

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.21 Applicant's Comments on Responses to the Examining Authority's Further Written Questions (ExQ2s)

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

Planning Act 2008

January 2022

Infrastructure Planning

Planning Act 2008

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

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

**9.21 APPLICANT'S COMMENTS ON RESPONSES TO THE EXAMINING
AUTHORITY'S FURTHER WRITTEN QUESTIONS (ExQ2s)**

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1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47/A11 Thickthorn Junction was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.1.2 The purpose of this document is to set out Highways England's (the Applicant) comments on responses by the following bodies to the Examining Authority's Further Written Questions (ExQ2) issued 30 November 2021:
- Environment Agency (**REP5-028**)
 - Norfolk County Council (**REP5-025 & REP5-026**)
 - South Norfolk Council (**REP5-027**)
 - Charles Edward Birch on behalf of Big Sky Developments Ltd (**REP5-029**)
- 1.1.3 The following sections present the responses where concerns or requests are made warranting provision of additional information or clarity by the Applicant.

2 KEY ABBREVIATIONS

- 2.1.1 The following common abbreviations have been used in the Applicant's submissions to the Examination:
- dDCO = draft Development Consent Order
 - DMRB = Design Manual for Roads and Bridges
 - ES = Environmental Statement
 - ExA = Examining Authority
 - NPSNN = National Policy Statement for National Networks 2014
 - NWL = Norwich Western Link
 - the Scheme = the A47/A11 Thickthorn Junction

3 ENVIRONMENT AGENCY

3.1.1 The Environment Agency's responses to the Examining Authority's Further Written Questions are available at:

- [REDACTED]

Ref	Question	Comment	Applicant's Response
CA.2.8	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).	As previously highlighted, the Environment Agency do not require the inclusion of Protective Provisions. This is because the Applicant has not requested the disapplication of any consents or permits that we would determine.	
FRD.2.1	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. Interested parties if you have any further comments submit those.	We would just highlight that we provided further comment on the revised Flood Risk Assessment submitted by the Applicant at Deadline 3 [REP3-009] (Tracked changes), in our Deadline 4 submission [REP4-030]. We can confirm that we have no further comments at this time.	

4 SOUTH NORFOLK COUNCIL

4.1.1 South Norfolk Council's responses to the Examining Authority's Further Written Questions are available at:

- [REDACTED]

Ref	Question	Comment	Applicant's Response
GC.2.1	<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>	2018/2786 Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-4 comprising 55 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement) has had amended plans submitted and is presently being consulted upon. It is considered possible that this application will be determined prior to the close of the Examination.	

GC.2.2	<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 neighboring 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>	Can confirm that there are no known projects/investments as referred to above.	
GC.2.4	<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</p>	Defer to NCC	

	<p>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.2.6	<p>With respect to the Applicant's response to Deadline 3 Submission – 9.10 Comments on Responses to the Examining Authority 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> <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</p>	<p>The obligation in respect of the slip road in the Section 106 Agreement for the Hethersett Development (South Norfolk Council Planning Permission Ref: 2011/1804/O) has been discharged. The land was dedicated to Norfolk County Council for delivery of the slip road as required by the agreement, so it is not considered that any variation or expediency advice is necessary.</p>	<p>In order to provide clarity and certainty for the parties involved, the Applicant has included drafting in the latest dDCO to amend the Section 106 Agreement for the Hethersett Development to delete the obligations relating to dedication of the slip road (paragraph 2.6 of Part 9 of the Schedule and paragraph 3 of Part 15 of the Schedule).</p>

	<p>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 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 iii) Provide any comments you deem appropriate.</p>		
AQ.2.1	<p>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.</p> <p>Interested Parties/ Big Sky Developments Provide any comments you wish to make in relation to this approach or any suggested inclusions.</p>	<p>As the "Construction noise and dust management plan" will cover noise, air quality and lighting should not the title be amended to reflect this in the interest of transparency, clarity and to avoid any future misunderstanding regarding what the document should contain (as this is not defined in the draft Development Consent Order). Ideally what the document will cover should be defined either in the Development Consent Order or the Environmental Statement.</p>	<p>The Construction Noise and Dust Management Plan will not contain details of lighting. The principles for this plan are set out at Appendix B.3 of the Environmental Management Plan (REP5-008).</p> <p>The principles for construction lighting are set out in G2 of the REAC (Table 3.1 of the Environmental Management Plan) (REP5-008).</p>

BIO.2.2	<p>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]?</p> <p>If there are specific local reasons/requirements for seeking 10 years such as known soil/weather considerations detail those in full.</p>	<p>Our request are for plants that die are within 10 years and this is separate to the ongoing maintenance requirement.</p> <p>This is to be consistent with the requirements on Major applications and other DCOs in the area in particular Hornsea Project Three Off-Shore Windfarm which is in close geographic proximity.</p> <p>East Anglia is drier than other parts of the Country with low rainfall and requiring a 10-year maintenance period is to ensure that the planting doesn't fail and delivers the mitigation intended.</p>	<p>The Applicant has confirmed its position in its response to this written question in document REP5-020.</p>
BIO.2.6	<p>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.</p> <p>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</p> <p>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.</p>	<p>Defer to NCC Ecologist response who is also representing SNC.</p>	
BIO.2.9	<p>Further to ExQ1 BIO 3.6 concerning effects to <i>barbastelle</i> bats. 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?</p> <p>If interested parties have any further comments please submit those.</p>	<p>Defer to NCC Ecologist response who is also representing SNC.</p>	
BIO.2.11	<p>NCC, in their LIR, make a number of comments about the lack of information in the ES on 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?</p>	<p>Defer to NCC Ecologist response who is also representing SNC.</p>	

DE.2.3	<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>	The St Giles Park (Big Sky Living) Roundhouse Gate (Tilia formerly Kier) and Cringleford Heights (Barratt David Wilson Homes) developments are continuing to be built out.	
DCO.2.10	<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 submitted at Deadline 3.</p> <p>SNDC/Interested Parties</p> <p>Do you have any further comments?</p>	No further comments to make.	
DCO.2.1	<p>i) dDCO R4(2) includes a Soil Management Plan (c), which shall include a soil resource plan and 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</p>	No comments to make.	

	<p>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>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>	<p>DCO.2.1</p> <p>(4) All landscaping works must be carried out in accordance with, or in excess of, the relevant recommendations in the appropriate British Standards or advocated by other recognised codes of good practice.</p> <p>For Part 6 Operations</p> <p>Would suggest that the following is added at 39. (2) (d):</p> <p>All works must be carried out in accordance with, or in excess of, the relevant recommendations in the appropriate British Standards or advocated by other recognised codes of good practice.</p>	<p>The Applicant added similar wording (which has the same effect) to requirement 5(4) in the version of the dDCO submitted at the last deadline (deadline 5). The Applicant has now added that same wording to article 39(2)(b) in the latest version of the dDCO submitted at this deadline (Deadline 6).</p>
DCO.2.3	<p>It is noted by the ExA that there are ongoing discussions between the applicant NCC and SNDC in 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>	<p>SNC understands from Part 2 Procedure for Discharge of Requirements that the Secretary of state would discharge the requirements following a 15 working day consultation (amended from 10) with the Local Authorities. South Norfolk Council would request a 28 day period for any consultation in line with other National Highways DCOs.</p> <p>The SNC as Local Planning Authority would want autonomy for each authority to make their own comments in regard to the discharge the requirements. SNC and NCC work together to ensure that that any conflicts/issues are addressed and so we would not want to have one lead.</p> <p>We would request a Planning performance agreement for the local authority to appropriately resource this work.</p>	<p>The Applicant is prepared to accept this amendment in this instance and has amended the timescale to 20 business days in the latest version of the dDCO submitted at this deadline (Deadline 6).</p> <p>The Applicant is willing to discuss a PPA with SNC.</p>
NV.2.2	<p>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.</p> <p>NCC/SNDC</p> <p>Have any local accessibility groups or horse-riding groups been included in your responses to date, if not why?</p> <p>Interested Parties</p> <p>Provide any comments you wish to make.</p>	<p>SNC is a consultee of the application and we would expect the developer to engage and for the determining authority to consult relevant parties. Our responses have been based on the Statutory Nuisance / ASB type impact of the proposed lighting on residential premises and their occupants in the surrounding area.</p>	

TT.2.1	<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>	Defer to NCC	
TT.2.2	<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>	NCC can advise of any relevant schemes	
TT.2.3	<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</p>	Defer to NCC	

	<p>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>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 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>	Defer to NCC	
TT.2.6	<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</p>	No comments to make	

	<p>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>		
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5 NORFOLK COUNTY COUNCIL

5.1.1 Norfolk County Council's responses to the Examining Authority's Further Written Questions are available at:

- [REDACTED]

Ref	Question	Comment	Applicant's Response
GC.2.1	<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 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>	<p>i. The County Planning Authority has not granted any consents that could either, effect the proposed route, or that would be affected by the Proposed Development since the Application has been submitted.</p> <p>The County Planning Authority has received an application from NCC Highways, which may affect the proposed route or could be affected by the Proposed Development. The application reference is FUL/2021/0064 and the description of the proposal given by the applicant is, "The extension to the existing park and ride facility comprising additional car, coach, disabled and motorcycle spaces; provision of bus shelter, cycle storage, and Amazon hub facilities; installation of attenuation basin and associated drainage infrastructure, and landscaping." The application is not yet valid. The Site Location Plan and the Proposed Site Plan has been attached for your consideration & ease of reference. Further details are available on request.</p> <p>ii. The County Planning Authority has not been made aware of any other planning applications that are either likely or are expected to be submitted between now and the close of the Examination</p>	<p>The Applicant can confirm that the Thickthorn Park and Ride extension was considered in ES Chapter 15 Cumulative Assessment (APP-052) based on the information at known at the time of the DCO submission. The Applicant will review the planning submission FUL/2021/0064 when it has been validated to ascertain whether this application would affect the conclusions reached in the ES Chapter 15 Cumulative assessment.</p>
GC.2.2	<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</p>	<p>The below comments were made in our follow up written response to the Thickthorn hearings:</p> <p>In regard to Cantley Lane there are currently no funded schemes or identified schemes without funding.</p> <p>There is currently a proposal for an extension to Thickthorn Park and Ride.</p> <p>The route is identified in the draft Greater Norwich Local Cycling and Walking Infrastructure Plan (LCWIP). This was consulted on in May and June 2021. The outcome has been reported to our Infrastructure & Development Committee and will go to Cabinet for approval early in the new year.</p> <p>Cantley Lane is identified as a neighbourhood route but does not have any projects identified for it. The route</p>	

	<p>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</p> <p>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>	<p>and those identified projects in the short to medium term in Greater Norwich are shown on the following plan</p> <p>The LLFA have no further information available in relation to CILCS for the proposed development area.</p>	
GC.2.4	<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>The county council remains in discussion with the applicant on a number of matters including road signage. The county council is pleased to note the applicants' confirmation that it would be led by the county council in any discussion relating to classification of non-trunk roads (this would include the proposed new link from the B1172 to Cantley Lane) (Ref 1.6 of REP 3-02, Deadline 3 Submission - 9.12. Post hearing submission including written summaries of oral case at Issue Specific Hearing 2).</p> <p>In respect of (i):</p> <p>The county council would want to agree the nature of the signing for the new link road with the applicant prior to construction. Following construction of the scheme, this part of the network would become part of the local highway network managed and maintained by the county council. Any changes to signing or restrictions on vehicular movement would become the responsibility of the county council and would be dealt with in the usual way.</p> <p>In respect of (ii):</p> <p>The county council accepts the applicant's assessment of the likely impacts of the proposal as derived from the traffic modelling. This is that there is unlikely to be significant traffic movements through this part of the network (Comment 3 of REP4-026 Deadline 4 Submission - 9.13 Applicant's Response to submissions received at Deadline 3).</p> <p>In respect of (iii):</p> <p>The county council does not consider there is any specific requirement in this respect, except that it would want to agree the nature of the signing for the new link road with the applicant prior to construction. The county council is willing to discuss a suitable monitoring arrangement post-construction with the applicant, including the inclusion of any trigger points that would require action to be considered. The county council considers that, as any such requirement – if considered necessary – arises from the proposed scheme, it would be a matter for the applicant to deliver in agreement with the county council. Following construction of the scheme and, if agreed, any post-scheme arrangements, this part of the network would become part of the local highway network managed and maintained by the</p>	<p>The Applicant can confirm that, following consultation with NCC, the Cantley Lane link road will be a classified 'C' road. The latest version of the dDCO and Classification of Roads Plans submitted at this deadline (Deadline 6) have been amended to reflect this.</p>

		county council. Any changes to signing or restrictions on vehicular movement would be dealt with in the usual way.	
GC.2.6	<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> <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</p>	<p>The obligation in respect of the slip road in respect of the slip road in the Section 106 Agreement for the Hethersett Development (South Norfolk Council Planning Permission Ref: 2011/1894/O has been discharged). The land was dedicated to the county council for delivery of the slip road as required by the agreement, so it is not considered that any variation or expediency advice is necessary.</p>	<p>In order to provide clarity and certainty for the parties involved, the Applicant has included drafting in the latest dDCO to amend the Section 106 Agreement for the Hethersett Development to delete the obligations relating to dedication of the slip road (paragraph 2.6 of Part 9 of the Schedule and paragraph 3 of Part 15 of the Schedule).</p>

	<p>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>i) iii) Provide any comments you deem appropriate</p>		
BIO.2.2	<p>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</p>	<p>NCC would support a 10 year maintenance period in agreement with South Norfolk Council; 5 years is a very short space of time for the establishment of what will amount to quite extensive planting. Considering the large percentage of failures in other similar road schemes in Norfolk, it does not seem unreasonable to request a longer maintenance period. This will ensure that mitigation and replacements grow to a level of maturity where they are effective.</p> <p>Norfolk County Council ask for a 10 year maintenance period on other large-scale schemes, so we feel this is not an unusual expectation.</p>	<p>The Applicant has confirmed its position in its response to this written question in document REP5-020.</p>
CC.2.2	<p>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.</p> <p>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?</p>	<p>The county council considers this question should be addressed by the applicant.</p>	
DE.2.3	<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>	<p>Norfolk County Council have no further information to provide.</p>	
DCO.2.8	<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 Al Birtley to Coal House Development Consent Order 2021 and the A303 Sparkford to Ilchester Dualling Development Consent Order 2021.</p>	<p>In relation to Article 13, Schedule 3 Part 2 of the draft DCO sets out that the Cantley Lane Link Road is classified as a B road. The county council refers the Inspectorate to the applicants' confirmation that it would be led by the county council in any discussion relating to classification of non-trunk roads including the proposed new link from the BI 172 to Cantley Lane (Ref 1.6 of REP 3-02, Deadline 3 Submission 9.12. Post hearing submission including written</p>	<p>The Applicant can confirm that, following consultation with NCC, the Cantley Lane link road will be a classified 'C' road. The latest version of the dDCO and Classification of Roads Plans submitted at this deadline (Deadline 6) have been amended to reflect this.</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>	<p>summaries of oral case at Issue Specific Hearing 2). The Development Consent Order needs to reflect the county council's view that this new link road should not be classified as a B road. The county council supports its designation as a C class road, which ties in with the existing designation of Cantley Lane (south).</p> <p>Regarding Article 18, the county council are confident the article is reasonable, and any specifics will need to be discussed if they affect NCC responsibilities.</p>	
DCO.2.12	<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>	<p>The Historic Environment team concur with this; an appropriately worded article or requirement dealing with potential removal of human remains is required.</p> <p>The applicant is in receipt of advice from an archaeological consultant. The Historic Environment team would expect the mechanism for dealing with unexpected human remains to be detailed in the archaeological Written Scheme of Investigation, probably through having a reporting mechanism and provision for a retained archaeologist.</p>	<p>The Applicant has included an appropriately worded article which addresses the potential removal of human remains (article 41) in the latest version of the dDCO submitted at this deadline (Deadline 6).</p>
DCO.2.3	<p>It is noted by the EXA that there are ongoing discussions between the applicant NCC and SNDC in 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 County Planning Authority agree that a single planning authority should act as the relevant planning authority and is content that South Norfolk District Council, act as that Planning authority. Subject to the provision that the relevant planning authority is required to consult the county council on matters for which the County Council holds technical competence and general responsibility.</p> <p>For clarity, it is noted that the County Council, as the relevant highway authority, must be consulted under</p>	<p>The relevant highway authority is listed as a consultee in Requirements of 4 and 10, Requirement 8 provides for consultation by the undertaker with the lead local flood authority and Requirement 9 provides for consultation with NCC's Historic Strategy and Advice Team.</p>

	The EXA is seeking clarification from NCC and SNDC of the intended approach on this matter along with the applicants preferred option.	requirements 4 and 10, but this should be extended to requirement 8 where the county council should be consulted as the Lead local Flood Authority and requirement 9 to enable the Historic Environment Service to provide scrutiny. LLFA comments: As per the dDCO, the applicant would need to obtain ordinary watercourse consent for relevant works prior to their beginning their works on site. Normally, this consent does not involve either the LPA or SNDC. However, the LLFA are open to practical suggestions should the normal process not be considered appropriate.	
FRD.2.1	In respect of fluvial flood risk and Chapter 13 of the ES [APP-50] provide any necessary updated to the examination documents presently being considered since the completion of Deadline 3. Interested parties if you have any further comments submit those.	In relation to the fluvial flood risk and chapter 13, the LLFA have no additional comments beyond those already made.	
HE.2.1	Provide any necessary updates in relation to cultural heritage or archaeological interests which may have occurred since the completion of Deadline 3	Further archaeological evaluation by trial trenching, initiated by the applicant, was complete 07/12/2021. We are expecting a draft interim report on these works before Christmas. When a full report is in place, we would expect to have discussions with the applicant's archaeological consultants around the scope and nature of archaeological mitigation and the drafting of a Written Scheme of Investigation	The Applicant can confirm that the full report for the Supplementary Archaeological Trenching undertaken will be issued to the Norfolk County Archaeologist by the end of January, and further discussions will be undertaken between the Applicant and the County Archaeologist around the scope and nature of the archaeological mitigation and drafting of the Written Scheme of Investigation. The WSI is required as part of DCO requirement 9 and will be agreed at the detailed design stage.
HE.2.2	Taking into account APP-043 Environment Statement Chapter 6 – Cultural Heritage which identifies Two Tumuli in Big Wood as a scheduled monument. Has the potential risk for the unexpected discovery human remains been adequately accounted for by the application and the present inclusions within the dDCO?	Please see the Historic Environments team's response to DCO.2.12 above.	
NV.2.2	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.	The county council remains in discussion with the applicant regarding the lighting. The county council has not specifically consulted with local representatives including the groups referred to in the question. The county council considers formal engagement activities to be a matter for the applicant.	
TT.2.3	With regard to existing cycling and pedestrian routes in use by people in the local area. The Applicant/ NCC The ExA notes the cycle path signs/route along the B1172 (Norwich Road) and observed cyclists using the route heading from and to	The scheme does not impact the existing cycling route between Wymondham/ Hethersett and Norwich. The plans have been provided to the Local Access Forum which contains representatives for all access types to provide feedback to the applicant	

	<p>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>i) iv) Provide any comments you deem necessary.</p>		
TT.2.4	<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 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>iii) set out how any provisions identified at (i) would be captured by the DCO.</p> <p>Interested Parties</p> <p>iv) v) Provide any comments you deem necessary</p>	<p>The A11 Newmarket Road / B1172 Norwich Road corridor forms part of the Pedalway network in Norwich and would be considered to be the major active travel corridor linking Norwich to Hethersett and Wymondham. At present, the A11 and B1172 are separated by the A47 and users have to cross the A47 slip roads close to Thickthorn Junction via at-grade signalised facilities. Norfolk County Council has recently consulted on its Local Cycling and Walking Infrastructure Plan for the Greater Norwich region. This did not identify a potential project at this location on the Pedalway. Additionally, the county council has not sought such provision as part of the A47/A11 Thickthorn proposals. The county council supports the applicant's proposals. It is noted that these proposals provide a grade-separated crossing of the A47 at Cantley Lane from the B1172 via the new link road across the A11.</p> <p>The council will continue to take into account matters at the A47 Thickthorn Junction at-grade crossings. If, in the future, it is considered that an alternative solution is required for non-motorised users in this vicinity to connect the A11-B1172 pedalway corridor, the council would look to progress with the identification and development of a suitable solution, subject to a range of considerations including availability of funding. The county council would want to do this in dialogue with the applicant, given that any crossing would be of the trunk road network, including to identify if there are any funding opportunities the applicant might be able to provide should it be determined that an alternative facility is needed.</p>	
TT.2.6	<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>Regarding the use of the junction at Station Lane. NCC would seek to agree the current condition of any County road to be 'used' by construction works with National Highways and gain agreement</p>	<p>The Applicant will return those parts of Station Lane used for construction purposes to the condition agreed with NCC prior to the works.</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>	<p>that any damage would be repaired.</p> <p>There is no evidence of any safety concerns that need addressing at this location and the design conforms to national standards; therefore, NCC supports National Highway's proposed design.</p>	
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6 CHARLES EDWARD BIRCH ON BEHALF OF BIG SKY DEVELOPMENTS LTD

6.1.1 The response from Charles Edward Birch on behalf of Big Sky Developments Ltd to the Examining Authority's Further Written Questions are available at:

- [REDACTED]

Ref	Question	Comment	Applicant's Response
GC.2.5	<p>Ex.A questions to the Applicant are welcomed to clarify whether there could be an alternative to the use of plot 7/7c, and how to secure certainty that the impact of the use of Plot 7/7c can be measured, validated and the Claimant can be assured that the land acquired for development can be developed, ideally on time but otherwise without additional costs and risk.</p>	<p>1) On behalf of Big Sky Ltd, the claimant, we request confirmation that if plot 7/7c is used for welfare, the contractual penalties if any and delays in development and sale will reasonably form part of the financial compensation, albeit accepting the Ex A is not concerned with financial settlements.</p> <p>2) We request clarification why the welfare facilities cannot be accommodated on plot 7/7d, or outside the Red Line by agreement.</p> <p>3) There is a large area outside the Red Line that will eventually be open space and it would help to discuss whether any of this land could be suitable or whether in Ex A's opinion the welfare facilities must be within the Red Line boundary.</p> <p>4) If the facilities cannot be located outside the Red Line boundary, we would like to consider objectively why they cannot be relocated on plot 7/7d.</p> <p>5) Plot 7/7d comprises working area and part is required for the realignment of the 132kva electricity underground lines. Early access is being sought for these diversion works to be undertaken early, in advance of DCO to enable the box-push for the underpass to start as early as possible and without interference from cable diversions. The claimant has agreed to the early access and works and awaits the relevant documentation to confirm this position from the acquiring authority.</p> <p>The early diversion should enable the use of part of plot 7/7d, which will eventually be public open space to be used for the siting of the welfare facilities.</p>	<p>1) This is a matter which will be considered by the District Valuer.</p> <p>2) Plot 7/7d is unavailable for use as this is the utility corridor that not only contains the UKPN 132Kv cable (which will be diverted early) but there are also further utility diversions required within this area. These include Gas/ Water and BT. These diversions are currently envisaged to be complete in 2024 and as such, a compound cannot be placed within this area as working space is required.</p> <p>3) Use of land outside of the red line falls outside of the remit of this examination and the Applicant is not proposing a change to the red line.</p> <p>4) As confirmed above facilities located outside of the red line boundary cannot be considered as part of this examination. Please see the response to point 2 in relation to the use of plot 7/7d.</p> <p>5) As per point 2. Please let it be noted that the applicant has also approached UKPN to understand the feasibility of placing a compound over the 132Kv cable area and this was declined.</p>