



The Planning Inspectorate

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Cllr Andrew Boswell
Norwich City Council
Norfolk County Council

Your Ref:

Our Ref: TR010015

Date: 21 August 2014

Dear Cllr Boswell

Thank you for your letter of 4 August 2014 titled 'National Network DCO Applications – clarification sought on carbon and value for money appraisal'. You ask about the Planning Inspectorate's approach to handling transport carbon emissions and abatement costs within any on-going National Network examinations, pending clarification from the Government.

As this is a matter of emerging policy the Planning Inspectorate cannot have a corporate approach for it. Instead Examining Authorities (ExAs) must consider each case against the relevant context at that point in time.

The decision making criteria for nationally significant infrastructure projects (NSIPs) are set out in sections 104 and 105 of the Planning Act 2008 (as amended) (PA2008). If the National Networks National Policy Statement (NN NPS) is designated before a decision is made, then the SoS must make his decision in accordance with it (s104).

Without a national policy statement in effect (ie if the draft NN NPS is not designated before a decision is made), the decision maker must apply s105 PA2008 in deciding the application. S105 specifies the matters the SoS must have regard to in making such a decision. This includes amongst others "any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision".

In such a situation it is for the ExA to make a recommendation in their report to the SoS and for the SoS to decide how much weight to attach to the draft NN NPS. They will make their judgement based on how important and relevant the draft NN NPS is considered to be for a case and how close the draft NPS is to designation. Responses to the draft NN NPS, such as the report from the Transport Select Committee, and that of the Committee for Climate Change which you highlight, could in principle also be considered important and relevant. However, it is for the ExA and the SoS to recommend/decide whether this is the case and to weigh such matters in their respective recommendation and decision.

In examining the policy context, the ExA may take submissions from interested

parties, either through their written representations, or in responses to questions posed. If the policy context were to change during the course of an examination, such as the designation of the NN NPS, the ExA may permit or request comment from interested parties. However, it is important to remember that the manner in which an application is to be examined is the responsibility of the ExA, who will make procedural decisions as they think appropriate (s89). Should the NN NPS be designated during the reporting or decision period, the SoS will take this into consideration alongside the ExA's recommendation report.

You mention that you are an interested party in the examination of the Norwich Northern Distributor Road. At your request your letter to me was therefore forwarded to the ExA of this case who exercised their discretion and accepted it as an examination document for this application.

I trust that this answers your questions as far as these can be answered at this point in time.

Yours sincerely

Simone Wilding

Simone Wilding
Head of National Infrastructure Case Management

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.