

TEXT_dDCO1_Session2_A47Thickthorn_1811 2021

00:11

Welcome back, the hearing is resumed, can I just check with the case team that the livestream and the recording of the event is recommenced, please? Yes, the recording is on and just double checking that I've streamed now. Yes, that's all fine. Thank you for that. That's great. Okay, just in terms of picking up where we left off, we've just completed agenda item, two of the hearing. And I would now like to move forward to Agenda Item three, which is dealing with and discussing the requirements involved in the draft development consent order. I would like the applicant, just to help me in terms of having an overview of how these conditions work. And on that basis, what I would like to do is to have some kind of short clarification or an explanation of the relationship between the DCO the environmental management plan, and the associated record of environmental actions and commitments and securing mitigation, if possible, and then ask questions from there. So, yeah, if you'd like to, to go ahead on that, that would be great.

02:02

Kate Ashworth for the applicant. So I'll very quickly run through a brief summary of the requirements, then talk about the environmental management plan, plan, and then hopefully answer your questions. So the requirements set out in schedule two of the order, these are essentially the conditions subject to which development consent is granted. So the requirements secure a five year time limit in which the authorised development must be commenced. Beginning with the date, the order comes into force, detailed design cause with the preliminary scheme design on the works plans and engineering section drawings, the preparation and compliance with second and third iteration environmental management plans, which I'll come on to preparation and approval of a landscaping scheme and its implementation, a procedure with dealing with remediation of contaminated land and groundwater, carrying out of protected species surveys, and the fact works must cease were protected species are found, until there's a scheme of protection in place, preparation of a final surface water drainage system, preparation of a written scheme of investigation, preparation of a traffic management plan, and a requirement relating to fencing, that it must be installed and constructed in accordance with the manual of contract documents for highways. Part two of sheduled two then goes on to set out the procedure for approval of the details submitted under the requirements by the Secretary of State. So turning back to the Environmental Management Plan, which is a PP 128 and referred to in a lot of responses the EMP. This records how environmental effects are managed, and how the impacts of the scheme will be managed and monitored. Within that document, there is a record of environmental actions and commitments or a Riak table that is table 3.1 in the environmental management plan, and it records the environmental commitments made in the environmental statement across all the different chapters. So requirement four of the draft DCO then secures the production of a second and third iteration, environmental management plan and it also requires compliance with these documents. So the second iteration environmental management plan, we'll deal with the construction phase of the development and as you can see in the requirement, there are various plans listed in for two, these more detailed plans, like the site waste management plan, materials management plan, etc, must be prepared as part

of that second iteration, environmental management plan. And then that suite of documents, basically applies the controls to construction. And then the third iteration of the Environmental Management Plan deals with the operational phase of the development. So as you can imagine, quite a lot of those plans listed in four two are not relevant once the scheme is constructed. So it will be a separate document that deals with environmental controls that must be continued post construction. The second iteration and third iteration documents, as we discussed, will not be certified themselves, but they must be submitted to the Secretary of State and approved by them following consultation with the relevant planning authority, the local hiring authority. And then we've also added in the lead local flood authority and the Environment Agency as consultees into requirement for now. This a second iteration emp, as I said, will then have that subsequent list of plans submitted as part of it almost appended to the the overall plan.

06:32

That's great, thank you. I just have a again, a just a follow up question in relation to what you've given us an overview. So from the representations received, this appears to have come in as a recent change to the design manual.

06:52

In terms of it used to be the case it was an outline.

07:00

And then final sort of scenario. And then the process you've just described, allows more flexibility and adjustments and perhaps reflecting on whether or not certain things have been successful in it. In some ways, it's a it's a better approach. Would that would that be right?

07:21

Yes. Kate Ashworth for the applicant. That's my understanding, and it's definitely the applicants preferred approach.

07:35

Don't have any further questions on the particular elements you've just raised? Again, I'm just throwing it out to any of the interested parties, whether or not they want to comment or ask a question.

07:52

There are no hands raised. So what I would like to do then is just looking at the actual detailed wording of the requirements themselves.

08:06

Go to turn to the landscaping requirements, if possible, and just have a couple of questions or perhaps one question on that. I'm just going going to get the document itself on my screen. It's just so I've got the actual wording. It was just a clarification point my side as to whether or not the wording of that first. Sorry, the second, first and second sections of that should be worded as approved. The approved landscaping scheme?

09:08

Yes, sir. I think in in part two, so requirement five two, we certainly could refer to the the landscaping scheme approved pursuant to requirement five one and then that would that would link through?

09:32

Yes, that's what I meant. It was section two. I had no trouble. Yes. Yeah. Stemming from one. I think that might give it reinforce the cause. On that,

09:48

I'll take instructions but I can't see a problem with that amendment.

09:56

And speaking up on sub clause four again of the landscaping requirements

10:09

it seems to imply it gives the option of either British Standards or recognised code. And again, I'm just wondering whether or not that would be better amended to, to a different way of saying that so perhaps, and instead of all,

10:38

yes, sir. Kate Ashworth for the applicant that that final part in terms of British Standards or other recognised codes of good practice that's been included to, I guess, deal with a scenario whereby British Standards no longer existed, which I acknowledge is probably very unlikely, but that that's what it's there for. So actually, we have proposed some wording in another DCA, which might work here, which would set out that it would be other recognised codes of good practice from time to time or something to a similar effect, that would just make it clear that it's if the British Standards were superseded or replaced.

11:20

Yeah, I mean, the only comment I would have on that is, obviously the British standard would have a particular way to touch to it. And then the other code, it may have a different weight, depending on where it sits, is it at a national level, a local level, etc. So it kind of does make it slightly more it does muddy the waters in terms of how it's worded at the moment in terms of being able to make a clear cut decision based on what it's actually saying in terms of the word or so yeah, I do have some reservations about that. That wording.

12:06

Yes, sir. Kate Ashworth for the applicant, if in terms of the the premise that it is there to allow something else to replace the British Standards in the future, if we were to come up with some wording that made it clear it it is British Standards, unless and until that's superseded, what would that be more appropriate for you?

12:31

Yes. Something that encapsulates that to that effect? Might to be the way forward on that. Yeah.

12:39

Thank you. So I'll take that one away.

12:44

There is somebody with the hand raised, believe it and just looking at the list, Mr. Taylor, you would like to

12:52

be Robin Taylor, on behalf of South Norfolk Council, I was, I was probably going to offer something very similar to what Kate just has just arrived at as to offer a way forward, I think, from our point of view, as probably checking any successful or appropriate documentation, we'd probably be looking at susceptor British Standards as a driver. And probably just to highlight that this was a similar format, this wording could probably be applied back to what we were discussing earlier about the tree works. That's what that's what I was referring to. So I think we use similar wording on our council documents, sort of British Standard or less, or, or a higher standard, because sometimes things come along that actually go more stringent in their approach. And, and the British Standard takes the time to catch up. So sometimes everyone sort of defaults to the, to the, to the more stringent approach. And so I'm sure there's some words to be found there. And we've got to be to hold up on that. So we, while I'm on, we had a comment about the five years replacement clause, but didn't when they weren't we'd like me to say that now or just wait until you you want to deal with that.

14:02

I'm happy for you to mention that now.

14:05

Yeah, we we suggested that the replacement of failed or dead planting be extended 10 years. The reason why we've said this is it was introduced for not a similar DCO but a DCO. That's very close geographically to this scheme. Which is to do with the horn see wind, wind farm that comes through to a substation quite close to thick Thorn. And and the period of 10 years has been put in purely for the fact that our argument is provided planting is done correctly satisfactorily and well specified once there should be no need to do any replacements at all. But what we found out certainly in East Anglia, which is quite a dry region, that plant failures can sometimes take a while to to become more apparent, and especially from latency problems. And five years, sometimes it's quite tight for replacement. And I will, I will hold my hands up and admit that we've got two DCS running on the 847 in Norfolk as well at the same time. And partly because Claire, our case officer for this is far more observant of things as probably picked up on this and trying to tie it into the DCR that has been approved very close by. But generally it is, it is more useful and focus people's minds on having a 10 year period. And we've started to put it on some of our major applications from a planning point of view, just because it just reminds everybody that it's not just the planting, but it's the looking after and making sure things are done well in it. It's it's it's a bit of a message more than anything other. So our our thought is provided everything's done once there should be no need for it to be a problem. It just helps focus people's minds on the fact that planting something is only just half the battle. It's not even half the battle is making sure it's looked

after and looked after well. So that's that's that's our comment on that. And I'll leave that with you to decide what's the most appropriate, I think.

16:12

Okay, thank you for that. Mr. Taylor. I'd like to just turn back to Miss Ashworth whether or not she has any responses to what's been raised?

16:22

Yes, sir. Kate Ashworth for the applicant, I will need to take instructions on on an increase to that time period. But I will definitely take that one away. And we'll come back to it deadline three.

16:34

Okay, thank you. And I can see, I believe Mr. Hawker. Did you want to raise something I could see your hand raised.

16:43

Thank you, sir. Richard Hawker from the Wensum Valley Alliance. I just like to reinforce what's been said about a 10 year plan if you like, because, certainly, to my knowledge on the northern distributor route around Norwich, many trees have failed. And that although the NDIS has been in place for several years, it is important that those get replaced I think your 10 year idea would be a great advantage. Looking forward, thank you.

17:23

Okay, thank you. Again, I think that's broadly consistent with what the council have said and message with that has indicated she is going to take that away. For discussion, possibly an update deadline three would now like to just turn to the wording of requirement for well, requirements 11. Again, I'll just have that on my screen so, requirement 11 It is in relation to fencing. Again, it's just some minor clarifications really would this apply to all fencing this particular requirement?

18:37

Yes, sir. Kate Ashworth for the applicant. The requirement is in a form common to or at least in similar terms to a number of recently made highways England orders. The A 303 Amesbury to Bereck down development consent order 2020 is one of them that I could I could provide a fuller list in writing. It states that all permanent and temporary fencing must be installed in accordance with the manual of contract documents for highways works. And Section One of that document covers carriageways and other details of which fencing is covered in the H series. I understand. The H Series outlines temporary and permanent boundary fencing with gate options. But it wouldn't necessarily cover other types of fencing, for example, fencing with a specific performance related function like environmental mitigation. So it covers boundary fencing, but not. For example, I don't think there is any noise fencing per se, but it wouldn't wouldn't cover that type of fencing.

19:56

And picking up on your example you've just given so For example, tree works protective fencing that would fall under temporary fencing.

20:09

My understanding is that is performance related. So the standards and the functions that that needs to perform might require it to be different to just standard boundary fencing. So those specifications are set out and secured in the Riak. Under requirement for.

20:41

Okay, thank you very much. I don't have any further questions on the requirements themselves. Again, I'm just inviting parties to raise any comments or questions if they have any.

21:01

And I can see Claire Curtis, South Norfolk Council. You've got your hand raised, if you'd like to come in.

21:10

Thank you, sir. Claire Curtis, South Norfolk Council. Is this an appropriate time to just query the part two for the procedure for the discharge of requirement? Sir? Yes. So I just wanted to pick up on the fact that under the details of consultation, which is number 17, it talks about providing consultation with the local planning authority, for example. And they took about 15 business days for any response to that, under the North Burlingham and blofield DCO, which is running concurrent with this one, that gives a 28 days response time. And given the pressures that local planning authorities on are under at the moment, we would request 28 days rather than 15 working days, so

22:13

I hear your request. Again, I'd like to turn back to Miss Ashworth just to get her reply.

22:22

Yes, sir. Again, I will have to take instructions on that point. I believe the 15 business days was included if it wasn't in this scheme. It may have been the Tottenham scheme that was specific that was the period requested by a consulte. I don't believe it wasn't South Norfolk. So that has been increased in response to that request. So I will certainly take this additional request away and see if we can make a change to the DCO.

22:53

Thank you, sir.

22:56

Thank you. Okay, that takes me to Agenda Item four, which is the protective provisions. Again, it unless anybody wants to raise anything further, before I do that. And no one's raising anything. So yeah. In terms of agenda item four. I'd like to just ask the applicant, is there any update to be given on the protective provisions?

23:46

So Michael Fry for the applicant. I can give you a brief update, sir. We have agreed protective provisions with Caden gas. In returns of Anglian Water following negotiations, there are still a few

paragraphs of the protective provisions, which are not agreed between the parties and the applicant and Anglian Water propose to submit a statement of common ground setting out there is a disagreement in due course. The other statute on takers are UK Power Networks. The current position is that UK PN are aware of the scheme and the applicants be made meeting regularly with UK PN and no issues have been raised to date. UK PN has not submitted any relevant representation and in any event can rely on the standard protective provisions which are included within the draft DCO at Part Two shedule nine of the draft DCA any issues are raised by UK Power Networks with the scheme that we can we'll discuss entering into a statement common ground with UK PN but that's not anticipated at this stage that the other stats are virgin Vodafone, and BT Openreach in the case of Openreach BT is confirmed and that it is contend with the standard protective provisions as being sufficient to protect its interests. And my understanding is that virgin and Vodafone are still reviewing those standard protective provisions and will provide comments in due course, but we haven't had those comments yet. And those are the only stature and faces that I'm aware of. It can't be separate to the standard protect provisions.

25:26

Thank you, Mr. Fry. I've got no further questions on this. I'd like to now move to topic, agenda item five, which is statement of common grounds. I mean, you did touch on that. Is there anything else you wish to raise Mr. Fry in relation to the statements

25:44

that say yes, if you'd like me to give you an update on progress or the composition, respect to each of the parties where we're anticipating a statement of common ground, you obviously already have the statements of commonality, sir, but I do have a list of points I can make in respect to each if you'd like me to go through them.

26:01

Um, it would be helpful to just go through them if it isn't an extensive points. Yeah, yeah,

26:10

it's a few minutes, of course. Okay. So in respect of Natural England, a draft same common ground has been sent to Natural England and Natural England email the applicant to explain that it's going to be unable to comment in time for deadline three, sir. We know that naturing has not submitted any representations to the examination. So it's not an anticipated that there are going to be any areas of disagreement, but obviously, I can't confirm that. This stage, natural England's last comments to the applicant were made in consultation. And the applicants response to those comments are all set out in the consultation report, document reference a PP zero to three. In respect of Historic England, there is one matter which is still under discussion between the parties. An updated draft has been sent to Historic England and the intention is to seek to finalise by deadline for but obviously that's reliant on how the discussions progress. In respect of Big Sky who are the housing developer affected by the scheme, discussions are still ongoing between the parties. A draw stemmed common ground has been submitted to Big Sky for review, the applicant thinks that all the points are agreed but we are still awaiting comments, but that should I hope be with you shortly. Sir. In respect of Norfolk County Council, the draft them Common Ground is is still being progressed as you might expect. So there are

still a number of issues which are still under discussion, but good progress is being made. The current position is the applicants awaiting further comments on the draft and we will obviously keep the examination informed as to progress of that draft seven common ground in respect of South Norfolk. Again, there are a few remaining points as I understand it, and the applicant seeking further comments, again, anticipated for approval by deadline for but I'm, I'm sure South Norfolk will be able to confirm it if they have a different view of that. And lastly, sir, with the Environment Agency, the Applicant had a response to the initial draft from the Environment Agency. And there is some further work to do on the draft statement common ground before resubmitting to the Environment Agency for comments. So it is progressing that there is further work to do. So all the statements congrats that they are in hand they are being progressed as a matter of urgency, but it is taking time as one might expect with with these matters. That's all I had on statements Common Ground sir, the only other point I thought you might wish me to address you very briefly on here is any other agreements and licences which is commonly picked up here. I'll pause in case you have questions on the statements, but I'm not. I've got 30 seconds on agreements and licences that

29:04

yes, I'm grateful for the update. I do have any further comments or questions on statements of common grounds. But yes, if you'd like to continue and give an update on the licencing of

29:16

course so Michael Fry for the applicant. In terms of other legal agreements currently none are planned and again, the examination will be kept updated of that position changes in respect of licences it's only really EPS protected species licences in respect to bats water bowl and great crested Newt. A for water vole, a letter of no impediment has been issued by the Environment Agency. Bats, further information has been provided by the applicant so we're still awaiting an update on that. And in respect to great crested newts It's not yet known if any pass licence is going to be required. We the applicant considers that it's unlikely based on previous surveys And in respect of water licences and permits, the applicants aware that there may be a need, but does not intend to make the applications for those water licences and permits until the detailed design stage. And so that there's all my updates for you.

30:17

Understood, thank you very much for providing that Mr. Fry. Unless anybody else or any other party wishes to raise anything, I'd like to just move forward to the review of any actions or any other business. No one else else is raising anything. So in terms of review of the actions, there were a number of points where Miss Ashworth intends to go back and speak about certain adjustments, etc, based on some of the representations made orally. So I have a note of those. In terms of any other business. I'm aware, Mr. Hawker did actually miss the open floor hearing. But I am just going to give him a further opportunity just to raise anything if he does want to raise anything.

31:29

And I can see no hand up or hand raised. So I'm going to take that as a no. On that basis, I'd like to now move to the close of the hearing. I'd like to thank all hearing participants for all their contributions. Those have been very helpful to me. They remind apologies. Just before i i finished you off, I can see Mr. Hawker Your hand is actually raised now. Do you want to just come in?

32:02

Thank you, sir. Richard Hawker Winston Valley. I just wanted to thank you have the opportunity to to contribute, but I have nothing to say I'm afraid I I couldn't find the way of making my hand go up before so I will shut up and let you get on with your work. So

32:21

no problem at all. Thank you for confirming that. So again, that brings proceedings to a close may or remind parties that the digital recording of today's proceedings will be available on the main project page to the item on the national infrastructure website as soon as possible. The time is it's just three minutes past 12 And this issue specific hearing on the draft development concerned order for the A 47 811 thankful and junction improvement scheme is now closed. Thank you