

# A47/A11 Thickthorn Junction

**Scheme Number: TR010037**

**Volume 9**

## **9.12 Applicant's Written Summary of Oral Submissions at ISH2**

The Infrastructure Planning (Examination Procedure) Rules 2010  
Rule 8(1)(c)

November 2021  
Deadline 3

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

A47/A11 Thickthorn Junction  
Development Consent Order 202[x]

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**APPLICANT'S WRITTEN SUMMARY OF  
ORAL SUBMISSIONS AT ISH2**

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<b>Rule Number:</b>	8(1)(c)
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## **CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>2</b>	<b>THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH2 .....</b>	<b>2</b>

## 1 INTRODUCTION

- 1.1. The Development Consent Order (**DCO**) application for the A47/A11 Thickthorn Junction scheme was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.2. The second Issue Specific Hearing (**ISH2**) for the A47/A11 Thickthorn Junction(DCO) application was held virtually on Microsoft Teams on Thursday 18 November 2021 at 10.00am
- 1.3. The Examining Authority (**ExA**) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing.
- 1.4. This document seeks to fully address the representations made by the Interested Parties at the ISH2.
- 1.5. The Applicant has responded to the issues raised by each of the attending party and provided cross-references to the relevant application or examination documents in the text below.

## 2 THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH2

Ref	Questions / Issues Raised at ISH2 and Hearing Action Points	Summary of Applicant's Response at ISH2	Applicant's Written Response
<b>AGENDA ITEM 2 – Articles and Schedules of the dDCO</b>			
1.1	<p>The Examiner asked the Applicant to provide an overview of the construction of the DCO and to confirm and clarify whether any substantial changes had been made since its initial submission</p>	<p>The Applicant advised that the text of the dDCO is primarily based on the wording used in DCOs successfully made in previous schemes promoted by the Applicant.</p> <p>Part 1 of the DCO is the Preliminary section.</p> <p>Article 2 within this section sets out the definitions for the DCO.</p> <p>Part 2 of the DCO is the Principal powers section, the key operational part of the Order.</p> <p>Within this section, Article 5 has the effect if granting the development consent with reference to the works set out on Schedule 1 and those in the Works Plans <b>APP-007</b>, and Article 8 defines the limits of deviation subject to the requirements set out in Schedule 2.</p> <p>Part 3 of the DCO deals with Streets and the associated powers granted.</p> <p>Article 11 within this section ensures the works can be defined under the New Roads and Street Works Act 1991 and also disapplies requirements imposed under that Act.</p>	<p>The Applicant has no further submissions to make in relation to this matter.</p>

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		<p>Article 12 provides for the construction and maintenance of highways and streets which are not going to be trunk roads.</p> <p>Article 13 makes provision for the classification of roads by reference to parts (1) to (2)(a) of Schedule 3 and also the classification of roads bands. It also provides for speed limits. These are set out in part (3) of Schedule 3 as shown on the Traffic Regulations Plans <b>APP-009</b>, and also the creation of footpaths, footways cycle tracks and bridleways. These are listed in part (4) of Schedule 3 and shown on the Rights of Way and Access Plans <b>APP-008</b>.</p> <p>Article 17 provides for the stopping of streets and private means of access, as shown on the Rights of Way and Access Plans <b>APP-008</b> and these are all listed out in Schedule 4. Where a substitute is to be provided there are controls designed to ensure that the substitute is provided or a temporary alternative remains in place until the substitute is provided.</p> <p>Article 19 provides a new clearway restriction on the new A11/A47 Connector Road.</p> <p>Part 4 of the DCO deals with Supplemental Powers. These are standard powers included in a DCO and include provisions governing the discharge of water into watercourses, sewers and drains, protective works to buildings, and the authority to survey and investigate land.</p>	

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		<p>Part 5 of the DCO deals with Powers of Acquisition. It allows the Undertaker to acquire the land and rights required for the scheme. The land is described in the Book of Reference <b>AS-003</b> and shown on the Land Plans <b>AS-001</b>. Land on such plans is divided into three categories. Pink land is land which may be acquired permanently. Blue land is land in which new rights may be acquired permanently, and which also may be used temporarily. And green land is land which may just be used temporarily. Land in which only new rights may be acquired or restrictive covenants imposed are listed in Schedule 5. This sets out the purpose for which they may be acquired or imposed and also the works to which those rights or restrictive covenants relate. The land over which only temporary possession can be taken is listed out in Schedule 7 along with the purpose for which temporary possession may be taken, and the works to which that possession relates.</p> <p>Article 26 imposes the usual five year time limit applied for these powers to be exercised.</p> <p>Part 6 of the DCO deals with Operational Provisions. It provides a power to fell or lop trees and shrubs, and to remove hedgerows set out in Schedule 8. These are also shown on the Hedgerow Plans APP-015. With the consent of the local authority any other hedgerow within the order limits may be felled or lopped. Part 6 also includes the power to fell or lop any trees with a TPO made</p>	

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		<p>after the 17th of July 2020. This is the date the arboreal cultural survey was carried out.</p> <p>Part 7 of the DCO deals with Miscellaneous and General provisions. These are generally boilerplate provisions such the disapplication of landlord and tenant law, defence for proceedings for statutory nuisance, provisions relating to the compulsory purchase compensation code (including preventing double recovery), and appeals for proceeding under the control of Pollution Act 1974. Part 7 also gives effect to the protective provisions set out in Schedule 9, and deals with the certification of documents which are listed in Schedule 10.</p> <p>In relation to whether any updates have been made to the dDCO, the Applicant advised that there have been various minor updates made as a result of comments made by interested parties and in response to the Examining Authority's First Written Questions <b>PD-006</b>.</p> <p>The changes primarily involved adding additional consultees into the requirements and correcting typographical errors. A new set of protective provisions were also added for the benefit of Cadent Gas and is now included in Schedule 9.</p> <p>The reasons for all changes can be found in Draft Development Consent Order - Schedule of Drafting Changes <b>REP2-009</b>. No substantial drafting changes have taken pace yet.</p>	



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1.2	<p><b>Article 5 – Development consent etc. granted by the Order</b></p> <p>The Examiner asked for clarification and justification for the meaning and use of "adjacent to" in Art. 5(2)</p> <p>The Examiner further asked if this had been included in other DCOs and/or if the wording was based off a model provision</p>	<p>The Applicant confirmed that no search of local enactments can be entirely conclusive and so the provision is necessary to mitigate for any undiscovered or incompatible statutes not identified by the searches that may hinder the implementation of the Scheme.</p> <p>A good example of why such powers are necessary is in the case of railway legislation, this affects railway land but can restrict activities on land adjacent to the railway. This article would ensure the railway legislation would have effect subject to the provisions of the dDCO. The adjacent land would need to share a common boundary with the Order limits.</p> <p>The Applicant further confirmed that the wording has been used in other DCOs but that they would follow up in writing with further details and specific examples.</p>	<p>This wording has been included in the A303 Sparkford to Ilchester Dualling Development Consent Order 2021, the A1 Birtley to Coal House Development Consent Order 2021, the A19 Downhill Lane Junction Development Consent Order 2020, the A63 (Castle Street Improvement, Hull) Development Consent Order 2020 and the M42 Junction 6 Development Consent Order 2020.</p>
1.3	<p><b>Article 8 – Limits of deviation</b></p> <p>The Examiner questioned whether the wording should be more explicit in demonstrating that the limits of deviation would be confirmed in writing</p>	<p>The Applicant confirmed that, where a change was sought under Article 8(2) the process of certifying is a written one.</p> <p>There is no exact process, but written evidence would need to be submitted to the Secretary of State in writing proving that there was no materially different environmental effect.</p> <p>The Applicant suggested that the word "written" could be inserted, but considered that it is generally understood to be a written process in any case, and the current wording is as used in previous Orders.</p>	<p>The Applicant is of the view that the use of "certifies" is sufficient to ensure the approval process is a written one. On the basis this wording has been included in the A303 Sparkford to Ilchester Dualling Development Consent Order 2021, the A1 Birtley to Coal House Development Consent Order 2021, the A19 Downhill Lane Junction Development Consent Order 2020, the A63 (Castle Street Improvement, Hull) Development Consent Order 2020 and the M42 Junction 6 Development Consent Order 2020, the Applicant is not proposing any amendment to this Article.</p>

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1.4	<p><b>Article 10 – Consent to transfer benefit of the Order</b></p> <p>The Examiner asked how this Article is appropriately triggered and whether it includes the power to transfer compulsory acquisition powers as well</p>	<p>The Applicant set out that the Article requires the written consent of the Secretary of State to transfer any or all benefits of the Order.</p> <p>The power is included so that in the event that the Applicant needed to transfer the benefit of the Order to another legal entity the mechanism exists to allow this, noting that the definition of undertaker in the order is currently the Applicant.</p> <p>The Applicant explained that the nature of the Scheme and the Applicant's position makes the event of the power being needed very unlikely, the power is generally more pertinent to DCOs relating to private energy projects.</p> <p>The Applicant also advised that the power allows for transfer of part if needed, as opposed to the whole of the Scheme.</p> <p>The Applicant confirmed that it would allow the transfer of compulsory acquisition powers, but that the Applicant would still be responsible for the payment of compensation, where the benefit of part was transferred to a statutory undertaker.</p> <p>Further clarity will be provided by written submission.</p>	<p>This provision is broadly modelled on that contained in other orders such as the A30 Chiverton to Carland Cross Development Consent Order 2020 (A30 Chiverton Order); the A63 (Castle Street Improvement, Hull) Development Consent Order 2020; the A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (A585 Windy Harbour Order); the M42 Junction 6 Order; and the A19/A184 Testo's Junction Alteration Development Consent Order 2018 (A19/A184 Order).</p> <p>The Applicant is proposing an update to Article 10 to reflect the drafting that was included in the A303 Stonehenge DCO (now quashed) and is being proposed in Article 11 of the draft Black Cat to Caxton Gibbet Improvements Development Consent Order.</p> <p>An amendment to Article 10(3) shown below has been included to ensure the person benefitting from any such transfer of grant would be subject to the same obligations as the Applicant, but an exception is made in relation to liability for the payment of compensation due in connection with the compulsory acquisition of land. This drafting specifically clarifies that the liability for the payment of compensation will remain with the Applicant.</p> <p><i>(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1). is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker, save where those benefits or rights are exercised by a statutory undertaker or by an owner or occupier of land pursuant to paragraph (2) of article 27 (compulsory acquisition of rights and imposition of restrictive covenants) of this Order, in which case liability for the payment</i></p>

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			<i>of compensation remains with the undertaker.</i>
1.5	<p><b>Article 12 – Construction and maintenance of new, altered or diverted streets and other structures</b></p> <p>The Examiner referenced Norfolk County Council's specific concerns in relation to Cantley Lane's classification as a B road; the Examiner asked if the Article was still appropriately drafted in light of this and how it governed disagreements over classification</p>	<p>The Applicant stated that discussions were still ongoing with Norfolk County Council (<b>NCC</b>) on this issue, but that they are happy to be led by NCC on the appropriate classification.</p> <p>The Applicant explained that a change of classification may be required, which would prompt a change in Schedule 3 of the Order and the Classification of Roads Plans (<b>APP-014</b>).</p> <p>The Applicant advised that Article 12 governs how roads that are not trunk roads pass to the local highway authority (NCC), rather than the classification itself.</p> <p>As currently drafted, parts (1) and (2) of the Article specifically require that any works are completed to the reasonable satisfaction of NCC and that, unless otherwise agreed in writing with NCC, must be maintained by NCC from the point of completion. The Article contains an automatic transfer mechanism, but the "reasonable satisfaction" wording does ensure the roads are of a reasonable standard.</p> <p>The Applicant confirmed that there are options for arbitration and that the flexibility in the wording as drafted allows for side agreements to be made if needed.</p>	The Applicant has no further submissions to make in relation to this question.

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1.6	<p><b>Article 13 – Classification of roads, etc.</b></p> <p>The Examiner clarified that his query was largely covered above but allowed for any further comment</p>	<p>The Applicant advised that it would take further instructions in light of the above.</p> <p>The Applicant stated it would happily be led by NCC in any discussion relating to classification of non-trunk roads.</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>
1.7	<p><b>Article 18 – Access to works</b></p> <p>The Examiner queried whether the wording of the Article should specify whether or not access would be temporary or permanent</p>	<p>The purpose of this Article is to allow the Applicant flexibility to undertake such works for the purposes of carrying out the Scheme. Whilst every effort has been made to identify all accesses and all works required to those accesses, it is possible that unknown or informal accesses exist or the need to improve an access or lay out a further access will only come to light as the Scheme is carried out.</p> <p>This power is not intended to be limited to providing only temporary accesses. The intention of this article is to provide equivalent powers to those available to schemes authorised under the Highways Act 1980, which would benefit from the power in section 129 of that Act. The power is also necessary to help avoid any ransom scenarios.</p> <p>It has been included in other Orders such as the A1 Birtley to Coal House Development Consent Order 2021 and the A303 Sparkford to Ilchester Dualling Development Consent Order 2021.</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>

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1.8	<p><b>Article 21 – Discharge of water</b></p> <p>The Examiner pointed to the Article referring to any watercourse with part (6) referring to a permit mechanism being triggered if required – the Examiner asked if this was adequate for the requirement relating to Cantley Stream</p>	<p>The Applicant advised that the purpose of part (6) of the Article is to ensure that the Applicant cannot circumvent the need for any relevant permit relating to environmental matters. If a permit is deemed to be required in relation to Cantley Stream then the Applicant will be required to obtain one.</p> <p>The wording of the Article further clarifies that any permit required in an area will need to be obtained before any works commence in such an area.</p> <p>The Article is a model provision and is included in DCOs so that NSIPs are not rendered undeliverable by a drainage issue or a private landowner holding the Scheme to ransom.</p> <p>In relation to the wider issue of discharge of water, the Applicant advised that it would need to take instructions and would later confirm if any discharge is proposed into Cantley Stream as part of the Scheme.</p>	<p>There are several discharge points proposed along Cantley Stream, these are shown on the Drainage and Surface Water Plans (<b>APP-011</b>).</p> <p>Article 21 is necessary as this ensures the Applicant is able to discharge into the stream, provided they have consent from the owner of the stream (not to be unreasonably withheld).</p> <p>Article 21(6) ensures the Applicant must secure an environmental permit if deemed necessary.</p> <p>The Applicant is content the Article is appropriately worded in light of the need to discharge into Cantley Stream and is not proposing any amendments.</p>
1.9	<p><b>Article 22 – Protective work to buildings</b></p> <p>The Examiner asked for clarity in relation to who determines if works are necessary, how a complaint could be raised if a landowner was concerned, and if any</p>	<p>The Applicant confirmed that it would be the Applicant who determines whether any works are necessary in relation to this Article – it is a power provided to the Applicant.</p> <p>The Applicant clarified that this did not prohibit a landowner from reporting an issue to the Applicant, which may prompt the Applicant to use this power.</p> <p>Responding to the follow up question, the Applicant confirmed that the Article itself just conveys the</p>	<p>It is G7 in Table 3.1 (REAC) of the Environmental Management Plan (<b>APP-128</b>) that sets out how queries and complaints from the public will be dealt with.</p>

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	<p>counter provisions were included</p>	<p>power. The process for raising complaints can be found in the Environmental Management Plan (<b>APP-128</b>).</p> <p>In relation to counter provisions, the Applicant explained that Article 22(6) would enable landowners to dispute any use of the powers conveyed and serve a counternotice as well as raise any valid questions. Any disputes could be referred to arbitration under Article 51.</p>	
1.10	<p><b>Article 35 – Temporary use of land for maintaining the authorised development</b></p> <p>The Examiner asked for an overview of the Article and if there were any consultation requirements attached</p>	<p>The Applicant confirmed that this article relates to maintenance of the authorised development, rather than carrying out the authorised development. These powers are therefore only exercisable once the works are completed and the Scheme is in operation. They can be used for a period of 5 years following completion.</p> <p>The Article is based on a model provision.</p> <p>Any land would only be accessed if reasonably required. The power is not unfettered, the purposes for which it can be exercised are specified at part (1) subsections (a), (b), and (c).</p> <p>In relation to consultation requirements, there is a notice requirement of 28 days under part (3) of the Article. In cases where there is a risk to safety, no notice is required, as stated in part (4) of the Article.</p> <p>The Applicant also confirmed that the section 56 notices (<b>OD-001</b>) issued did refer to the possible need for possession for maintenance as well as</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>

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		<p>construction.</p> <p>The Applicant also endeavours to make specific reference to this article during land negotiations and ongoing access for maintenance is usually secured addressed in the property documents, rather than by the exercise of this power.</p>	
1.11	<p><b>Article 39 – Felling or lopping of trees and removal of hedgerows</b></p> <p>The Examiner asked for clarity on how it is decided where the use of this power is deemed necessary or unnecessary and how that is controlled; the Examiner further queried whether there would be consultation with the LA in the use of such powers</p>	<p>Part (1) of the Article states that the power can be used where the undertaker "reasonably believes it to be necessary". This is then further qualified under subsections (a) and (b) which specify under what scenarios the power can be exercised.</p> <p>Subsection (a) states the power can be used where a tree or shrub is "obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development".</p> <p>Subsection (b) states the power can be used where a tree or shrub is "constituting a danger to persons using the authorised development".</p> <p>Whether either of these eventualities are seen to have occurred is ultimately up to the judgment of the Applicant.</p> <p>In relation to consulting with the local planning authority when using this power, the Applicant confirmed that there is no obligation to consult under the Article. Ultimately, the local planning</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>

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		<p>authority is the enforcing authority but the Applicant is the most appropriate position as the strategic network operator, to decide whether the power needed to be exercised in relation to instances of obstruction/interference and issues of danger.</p>	
1.12	<p><b>Article 39 – Felling or lopping of trees and removal of hedgerows</b></p> <p><b>Robin Taylor for South Norfolk Council</b> asked if there was any way a guarantee could be inserted into the wording to ensure best practices were used in the exercise of this power; a typo under point (7) was also brought to the Applicant's attention</p>	<p>The Applicant advised that they would need to take instructions on the point around amending the wording of the Article and would respond via written submission.</p> <p>The Applicant acknowledged the mistake at point (7) and will correct it in the next draft.</p>	<p>The Applicant has included some additional wording in Article 39(2), which ensures the works are carried out in accordance with British Standards and the error in Article 39(7) has been corrected in the dDCO submitted at Deadline 3.</p>
1.13	<p><b>Article 49 – Certification of documents, etc.</b></p> <p>The Examiner asked for clarification on the significance of what is certified and was is not; the Examiner also asked for clarification on how</p>	<p>The Applicant outlined that certification relates to those documents that are specifically referenced in the dDCO and that contain pertinent information required to interpret and understand the powers and restrictions set out in the dDCO.</p> <p>These documents are control documents", which are expressly referred to and form part of the Order. For example the Environment Management Plan (<b>APP-128</b>) which includes the Record of Environmental Actions and Commitments (REAC) is</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>



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	<p>this relates to separate iteration of documents</p>	<p>referred to in requirement 4. So it is important that this document is certified.</p> <p>There are other documents that remain important, such as the Consultation Report (<b>APP-023</b>), but that do not require certification as they are not referred to in the dDCO.</p> <p>In relation to different iterations of documents submitted during Examination, the references are updated in Schedule 10 of the dDCO to ensure the documents listed in Schedule 10 when the Order is granted are the latest versions.</p> <p>Any document prepared after the granting of the dDCO in line with the requirements must still be complied with, but will not be certified as part of the dDCO.</p>	
<p>AGENDA ITEM 3 – Schedule 2 of the dDCO – Requirements</p>			
<p>2.1</p>	<p>The Examiner asked the Applicant to provide an overview of the construction of Schedule 2 and the Environmental Management Plan</p>	<p>The Applicant advised that Schedule 2 of the Order is where the requirements are found. Requirements are conditions subject to the Order being granted. Amongst other conditions they:</p> <ul style="list-style-type: none"> <li>• Secure a 5 year time limit for the commencement of the Scheme</li> <li>• Require the detailed design, preparation, and compliance with the Environmental Management Plan</li> </ul>	<p>The Applicant has no further submissions to make in relation to this question.</p>

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		<ul style="list-style-type: none"> <li>• Require the preparation and approval of a landscaping scheme</li> <li>• Require protective species surveys to be undertaken if a need is identified</li> <li>• Require a Traffic Management Plan to be revised</li> <li>• Require fencing provisions to be prepared</li> </ul> <p>Part 2 of Schedule 2 outlines the procedure of gaining approval from the Secretary of State.</p> <p>In relation to the Environmental Management Plan (<b>APP-128</b>), this records how environmental impacts of the Scheme are managed and mitigated. This includes the Register of Environmental Actions and Commitments (<b>REAC</b>) within which Table 3.1 records all environmental commitments made in the Environmental Statement chapters.</p> <p>The dDCO also secures the drafting of subsequent second and third iterations of the Environmental Management Plan.</p> <p>The second iteration will deal with the construction phase. There are requirements in Part 4(2) that oblige the production of further plans. These must be prepared in the suite of documents as part of the second iteration – a list of plans will be appended. The third iteration will deal with the operational phase. This iteration will prepare separate</p>	

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		<p>documents outlining environmental controls that are to continue post-construction.</p> <p>The second and third iterations are examples of documents that are not certified, but they must be approved by the Secretary of State following consultation with the local planning authority, local highway authority, lead local flood authority and the Environment Agency.</p>	
2.2	<p>The Examiner observed that, as outlined in representation submitted to the examination, the process in relation to producing different iterations of the Environmental Management Plan appears a new one</p>	<p>The Applicant confirmed this and stated that it was its preferred approach.</p>	<p>The Applicant has no further submissions to make in relation to this question.</p>
2.3	<p><b>Requirement 5 – Landscaping</b></p> <p>The Examiner queried whether the wording under parts (1) and (2) should be amended to include the words "as approved"</p>	<p>The Applicant noted the comment and suggested that in part (2) they could amend the wording so that it read "pursuant to 5(1)".</p> <p>The Applicant stated that they would take this point away and respond in writing.</p>	<p>The Applicant has updated Requirement 5(2) to cross refer to Requirement 5(1) as suggested by the Examiner.</p>

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2.4	<p><b>Requirement 5 – Landscaping</b></p> <p>The Examiner asked for clarification of the implications of the wording under part (4) requiring the use of "British Standards or other recognised codes of good practice"</p>	<p>The Applicant explained that the inclusion of the wording was a contingency in the even that British Standards no longer existed or were superseded.</p> <p>The Applicant advised that some wording proposed in another DCO may be suitable in this case also. This would make it clear that other codes are only referred to to deal with a scenario where British Standards were superseded.</p>	<p>On the basis that South Norfolk Council confirmed that there are scenarios where other recognised codes may be preferable to British Standards, the Applicant has proposed the following amendment to Requirement 5(4) to allow other codes of practice to be used where they are more suitable than British Standards.</p> <p><i>(4) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice.</i></p>
2.6	<p><b>Requirement 5 – Landscaping</b></p> <p><b>Robin Taylor for South Norfolk Council</b> queried part (3)(f), requesting that the period for replacement for failed or dead trees be extended to 10 years rather than the currently drafted 5 years</p> <p><b>Mr Hawker</b> echoed this concern</p>	<p>The Applicant stated that they would take instructions on this point and respond in writing</p>	<p>The environmental impact assessment proposes a five year maintenance period and the long term management by the Highway's England Operations team. The maintenance period for landscape planting will be addressed in the Landscape and Ecology Management Plan, an outline of which is set out in Appendix B.5 of the Environment Management Plan (APP-128). The production of this document is secured by Requirement 4 of the dDCO, so additional wording in Requirement 5 is not considered necessary."</p>
<p><a href="#">Period 2.7</a></p>	<p><b>Requirement 11 – Fencing</b></p>	<p>The Applicant advised that the Requirement is in the form as found on other DCOs it has promoted,</p>	<p>Similar wording has been included in the A19 Downhill Lane Junction Development Consent Order 2020 and the A585</p>

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	<p>The Examiner asked for clarification as to whether the Requirement applied to all fencing; in follow up The Examiner asked specifically if this applied to tree works protective fencing and if this would qualify as temporary</p>	<p>such as A303 Amesbury to Berwick Down, but a more extensive list could be provided in writing.</p> <p>The requirement states that all permanent and temporary fencing must be installed in accordance with the Manual of Contract Documents for Highway Works. Section 1 covers carriageway and other details of which fencing is covered in the H Series.</p> <p>The H series outlines the temporary and permanent boundary fencing along with gate options but does not cover noise barriers. On that basis, this requirement does not apply to performance related fencing or barriers required for specific mitigation, just boundary fencing set out in Series H.</p> <p>The Applicant advised that, in relation to tree works and protective fencing, its understanding was that as this is performance related, it is different to standard boundary fencing. The relevant specifications for performance fencing are set out and in the REAC (<b>APP-128</b>) and secured by Requirement 4 of the dDCO.</p>	<p>Windy Harbour to Skippool Highway Development Consent Order 2020.</p>
2.8	<p><b>Requirement 17 – Details of consultation</b></p> <p><b>Claire Curtis for South Norfolk Council</b> pointed to the turnaround time of 15 days where consulting with the LPA, requesting that this instead be changed to 28 days as</p>	<p>The Applicant noted that they will take instructions on this and respond in writing.</p> <p>The Applicant added that the 15 day figure came from the A47 North Tuddenham to Easton scheme, where it had been requested by a consultee. They would however take this point away with them.</p>	<p>The Applicant has considered the request made by South Norfolk Council.</p> <p>The Applicant is intending to deliver the Scheme as quickly as possible following the grant of consent and in its opinion, an increase in the timescale set out in Requirement 17 could jeopardise the current delivery programme.</p>

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	had been agreed on A47 Blofield to North Burlingham		<p>It should be noted that Requirement 17 sets out the minimum timescale which must be provided and the Applicant will endeavour to provide as much time as possible to consultees.</p> <p>Some details will be available before the dDCO is granted, and these will be shared with the relevant consultees as soon as possible.</p>
<b>AGENDA ITEM 4 – Protective Provisions</b>			
3.1	The Examiner asked for an update of where the Applicant was in relation to agreeing Protective Provisions with statutory undertakers	<p>The Applicant gave the following updates:</p> <ul style="list-style-type: none"> <li>• Cadent Gas – protective provisions are agreed</li> <li>• Anglian Water – there are still outstanding paragraphs that are not agreed, a Statement of Common Ground will be submitted to the Examination to address these outstanding issues.</li> <li>• UK Power Networks Limited – the current position is that UKPN are aware of the Scheme and regular meetings are taking place; there was no Relevant Representation submitted by UKPN and the standard protective provision is expected to be relied on, but a Statement of Common Ground will be submitted should any issues arise</li> </ul>	The Applicant has no further submissions to make in relation to this matter.

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		<ul style="list-style-type: none"> <li>• BT Openreach – BT have confirmed that they are satisfied with the standard provisions included in the dDCO</li> <li>• Virgin Media – Virgin Media are reviewing the standard provisions and we await comment</li> <li>• Vodafone – Vodafone are reviewing the standard provisions and we await comment</li> </ul>	
<b>AGENDA ITEM 5 – Statements of Common Ground</b>			
4.1	<p>The Examiner asked for an update of where the Applicant was in relation to agreeing Statements of Common Ground (<b>SoCG</b>) with the relevant parties</p>	<p>The Applicant advised that the Examiner has already received a Statement of Commonality.</p> <p>In relation to SoCGs the Applicant gave the following updates:</p> <ul style="list-style-type: none"> <li>• Natural England (<b>NE</b>) – a draft has been sent to NE; NE have advised that they will not be able to provide comments in time for Deadline 3; there have been no representations made by NE as part of the Examination and so it is hoped that there will be no areas of disagreement; at the moment the last comments made by NE were during the consultation process, the Applicant's responses to which can be found in the Consultation Report (<b>APP-023</b>)</li> <li>• Historic England (<b>HE</b>) – one matter remains outstanding with HE; the latest draft SoCG</li> </ul>	<p>The Applicant has no further submissions to make in relation to this matter.</p>

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		<p>is with HE and it is hoped that a resolution can be reached by Deadline 4</p> <ul style="list-style-type: none"> <li>• Big Sky – discussions are still ongoing and a draft SoCG has been submitted to Big Sky; the Applicant is hopeful that all points are agreed but is awaiting comment; the SoCG will hopefully be submitted shortly</li> <li>• Norfolk County Council (<b>NCC</b>) – a draft SoCG is being progressed with a number of issues still to resolve; the Applicant awaits NCC's latest comments on the draft and will keep the Examiner informed of any updates</li> <li>• South Norfolk Council (<b>SNC</b>) – there are a few remaining points on which the Applicant is seeking SNC's comments; the Applicant is hopeful for a resolution by Deadline 4</li> <li>• Environment Agency (<b>EA</b>) – the Applicant has received an initial response from EA on the first draft of the SoCG; the Applicant has some further work to do before submitting the next draft to EA</li> </ul> <p>All SoCGs are therefore in hand and being progressed as a matter of urgency</p>	
4.2	The Examiner asked for an update on the status	The Applicant advised that currently no other legal agreements are planned. The Examiner will be kept updated if the position changes.	The Applicant has no further submissions to make in relation to this matter.



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	<p>or need of any licenses or agreements</p>	<p>In relation to licenses, there are licenses being considered for EPS protected species licences, in respect to bats, water vole, and great crested newt.</p> <p>In respect of water vole, a letter of no impediment has been issued by the Environment Agency.</p> <p>In respect of bats, further information is needed and the Applicant awaits an update.</p> <p>In respect of great crested newt, it is not yet known if any licence is going to be required. The Applicant considers that it is unlikely based on previous surveys.</p> <p>In respect of water licences and permits, the Applicant is 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.</p>	