them?  
— can you pls prepare a ref for 10/10 if possible?

**JOINT LETTER FROM CPRE NORFOLK, NNTAG and SNUB**

Address for reply: Denise Carlo, Coordinator, NDR Campaign,  
Norwich and Norfolk Transport Action Group,

[REDACTED]  
[REDACTED]  
[REDACTED]

Mr Mark Southgate  
Director of Major Applications and Plans  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

26th September 2013

Dear Mr Southgate,

**Norwich Northern Distributor Road (NDR) – Development Consent Pre-Application – Public Consultation**

We are writing to request a meeting in Norwich with representatives of our local community groups (NNTAG, CPRE, SNUB, Parish Councils) with either the PINS Pre-application Examiner, or if this position no longer exists, with the PINS case officer for Norwich on her/his next visit.

Our groups have serious concerns about Norfolk County Council's public pre-application consultation which ran from 8th July to 20th September. We consider the public consultation to be fundamentally flawed because:

1. The public has been unreasonably asked to respond to a consultation on a scheme whose legal basis and rationale have both changed halfway through. The situation is so complex that we have provided a timeline in the appendix at the end of this letter to summarise it.
  - A Statement of Community Consultation was published on June 24<sup>th</sup> and the consultation started on July 8<sup>th</sup>.
  - A new statutory instrument went onto the Statute book on 25th July which removed the legal basis on which the consultation started on 8th July.
  - Subsequently, the Secretary of State for Transport issued a Direction on 9th August (not published until 19th August) under s35 of Planning Act 2008 stating that the NDR should be treated as a scheme of national significance for the reasons that the NDR would connect Norwich Airport with the A47 TEN-T and Great Yarmouth Enterprise Zone. This changed the legal basis, once again.
  - Norfolk County Council's pre-application consultation document(s) published on 24th June 2013 makes no reference to the reasons given for the s35 Direction, and have not been updated.
  - The new purposes used in the s35 Direction did not feature in any of the related funding bids to Government for the NDR and Postwick Hub (NDR MSBC [2008], Postwick Hub CIF 2 bid [2008], NDR Development Pool Bid [2011]).
  - They were not identified in evidence presented by the Highways Agency at the public inquiry into draft slip and side road orders for A47 Postwick Interchange which ran from 3rd to 26th July 2013.

The timeline shows that the consultation has run through three distinct periods with three different legal rationales for the consultation (one period being no legal basis). Further, as explained below, the consultation area was inadequate even on the original legal basis, but with subsequent events, the relevant consultation area should be expanded even further.

Citizens over wide area of Norfolk have been denied their rights to access to information and to participation in decision making under the UN Aarhus Convention (see extracts in Appendix) to which the UK Government is a signatory in the way that:

- The original consultation area ignored over half the Norwich Policy area.
- The Secretary of State's Direction extended the relevant area to the whole of East Norfolk.
- A motion at Norfolk County Council on September 16<sup>th</sup> extended the relevant area further westwards from Norwich.
- The rationale for the scheme was changed mid-consultation by the Secretary of State's Direction, and further no update on changes was provided.

2. The Statement of Community Consultation (SoCC) limited the main consultation area to North Norwich and a ring of villages beyond. The city centre, south Norwich and South Norfolk part of the Norwich Policy Area were excluded even though the SoCC justifies the NDR as removing through traffic from the city centre and delivering the Norwich Area Transportation Strategy (which covers the Norwich Policy Area). New rationales given by the Secretary of State Direction underlines the need to further extend the consultation area to include the whole of East Norfolk, the A47 corridor and Great Yarmouth. Norfolk County Council refused to extend the consultation area to these areas with significant community interest.

3. There is a considerable degree of ambiguity whether the NDR connection to A47 Postwick Interchange (termed the 'Postwick Hub') is included in the 'Northern Distributor Road Scoping Report' dated February 2013. Norfolk County Council also expressed concern over this ambiguity in its letter to PINS of 4th June. This is significant because without the inclusion of Postwick Hub in the Scoping Report, the NDR does not directly connect to the Strategic Road Network.

4. Further, the NDR Scoping Report ignores climate change, socio-economic and cumulative impacts as required by the EU Directive on Environmental Impact Assessment. These statutory issues are also omitted in the Preliminary Environmental Information Report. Nor has the information in the Scoping reports been amended to address the environmental impacts of the wider area added the new purposes given for the NDR in the s35 Direction.

5. On 16<sup>th</sup> September towards the end of the public consultation, Norfolk County Council resolved to commission a feasibility study into extending the NDR from A1067 Fakenham Road to connect with the A47 Norwich Southern Bypass via a crossing over the River Wensum designated a Special Area of Conservation. Once again, the policy of the Council and NDR goal posts have changed during the course of an important public consultation without the public having a chance to voice their views.

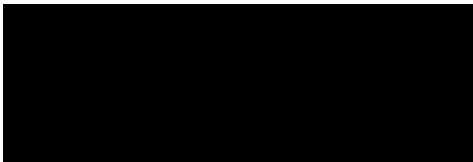
6. On September 9<sup>th</sup>, the Greater Norwich Development Partnership (GNDP) published modifications to the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk which are out to consultation to 21<sup>st</sup> October. These respond to deliverability concerns and introduce a requirement for the local authorities to plan for new development locations in the event that the current shortfall in Broadland's five year supply of housing land persists for a further two years. This paves the way for a 'Plan B', if the housing projections for the North East Growth Triangle (NEGT) in the JCS are not delivered. In this situation, both the justification for the NDR which is predicated on substantial building in the NEGТ and its deliverability are called into question.

The proposed Modifications further provide for a 'worst case scenario' in which the NEGT does not materialise but Postwick Hub is built out as a stand-alone scheme. Without developer contributions, the NDR would become unaffordable, whilst Postwick Hub represents very poor value for money (the Highways Agency presented a negative Cost-Benefit Ratio of minus 2.9 at the recent Public Inquiry). The proposed Modifications prompt the need for a review of the NDR scheme justification in the light of these changes, and of the economic evidence presented to date, coupled to a re-evaluation of past assumptions in terms of value for money.

We will be writing in similar terms to Secretary of State for transport to seek clarification of his reasons for directing that the NDR be deemed nationally significant, and to request a review of his decision, taking account of the matters set out above. We will also ask that no decision is taken on the Postwick Interchange Slip Road Orders, and that Norfolk County Council is advised to suspend further work on the NSIP application pending this review, and the publication of final changes to the JCS.

In the meantime we look forward to receiving your response to our request for a meeting to discuss these concerns in more detail.

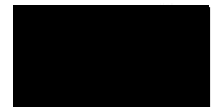
Yours sincerely,



David Hook, Chairman of the CPRE  
Norfolk Planning Group



Denise Carlo, Coordinator,  
NDR Campaign, Norwich  
and Norfolk Transport Action  
Group



Stephen Heard,  
Chairman, SNUB



CC

Simon Wright MP, Norwich South  
Chloe Smith MP Norwich North  
Richard Bacon MP South Norfolk  
Keith Simpson MP Broadland

## CONSULTATION TIMELINE

|  |   | Consultation area                           | Areas with attributable impact of the Scheme requiring consultation                      |
|--|---|---|--|
| June 24th  | SOCC published  | North Norwich and a ring of villages beyond | Norwich City centre, south Norwich and South Norfolk part of the Norwich Policy Area     |
| July 8th-<br>July 24th                           | Consultation starts under existing PA2008   | unchanged                                   | ditto  |
| July 25th-<br>Aug 9th                            | INTERREGNUM period. The legal basis for NSIP designation removed by statutory instrument in Parliament.                                       | unchanged                                   | ditto  |
| August 10th<br>- August<br>19th                  | Made NSIP by SoS under S35 Planning Act 2008 BUT Public not informed  | unchanged                                   | East Norfolk including whole of Norwich Policy Area, the A47 corridor and Great Yarmouth |
| August<br>19th- Sept<br>16th                     | No updates to consultation documents despite change of legal basis  | unchanged                                   | East Norfolk including whole of Norwich Policy Area, the A47 corridor and Great Yarmouth |
| Sept 16 <sup>th</sup> –<br>Sept 20 <sup>th</sup> | A feasibility study into extending the NDR agreed. This changes the policy position of Norfolk County Council as to the extent of the Scheme. | unchanged                                   | Above plus SSSI and SAC sites in Wensum Valley to West of Norwich <sup>1</sup> .         |

### KEY

|  |                      |
|--|----------------------|
|  | Original legal basis |
|  | No legal basis       |
|  | Changed legal basis  |

|  |  |
|--|--|
|  | Omission of large part of Norwich Policy Area from consultation                      |
|  | Omission of large part of East Norfolk and Great Yarmouth from consultation          |
|  | Omission of SSSI and SAC sites in Wensum Valley to West of Norwich from consultation |

<sup>1</sup> These sites may be technically within or outside the Norwich Policy Area depending on different proposed routes for NDR extension.

## AARHUS CONVENTION

Article 7 extract:

*“Each Party shall make appropriate practical and/or other provision for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public”.*

Article 8 extract:

*“Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.”*