



Application by Highways England– A47/A11 Thickthorn Junction
The Examining Authority’s written questions and requests for information (ExQ2)
Issued on Tuesday 30 November 2021

The following table sets out the Examining Authority’s (ExA’s) written questions and requests for information - ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 20 August 2021. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A47A11Thickthorn@planninginspectorate.gov.uk and include ‘A47/A11Thickthorn’ in the subject line of your email.

Responses are due by Deadline 5: Monday 20 December 2021.

Abbreviations used:

ALC	Agricultural Land Classification	NCC	Norfolk County Council
BoR	Book of Reference [APP-022]	NSER	No Significant Effects Report [AS-005]
CA	Compulsory Acquisition	OTMP	Outline Traffic Management Plan [APP-129]
CILCS	Community Infrastructure Levy Charging Schedule	PA2008	Planning Act 2008
dDCO/DCO	Draft/Development Consent Order [APP-016]	RR	Relevant Representation
DMRB	Design Manual for Roads and Bridges	REAC	Register of Environmental Actions and Commitments
DLL	District Level Licence	SAC	Special Area of Conservation
EIA	Environmental Impact Assessment	SI	Statutory Instrument
EMP	Environmental Management Plan	SMS	Site Management Statement
EPS	European Protected Species	SNDC	South Norfolk District Council
ES	Environmental Statement [APP-038 to APP-121, consecutively]	SoCG	Statement of Common Ground
ExA	Examining Authority	SoR	Statement of Reasons [APP-020]
FRA	Flood Risk Assessment [APP-111]	SPA	Special Area of Protection
HDD	Horizontal Directional Drilling	SSSI	Site of Special Scientific Interest
HRA	Habitat Regulation Assessment	TP	Temporary Possession
LIR	Local Impact Report	TPO	Tree Preservation Order
LoNI	Letter of No Impediment	VMP	Vegetation Management Plan
LSE	Likely Significant Effects	WR	Written Representation
NC	Norwich City Council		



The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000214-TR010037%20-%20A47%20-%20A11%20Thickthorn%20Junction%20Examination%20Library%20Template%202%20PDF%20Version.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference: question number, e.g., GC.2.1 – refers to General and Cross-topic question 1 in this table.



Index	
GC General and Cross-topic Questions 5	
General 5	
Contaminated Land and Waste 8	
Environmental Statement 8	
AQ Air Quality and Emissions 9	
BIO Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA)) 9	
Cantley Stream 9	
Trees 9	
Protected Species.....10	
CC Climate Change 11	
CI Construction Impacts 12	
CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations..... 12	
DE Design 14	
DCO Draft Development Consent Order (DCO) 16	
Articles..... 17	
Requirements..... 21	
FR Flood Risk and Drainage..... 23	
HE Historic Environment..... 23	
NV Noise, Vibration and Light 23	
Noise and Vibration..... 23	
Light 24	
SE Socio-economics..... 24	
TT Traffic and Transport..... 25	
Public Rights of Way, including cycle routes 25	

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
GC General and Cross-topic Questions		
General		
GC.2.1	<i>Update on development</i> SNDC All Relevant Planning Authorities	<p>Following responses to the ExA's WQ1 at Deadline 2 which are acknowledged. For the avoidance of any doubt:</p> <p>i) Detail any further planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 15 [APP-052] or associated Appendices 15.1 and 15.2 [APP-117] and [APP-118].</p> <p>ii) Also confirm if any planning applications are either likely or are expected to be submitted between now and the close of the Examination where possible.</p>
GC.2.2	<i>Update on development</i> NCC SNDC Relevant Planning Authorities Interested Parties	<p>As context to inform the Examination the following further information is requested:</p> <p>i) Advise if there is a CILCS in place for the administrative area the application scheme falls within, as well as any neighbouring administrative boundaries with a CILCS.</p> <p>ii) Are there any planned or known improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it arising from the CILCS?</p> <p>iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/referred to may cover any aspect of the local environment and could be wide ranging in their purpose.</p> <p>iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme if there are any which are known or are being advanced.</p>
GC.2.3	<i>Other Consents and</i>	The ExA notes the Consents and Agreements Position Statement [APP-019], the information relayed

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
	<i>Permits</i> The Applicant	<p>orally at the Issue Specific Hearing on Environmental Matters and that received at Deadline 3.</p> <p>i) Provide an update on progress with obtaining these consents/ licences or any known impediment preventing authorisation.</p> <p>ii) For the avoidance of any doubt an update section on these consents/ licences should be included in any emerging SoCG that are being drafted with the relevant consenting authorities listed.</p>
GC.2.4	<i>Road Signage</i> The Applicant NCC SNDC Interested Parties	<p>Local representations (including an additional submission [AS-014] from Hethersett Parish Council) have been received in relation to the volume of traffic potentially using the proposed new Cantley Lane link road to the B1172 as a 'through route'.</p> <p>i) Irrespective of any road designation issues being referred to by NCC which are acknowledged. Clarify/ advise how any road signage deemed crucial to the efficient and safe operation of the new link, road as part of the public road network, when considering local representation on this issue would be controlled.</p> <p>ii) Detail if road signage provision as a defined mechanism in the DCO itself would be a suitable or necessary mechanism assuming excessive traffic is anticipated on the new link road.</p> <p>iii) If there is a case for a specific requirement to deal with signage owing to any likely traffic implications using the 'T' junction indicate that alongside any suggested wording. Also indicate how any monitoring process which could be employed to ensure the junction would operate satisfactorily in the event traffic using the route did become excessive and how such measures could be secured.</p> <p>Interested Parties</p> <p>iv) Provide any comments you wish to make.</p>
GC.2.5	<i>Plot 7/7c</i> The Applicant Big Sky Developments Interested Parties	<p>The ExA notes the representations received under REP3-024 in relation to Plot 7/7c and that the applicant's preferred approach to use of the land for construction welfare facilities is not agreed upon by parties.</p> <p>The Applicant</p>

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
		<p>For the avoidance of any doubt can the applicant clarify:</p> <p>i) Whether there are any other suitable alternatives available where the construction compound welfare facilities can be accommodated which can be explored? If there are none, please provide the reasons. Please state if all options have been exhausted.</p> <p>ii) What provisions/commitments would be undertaken to ensure the risks of unintended consequences arising from occupation of the plot are minimised. For example, such as dealing with contamination, noise and potential minimisation of disruption to other landowners.</p> <p>iii) Indicate how any relevant provisions/commitments identified in the answer to (ii) could be formally secured alongside any day-to-day management processes which would be triggered.</p> <p>Big Sky Developments/ Interested Parties</p> <p>iv) Provide any further comments you deem appropriate.</p>
Land Use		
GC.2.6	<p><i>Thickthorn Park and Ride planned expansion</i></p> <p>SNDC</p> <p>NCC</p> <p>Interested Parties</p> <p>The Applicant</p>	<p>With respect to the Applicant's response to Deadline 3 Submission - 9.10 Comments on Responses to the Examining Authority's First Written Questions (ExQ1s) [REP3-018].</p> <p>It is acknowledged that the scheme has been designed to accommodate future extension/increased capacity of the Thickthorn Park and Ride which is suggested as allowed for in the NATS traffic model, in the Case for the Scheme Chapter 4 [APP-023]. In addition, the ExA notes that the Scheme design incorporates an access to the boundary of the Park and Ride facility for pedestrians and cyclists from the Cantley Lane Link Road shared Cycleway/footway which would be delivered as part of the Scheme.</p> <p>Nonetheless, the Section 106 Agreement for the Hethersett Development (South Norfolk Council Planning Permission Ref: 2011/1804/O) is also being referred to by parties and provides that the developer should do various things including completion of the Lease for the Park and Ride Site and either the dedication or securing of the dedication of the Slip Road to enable full access to the Park and Ride Site.</p>

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

ExQ2	Question to:	Question
		<p>The ExA notes the Applicant is considering the inclusion of wording in the dDCO that would disapply Part 9, Paragraph 2 in the Schedule to the Section 106 Agreement, on the basis the slip road is no longer necessary to make the Park and Ride development acceptable in planning terms and it will not be possible to comply following implementation of the Thickthorn Scheme. The aim of that is to ensure the landowner and developer are not liable for any breach of that specific planning obligation. The compensation code is also referred to by the Applicant and that discussions are ongoing between the District Valuer and the landowner.</p> <p>SNDC and NCC</p> <p>In addition to the applicant's submission on this matter to provide a safeguard mechanism in the dDCO, the authorities as signatories of the agreement appear to have expediency powers to either enforce the agreements terms or not. Such an expediency decision may fall outside the formal requirement to amend the existing agreements wording. Can you confirm:-</p> <p>i) If expediency advice on the terms of the agreement should the DCO be granted can be given for the benefit of all relevant parties? If expediency advice can be given and issued this should be submitted to the examination by Deadline 6.</p> <p>ii) If the variation of the agreement would be a necessary step to be undertaken by relevant parties please indicate that. Alongside when such variation expected and can be confirmed to the examination?</p> <p>Applicant/NCC/ SNDC/ Interested Parties</p> <p>iii) Provide any comments you deem appropriate.</p>
<p>Contaminated Land and Waste</p>		
<p>GC. 2.7</p>	<p><i>Contaminated Land/Waste/ Groundwater</i></p> <p>Big Sky Developments Interested Parties</p>	<p>The ExA acknowledges the response of the Environment Agency under REP3-023 with respect to the risk assessment under part (1) of requirement 6.</p> <p>Big Sky Developments/ Interested Parties: If you have any comments on land contamination or waste matters not already accounted for please provide those if you have not already done so.</p>
<p>Environmental Statement</p>		

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
GC.2.8	<i>Materials</i> The Applicant	Assuming the DCO would be granted permission by the Secretary of State. Further explain/clarify what provisions/commitments can be secured or relied upon at this stage to allow any positive changes which would be beneficial to climate change impacts in terms of material use post consent of the DCO or any other aspects of the scheme design. Explain/ clarify any expected principal contractor impetus on this issue outside of standard design/ DCO mechanisms.
AQ Air Quality and Emissions		
AQ.2.1	<i>Monitoring</i> Interested Parties Big Sky Developments	The ExA acknowledges that the EMP, [APP-128] is to be updated prior to construction to include Appendix B.4 Construction noise and dust management plan which will set out how noise, air quality and lighting will be managed during construction. Interested Parties/ Big Sky Developments Provide any comments you wish to make in relation to this approach or any suggested inclusions.
BIO Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
Cantley Stream		
BIO.2.1	<i>Permits and Licences</i> The Applicant Interested Parties	The ExA again acknowledges that the Environment Agency highlights that works to realign Cantley Stream may require a transfer licence. An impoundment licence may also be necessary if a structure is required that restricts flow. An Environmental Permit is advised to be required for the importation and treatment of waste material falling outside the scope or limits detailed in either a Regulatory Position Statement or a waste exemption. With respect to 'Waste Materials', the consenting authority for certain mobile plant permits such as concrete crushers is the relevant local authority, and therefore they should be listed along with the Environment Agency within the dDCO. Do interested parties have any further comments?
Trees		

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
BIO.2.2	<i>Trees</i> NCC SNDC The Applicant	Do NCC or SNDC have any further comments on the Applicant's intention to stick to the 5-year landscape planting maintenance period (SNDC requested 10 years) [REP3-018]? If there are specific local reasons/requirements for seeking 10 years such as known soil/weather considerations detail those in full.
BIO.2.3	<i>Biodiversity Net Gain</i> The Applicant Interested Parties	The ExA notes the Applicant's position on this matter is identified in detail at Deadline 3 [REP3-019]. If interested parties have any further comments please provide those.
BIO.2.4	<i>Trees identified as to be felled</i> The Applicant Interested Parties	The ExA notes the applicant's reference to Item B10 in Table 3-1 REAC contained in the Environmental Management Plan (APP-128) which details the proposals for felled trees. Interested Parties Provide any comments you wish to make.
BIO.2.5	<i>Compensation strategy</i> NCC Interested Parties The Applicant	With respect to NCC expectation for the minimum of a 30-year compensation strategy under RR-010 submitted at Deadline 1 - the ExA notes the applicant's response, at REP2-008. NCC/Interested Parties Provide any comments you wish to make giving full reasons for any areas of disagreement. The Applicant If you have any further comments provide those.
Protected Species/ Other species		
BIO.2.6	<i>Wildlife Corridors</i> NCC	At the ExA's Unaccompanied Site Inspection [EV-001 & EV-019] the probable existence of informal wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
	SNDC Interested Parties	Clarify the extent of any existing/planned local initiatives or programmes separate to the scheme improvement applied for but potentially complementary to it from a wildlife betterment perspective. Your response should have regard to the REAC within the EMP. It should also be noted that the EMP falls under Requirement 4, which is to be consulted upon with relevant parties.
BIO.2.7	<i>Information</i> The Applicant Interested Parties	i) The copy of the LoNI received from NE in July 2021 in respect of the water vole licence application [REP3-018 and REP3-020] should be submitted to the examination. ii) An update on the LoNI for the bat licence referred to is required.
BIO.2.8	<i>Information</i> NCC SNDC Interested Parties	The ExA notes that Deadline 4 is a key deadline. If interested parties have any further comments please submit those.
BIO.2.9	<i>Bats</i> NCC SNDC Interested Parties	Further to ExQ1 BIO 3.6 concerning effects to <i>barbastelle bats</i> . NCC raised the issue in their LIR (page 21-22) in addition to other IPs in their RRs. The Applicant provided a full response at Deadline 2 which stated that the survey data for this species showed limited presence of them in the study area [REP2-006]. Do NCC or SNDC have any further comments on the Applicant's response? If interested parties have any further comments please submit those.
HRA		
BIO.2.10	<i>Information</i> NCC SNDC Interested Parties	The ExA notes that Deadline 4 is a key deadline. If interested parties have any further comments please submit those.
BIO.2.11	<i>Biodiversity Mitigation</i>	NCC, in their LIR, make a number of comments about the lack of information in the ES on

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ExQ2	Question to:	Question
	The Applicant NCC SNDC Interested Parties	mitigation in relation to biodiversity matters. In response, the Applicant points to measures set out in the EMP and REAC, and particularly to measures that would be contained within the LEMP, which would only be produced post-consent. Clarify if this is sufficient provision?
CC Climate Change		
CC.2.1	Interested Parties	Chapter 14 Climate of the ES [APP-051] discusses how the proposed Scheme considered manages its effects on the climate (i.e., carbon emissions) and potential vulnerability to climate change (i.e., resilience to projected climate changes). Do interested parties have any further comments on the information presently being considered with respect to climate change matters? If so, clarify if you have not done so already.
CC.2.2	The Applicant NCC Interested Parties	NCC state they are seeking to work with Highways England to identify measures to reduce carbon emissions on the trunk road network e.g., by installation of electric vehicle charging points to encourage electric vehicles. Can the Applicant give further details and clarification on this proposal in relation to the application applied for and also any relevant nearby locations which would be beneficial to achieving national climate objectives?
CI Construction Impacts		
CI.2.1	<i>Update</i> Royal Mail, Vatten Fall Wind Power Ltd, Orsted Hornsea Project Three (UK) Interested Parties	In your relevant representation(s) you indicate a range of concerns where it is possible ongoing discussions with the Applicant regarding the formulation of Traffic Management Plans. Provide an update on any discussions and set out any outstanding concerns in this respect or highlight how the Applicant could address your concerns if you have not already done so.
CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.2.1	<i>Update Table</i>	The ExA has requested to be regularly provided on the progress of negotiations for CA of the

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ExQ2	Question to:	Question
	The Applicant Interested Parties	<p>Freehold of land, of new rights over existing land and of TP of land.</p> <p>For the avoidance of any doubt all interested parties should be aware of that.</p>
CA.2.2	<i>Statutory Undertakers</i> The Applicant	<p>It is important to note. Where a representation is made by a statutory undertaker under section 127 of the Planning Act 2008 (PA2008) and has not been withdrawn, the Secretary of State would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met.</p> <p>The Secretary of State would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary.</p> <p>Indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>
CA.2.3	<i>Availability of Funding</i> The Applicant	<p>The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states that; <i>"Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from blight notice has been taken account of"</i>.</p> <p>The Funding Statement [APP-021] identifies that the estimated scheme cost is £91.2m. Paragraph 3.1.5 also states that the funding commitment was reiterated in the Highways England Delivery plan 2020–2025 which was published in August 2021.</p> <p>Are there any updates? Including those with respect to any claims or potential claims for blight or other matters?</p>

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
CA.2.4	<i>Public Interest vs Private Loss</i> The Applicant	The SoR [APP-020] states that there is a compelling case in the public interest for the CA. Should there be any changes in the balancing exercise between public benefit and private loss an update would be required.
CA.2.5	<i>Human Rights</i> The Applicant	The SoR [APP-020] includes a section on human rights. With respect to that confirm if there are any changes to the applicant's submissions on these matters.
CA.2.6	<i>Special Category Land</i> The Applicant	The DCO as drafted means that special parliamentary procedure should not apply in relation to the proposed CA of special category land. Is any change of circumstance probable or potentially probable that will prevent the relevant subsections in Section 131 or 132 of the PA2008 from being adhered to.
CA.2.7	<i>Crown Land</i> The Applicant	<p>Consent is required for any other provision in the DCO which relates to Crown land or rights benefiting the Crown in accordance with s135(2) PA2008. Among other things this includes consent for any Temporary Possession sought over Crown land.</p> <p>The PA2008 does not authorise CA for Crown land. The SoS can only authorise the CA of these plots with the consent of the relevant Crown authorities.</p> <p>Indicate whether consent for any provisions affecting Crown land or rights is forthcoming and when this is to be obtained before the close of the Examination.</p>
CA.2.8	<i>Protective Provisions</i> Network Rail Cadent Gas Environment Agency National Grid	The ExA reiterates, if by Deadline 5, Monday 20 December, Protective Provisions have not been agreed, the ExA requests the relevant Statutory Undertaker's preferred wording, clean and tracked changed, together with an explanation of where the difference(s) of opinion lie(s).

DE Design

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
DE.2.1	<p data-bbox="275 248 651 432"><i>New Footbridge/underpasses/overbridge/bridge extension/hardstanding's /landscaping</i></p> <p data-bbox="275 440 506 475">The Applicant</p>	<p data-bbox="674 248 2154 395">National Policy Statement for National Networks (NN NPS) pursuant to Section 9(8 and Section 5(4) of the Planning Act 2008 sets out the need for, and the Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) and is referred to in the applicants submitted Environmental Statement.</p> <p data-bbox="674 448 2154 627">The ExA acknowledges the design process confirmed as undertaken by the applicant thus far and the general design principles worked to. This includes Chapter 3 of the Scheme Design Report (APP-127) which describes how the Scheme considers each of the requisite principles and additional considerations on how the Scheme sought to reduce carbon emissions. The ten principles of good design said to be applied found in the Highways England publication 'the road to good design'.</p> <p data-bbox="674 679 2154 826">Nonetheless, the National Planning Policy Framework (NPPF) is also recognised by the applicant as an important planning consideration in response to Biodiversity Net Gain responses. With that in mind it is noted that the Government changed policy to encourage beautiful places July 2021. The changes to the NPPF post-dated the submission of the scheme.</p> <p data-bbox="674 879 2154 1121"><i>Paragraph 126 of the revised NPPF specifically states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</i></p> <p data-bbox="674 1174 2154 1249">With respect to the proposed scheme improvement works including the replacement bridge (Cantley Lane footbridge, Cringleford) (Work No. 35) across the A47. Can the applicant:</p> <ul style="list-style-type: none"> <li data-bbox="674 1302 2154 1409">i) Explain how efforts to specifically secure and facilitate 'beauty' alongside functional design matters can be factored by the scheme bearing in mind the existing design assessment approach did not encompass this. <li data-bbox="674 1417 2154 1449">ii) Provide confirmation of any steps which can be taken to respond to the advice of the NPPF as an

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ExQ2	Question to:	Question
		<p>important planning consideration acknowledging the iterative design process thus far and associated requirements within the dDCO.</p> <p>iii) Include in your response references to the architecture of the scheme improvements which would be experienced by users of overbridges (for example when stood on those) and also the associated observable architecture to structures from any public vantage point available including directly from the A47 carriageway itself.</p>
DE.2.2	<p><i>Applicants Design Panel</i> The Applicant</p>	<p>The applicant is asked to refer the scheme details to its own internal strategic design panel for a further assessment of how the new pedestrian bridge structure engineering drawing proposed, and the other engineering drawing elements of the scheme [APP-10] could be potentially enhanced in light of the changes to the NPPF set out in DE.2.1.</p> <p>Provide a full account of the advice obtained and the actions to be undertaken.</p>
DE.2.3	<p><i>Built Environment</i> NCC SNDC Interested parties</p>	<p>For the avoidance of any doubt. Have there been any further changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted?</p> <p>If so, please identify where, and consider if the plans and statements would need to be updated/ amended.</p>
DCO Draft Development Consent Order (DCO)		
DCO.2.1	<p><i>General Advice</i> The Applicant</p>	<p>The ExA reiterates that the dDCO should be:</p> <ul style="list-style-type: none"> i) In the Statutory Instrument (SI) template; ii) follow guidance and best practice for SI drafting (for example avoiding "shall/ should") in accordance with the latest version of guidance from the Office of the Parliamentary Counsel; iii) follow best practice drafting guidance from the Planning Inspectorate and the Departments contained in Advice Note 15 – <i>drafting development consent orders</i> (and see specific references to Advice Note 15 below); iv) fully audited to ensure that there are no inconsistencies within the dDCO and its constituent parts such as definitions or expressions in the articles, requirements, protective provisions, other schedules and any book or reference, that all legislative references in the dDCO are to

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
		extant provisions and all schedules refer to the correct articles.
DCO.2.2	<i>Precedents</i> The Applicant	<p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders full justification should be provided for each power/ provision taking into account the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and dDCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Where necessary, provide a list any additional previous DCOs which have been used as a precedent for the drafting of this dDCO to expand on a particular point should it be warranted.</p>
DCO.2.3	<i>Novel Drafting</i> The Applicant	<p>The ExA wishes to reaffirm that the purpose of and necessity for any provision which uses novel drafting, and which does not have precedent in a made DCO or similar statutory order should be explained.</p> <p>The drafting should:</p> <ul style="list-style-type: none"> • be unambiguous; • achieve what the Applicant wants it to achieve; • be consistent with any definitions or expressions in the provisions of the dDCO; and • identify the PA2008 power on which the provision is based.
Articles		
DCO.2.4	<i>General Advice</i>	For the avoidance of any doubt. The extent of any flexibility provided by the dDCO should be fully

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ExQ2	Question to:	Question
	The Applicant	<p>explained, such as the scope of maintenance works and ancillary works, limits of deviation and the ability (through tailpieces in requirements) of discharging authorities to authorise subsequent amendments.</p> <p>The preferred approach to limiting this flexibility is to limit the works (or amendments) to those that would not give rise to any <u>materially new or materially different</u> environmental effects to those identified in the ES.</p> <p>The drafting which gives rise to an element of flexibility (or alternatives) should provide for unforeseen circumstances and define the scope of what is being authorised with sufficient precision. For example, the Secretary of State had to amend article 6 (Benefit of Order) of the National Grid (Richborough Connection project) Development Consent Order 2017 at decision stage to remove ambiguity (as later corrected by Richborough connection correction order).</p> <p>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works would be <i>de minimis</i> and would not have environmental impacts which would need to be controlled by a requirement (see section 21 of Advice Note 15).</p> <p>The drafting of requirements should reflect sections 17 and 19 of Advice Note 15.</p>
DCO.2.5	<i>Article 3</i> The Applicant	<p>The guidance in section 25 of Advice Note 15 should be followed and, if not already provided, additional information sought such as</p> <ul style="list-style-type: none">• the purpose of the legislation/statutory provision• the persons/body having the power being disapplied• an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls• (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO.

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
		Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent in accordance with s.150 Planning Act 2008.
DCO.2.6	<i>Article 5 and 8</i> The Applicant Interested Parties	The applicant's justification for the Article's given in REP3-020 is acknowledged. Interested Parties Provide any comments you deem necessary.
DCO.2.7	<i>Article 10</i> The Applicant Interested Parties	<p>The ExA acknowledges 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>It is also noted that 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. 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. (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 of compensation remains with the undertaker.</p> <p>Justification should be clear as to why a transfer to such person is appropriate. Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the DCO the</p>

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
		<p>transfer of benefit should be restricted to those works.</p> <p>If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition.</p> <p>Interested Parties</p> <p>Provide any comments you deem necessary.</p>
DCO.2.8	<p><i>Article's 13 and 18</i></p> <p>The Applicant</p> <p>NCC</p> <p>Interested Parties</p>	<p>It is acknowledged that the Applicant as per REP3-020 stated it would be led by NCC in any discussion relating to classification of nontrunk roads.</p> <p>Regard has also been given to 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>It remains the case that variation of the application of provisions in these articles is possible under any enactment and arguably this has the effect of disapplying section 153 which provides a procedure for changing a DCO. There may be precedent in other made DCOs for the same drafting, but it should be clear under which section 120 power these articles are made and if necessary, justification provided as to why the provisions are necessary or expedient to give full effect to any other provision of the DCO.</p> <p>NCC/Interested Parties</p> <p>Provide any comments you deem necessary.</p>
DCO.2.9	<p><i>Article 21</i></p> <p>The Applicant</p>	<p>The applicant should be aware of and mindful of section 146 of the Planning Act 2008.</p>
DCO.2.10	<p><i>Article 39</i></p> <p>The Applicant</p>	<p>The ExA notes the changes to the 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</p>

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

ExQ2	Question to:	Question
	SNDC Interested Parties	submitted at Deadline 3. SNDC/Interested Parties Do you have any further comments?
DCO.2.11	<i>Article's 21, 22, 27 and 52</i> The Applicant	Compulsory acquisition of an interest in land held <u>by</u> or on behalf of the Crown cannot not be authorised through the DCO. Consent under section 135 (1) and (2) should also be obtained from the Crown authority.
DCO .2.12	<i>Removal of Human remains</i> The Applicant NCC Historic England Interested Parties	<p>The extent of Two Tumuli in Big Wood as a known historic burial ground lies outside the application scheme improvement boundary [referred to in APP-043]. The overall ES for the scheme highlights scheme improvement works have been designed to not to directly involve land encompassing the scheduled monument.</p> <p>Nonetheless, the dDCO may still need to include an article to deal with the removal of human remains (see article 17 of the model provisions) on a precautionary basis.</p> <p>Ancient burial remains unknown in the wider vicinity may be a reason to include that.</p> <p>If the applicant cannot categorically rule risk of that it may be optimal to amend the next draft to include an appropriately worded article.</p> <p>Indicate if archeogonial advice has been obtained in your response if such provision is not accepted as to be included on a precautionary basis. Also indicate the mechanism of how unexpected human remains would be dealt with if they were discovered during construction activity.</p>
DCO.2.13	<i>Schedule 2 and Article 13</i> The Applicant	Advice Note 15 provides standard drafting for articles dealing with discharge of requirements. If this guidance hasn't been followed justification should be provided as to why this is the case. See 13 (2 –(3)) relating to deemed discharge.
Requirements		
DCO.2.1	<i>Requirement 4</i>	i) dDCO R4(2) includes a Soil Management Plan (c), which shall include a soil resource plan and

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

	<p>The Applicant SNDC</p>	<p>a soil handling strategy, in the list of Management Plans to be included in the EMP Second Iteration. This is reflected in the REAC in the application EMP, but EMP Annex B 9 (plans to be incorporated in to the EMP Second Iteration) refers to a Soil Handling Management Plan (B.2). Can the applicant clarify and provide any necessary amendment?</p> <p>ii) EMP Annex B lists both a Biosecurity Management Plan (Annex B.6) and an INNS Management Plan (Annex B.10), consistent with other references in the EMP to them as separate plans. However, dDCO R4(2)(h) refers to a Biosecurity management plan which includes an INNS management plan. Can the applicant clarify and provide any necessary amendment?</p> <p>iii) EMP Annex B lists Annex B.8: Detailed Heritage Written Scheme of Investigation (DHWSI) (Mitigation Strategy); dDCO R4 does not include this. A reference is made to it in dDCO R9(1) (Archaeological remains): "No part of the authorised development is to commence until for that part a written scheme of investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the SoS. Can the applicant clarify and provide any necessary amendment?</p> <p>iv) EMP Annex B refers to Annex B.11: Operational UXO Emergency Response Plan. This is not listed in dDCO R4 or referenced elsewhere in the dDCO. Can the applicant clarify and provide any necessary amendment?</p>
DCO.2.1	<p><i>Requirement 5</i> The Applicant SNDC</p>	<p>The wording of the requirement should make clear that lower standards to those specified within the British Standard (or any new or revised British Standard taking its place) would not be acceptable, whilst allowing for higher standards advocated by any other best practice applicable and conducive to local established practice.</p> <p>Provide further amendment to ensure there is no ambiguity in the wording of Requirement 5.</p>
DCO.2.2	<p><i>Requirement 8</i> The Applicant</p>	<p>Requirement 8 part (2) concerning surface water drainage.</p> <p>Work on the detailed drainage design is specified as ongoing. The Environment Agency as highlighted in REP3-023 should therefore be a named consultee in respect of Requirement 8 part (2) for the approval of any surface water drainage system. Provide necessary amendment if you have not already done so.</p>
DCO.2.3	<p><i>Discharge of</i></p>	<p>It is noted by the ExA that there are ongoing discussions between the applicant NCC and SNDC in</p>

ExQ2: [26 November 2021]**Responses due by Deadline 5: Monday 20 December 2021**

	<i>Requirements</i> The Applicant NCC SNDC Interested Parties	<p>relation to the best way to undertake the discharge of requirements. One suggested option being floated is that there might be a single "lead" Authority discharging the requirements. An alternative option would be that each local authority discharge those.</p> <p>The ExA is seeking clarification from NCC and SNDC of the intended approach on this matter along with the applicants preferred option.</p>
FR Flood Risk and Drainage		
FRD.2.1	<i>Updated Flood Information Update</i> The Applicant NCC Interested Parties	<p>In respect of fluvial flood risk and Chapter 13 of the ES [APP-50] provide any necessary updates to the examination documents presently being considered since the completion of Deadline 3.</p> <p>Interested parties if you have any further comments submit those.</p>
HE Historic Environment		
HE.2.1	<i>Heritage Assets/ Information</i> The Applicant NCC Interested Parties	<p>Provide any necessary updates in relation to cultural heritage or archaeological interests which may have occurred since the completion of Deadline 3.</p>
HE.2.2	<i>Heritage Assets/ Information</i> The Applicant NCC Interested Parties	<p>Taking into account APP-043 Environmental Statement Chapter 6 – Cultural Heritage which identifies Two Tumuli in Big Wood as a scheduled monument.</p> <p>Has the potential risk for the unexpected discovery human remains been adequately accounted for by application and the present inclusions within the dDCO?</p>
NV Noise, Vibration and Light		
Noise and Vibration		
NV.2.1	<i>Noise and vibration from traffic</i>	<p>Whilst it is acknowledged that studies have been undertaken to assess the impact of the scheme on the site, the local representations received have indicated concerns that the impact is likely to be</p>

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

	The Applicant Big Sky Development Interested Parties	greater, with increased noise interference from south of the A47 than is suggested. Can the applicant provide an update of any further dialogue with relevant landowners and safeguards to ensure noise assessments are accurate and not subject to unanticipated changes in external noise levels?
NV.2.2	<i>Noise and vibration from traffic</i> Trustees of the CM Watt Residual Trust Interested Parties	In response to REP2-012. The identified buildings 'The Old Stables' and 'Wychwood House' were not considered specifically in the ES Chapter 11. The applicant's assessment of construction noise and vibration is based on representative receptors –on the basis it is not proportionate to assess the impacts at every dwelling [REP3-018]. Considering the focus of the applicant's noise assessment is on the locations at which construction noise and vibration levels are expected to be the greatest are interested parties satisfied with the reasoning now obtained? If not state your reasons.
Light		
NV.2.2	<i>Lighting</i> NCC SNDC Interested Parties	The content of APP-086, Appendix 7.7 Lighting Assessment is noted by the ExA alongside the responses given at Deadline 3 as to the extent of lighting. NCC/SNDC Have any local accessibility groups or horse-riding groups been included in your responses to date, if not why? Interested Parties Provide any comments you wish to make.
SE Socio-economics		
SE.2.1	<i>Suggested Benefits</i> Applicant Interested Parties	The applicant has set out in their Case for the Scheme [APP-125] the socio-economic benefits of allowing the improvement works. Those benefits set out broadly include journey time savings and reliability, benefitting strategic housing growth and the economy. Alongside those stated benefits it is acknowledged NCC by way of representation welcomes

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

		<p>opportunities for inclusive growth and social mobility to be included in the socio-economic opportunities for Norfolk.</p> <p>In that regard NNC is stated as seeking to work proactively with Highways England to encourage apprenticeships, work experience and internships being included at an appropriate stage in the project.</p> <p>Can the applicant provide further information about scope to formally secure apprenticeships and other employment opportunities for local people and the delivery mechanism?</p> <p>Interested parties are invited to comment if they deem it appropriate.</p>
TT Traffic and Transport		
TT.2.1	<p><i>Traffic Management</i> NCC SNDC The Applicant Interested Parties</p>	<p>i) Explain/clarify what formal provisions are available, in your view, for allowing the monitoring and/or regulation of operational traffic to ensure it would not lead to overly excessive volumes of vehicles using the new link road between Cantley Lane South and the B1172 (Norwich Road) rather than routes via the Thickthorn Junction, B1172, A11 or A47.</p> <p>ii) If the integration of roadside signage or markings on the road network would support cyclists also indicate that in your response or any other mechanism potentially available to support cycling activity.</p> <p>Interested parties are invited to comment if they deem it appropriate.</p>
Public Rights of Way, including cycle routes		
TT.2.2	<p><i>Public Rights of Way</i> NCC SNDC Interested Parties</p>	<p>With respect to any other known planned initiatives which have not been submitted to the examination to further increase walking and cycling or public transportation improvements being considered locally and potentially complimentary to the scheme improvement within the application.</p> <p>Indicate those and any reasoning of how they provide complimentary benefits (if there are any).</p>

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

TT.2.3	<p><i>Public Rights of Way</i></p> <p>The Applicant</p> <p>NCC</p> <p>SNDC</p> <p>Interested Parties</p>	<p>With regard to existing cycling and pedestrian routes in use by people in the local area.</p> <p>The Applicant/ NCC</p> <p>The ExA notes the cycle path signs/route along the B1172 (Norwich Road) and observed cyclists using the route heading from and to Wymondham/Hethersett areas via the B1172, over the Thickthorn Junction using pedestrian crossings at the junction and via Newmarket Road [EV-019]. The route eventually allows access to Norwich.</p> <p>i) Further explain/clarify how existing used cycle crossings/pedestrian facilities and routes would be supported by the improvement scheme. Confirm if the existing cycle route referred to would still be possible both during construction and post construction.</p> <p>ii) Have local cycling groups or other relevant associations been adequately included for input about any implications for the use of the route, and in any ongoing discussions or consultation either by the applicant, or through informal channels available to NCC and SNDC in discussion with the applicant?</p> <p>iii) If not, what are the reasons?</p> <p>Interested Parties</p> <p>iv) Provide any comments you deem necessary.</p>
TT.2.4	<p><i>Public Rights of Way</i></p> <p>The Applicant</p> <p>NCC</p> <p>SNDC</p> <p>Interested Parties</p>	<p>Again, with regard to existing cycling and walking routes in use by people and available in the local area.</p> <p>The Applicant/NCC/SNDC</p> <p>i) Can any further enhancements be identified to enable betterment to the existing</p>

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

		<p>cycling/pedestrian crossing facilities at the Thickthorn Junction itself giving passage to and from the B1172 and Newmarket Road?</p> <p>ii) Above DMRB standards and the applicants general design principles already being referred to have other national and local best practice standards been given full regard to, if not why?</p> <p>Responses to (i) should include not only function and safety considerations but also pleasantness/attractiveness levels with the aim of improving the desirability of the environment for cyclists and pedestrians using any infrastructure facilities being provided or enhanced through embedded design features by the scheme (having the NPPF also in mind).</p> <p>iv) set out how any provisions identified at (i) would be captured by the DCO.</p> <p>Interested Parties</p> <p>v) Provide any comments you deem necessary.</p>
TT.2.5	<p><i>Public Rights of Way</i> Interested Parties Hethersett Parish Council</p>	<p>The ExA notes NCC maintains its position insofar as it does not support classification of the new link road as a B class road [REP1-008 and REP3-022]. It is acknowledged that NCC also welcomes the applicant's statement (in the Hearings) that it will be led by the county council in respect of the classification of the new link road. This will be reflected in the Statement of Common Ground as confirmed by parties.</p> <p>Applicant/NCC</p> <p>i) Should there be any change of position during the course of the examination this must be made clear at the earliest opportunity (no later than deadline 5).</p> <p>Interested Parties/Hethersett Parish Council</p> <p>ii) Provide any comments you deem necessary.</p>

ExQ2: [26 November 2021]

Responses due by Deadline 5: Monday 20 December 2021

TT.2.6	<p><i>Work No.29</i></p> <p>The Applicant NCC SNDC Interested Parties</p>	<p>Taking into account the additional submission AS-015 referring to Work 29. The ExA has viewed the junction at Station Lane and the A11.</p> <p>Applicant/NCC/SNDC</p> <p>i) Do you have any response/comments on the safety implications being raised in relation to the use of the junction during construction stages and also assuming the DCO is granted, the operation of the road network which would be apparent post such consent?</p> <p>ii) If further safety risk improvements can be identified please specify those.</p> <p>Interested Parties</p> <p>iii) Provide any further comments you deem necessary.</p>