

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.25 Applicant's Responses to Submissions at Deadline 7

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

Planning Act 2008

March 2022

Infrastructure Planning

Planning Act 2008

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(Examination Procedure) Rules 2010**

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

**9.25 APPLICANT'S RESPONSES TO SUBMISSIONS
AT DEADLINE 7**

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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 to late submission at Deadline 6 and submission at Deadline 7 issued 15 February 2022:

- Bidwells on behalf of the Trustees of the Mackintosh Trust (**AS-040**)
- Bidwells on behalf of the Trustees of CM Watt Residual Trust (**AS-039**)
- Ministry of Defense (**REP7-001**)
- Richard Hawker (**REP7-012**)

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 BIDWELLS ON BEHALF OF THE TRUSTEES OF THE MACKINTOSH TRUST

- 3.1.1 The below submissions on 07/02/2022 (see below links) from Bidwells on behalf of the Trustees of the Mackintosh Trust have been examined and the responses to the questions and concerns raised are provided in the table below.
- 3.1.2 Further discussion into the Mackintosh Trust's land were held at the Compulsory Acquisition Hearing 1 (02/03/2022). Additional detail from the action points arising will be submitted at Deadline 9.

- https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000758-2022-02-03%20Letter%20on%20behalf%20of%20Mackintosh%20Trust_Redacted.pdf

Ref	Comment	Applicant's Response
1	<p>Highways England's proposal provides for two new agricultural access onto my clients land to either side of the proposed Cantley Lane Link Road. Highways England have kindly amended the positioning of these accesses to better meet the requirements of the farmer. The presently proposed locations for these field accesses are shown on drawing HE551492-GTY-LSI-000-DR-CH-31005, enclosed, as providing access into two compounds / material storage areas that will be returned to my client once the project is completed</p> <p>At the same time as making our request to Highways England regarding the position of the accesses, we advised that – further to testing of the proposed design's geometry – both access points would require widening of the bell mouth radii and access road to accommodate standard farm vehicles and machinery. Highways England have advised that they will complete their own analysis later in the design stage for this project and so it remains outstanding at present.</p> <p>In addition to concerns regarding the dimensions of the access points, we are unable to locate within the application documents, any detail regarding the positioning and specification of the gates that will be required to secure the two new accesses. It is important the security of my clients property is not jeopardized by this project. Equally, it is important any gates are set back sufficiently from Cantley Lane Link Road so as to allow farm vehicles to turn off and onto the public highway safely. We should be grateful to receive this detail.</p> <p>Elsewhere in the application, Highways England advised that the installation of these access points will negate any severance issues. Whilst the proposed Cantley Lane Link Road will certainly make it more time consuming and difficult to farm the land either side, this could be accepted if my client was assured that everything possible was being done to reduce their inconvenience as far as could be reasonably achieved. We cannot presently confirm that to be the case given the points raised, above.</p>	<p>The proposal incorporates two new access points from the Cantley Lane Link Road (work No.2) to the Applicant's construction compounds (Work No. 3 and Work No. 5). These have been relocated at the request of the landowner and were included within the non-material change application which has been accepted by the ExA.</p> <p>These access points will be built to the specification required by the Applicant to ensure these accesses can be used by construction traffic to access the compounds.</p> <p>Article 34(4) of the DCO (REP6-003) requires the Applicant to restore the land to the landowner's satisfaction and possession returned to the landowner, once the works are complete.</p> <p>Any detail regarding the positioning set back from the highway and specification of the gates will be agreed as part of the compensation package and does not form part of the DCO application.</p>
2	<p>On a related point to the above, We still have serious concerns regarding the form of junction being proposed where the proposed Cantley Lane Link Road shall meet with the B1172 Norwich Road. It is understood Highways England have carried out traffic modelling to inform their design and are satisfied the proposed T-junction will be capable of meeting the demands placed upon it safely but our own daily experience of turning eastwards onto the B1172 from the Thickthorn Estate, or turning onto the Estate from the eastward lane of B1172, is this is already a very time consuming and potentially dangerous manoeuvre that will only become more so as the population of the area increases.</p> <p>If, as we predicted, the T-junction results in vehicles experiencing difficulty getting into or out from the proposed Cantley Lane Link Road, it could negatively impact upon my clients ability to move across the proposed Cantley Lane Link Road. We therefore respectfully ask that the Planning Inspectorate please looks in detail at the data on which Highways England's decision has been based because it does</p>	<p>As previously stated by the Applicant in REP04-026, traffic modelling undertaken demonstrates that the proposed ghost island junction works adequately for the expected traffic using this junction without increasing the risk of accidents. The speed limit on the B1172 will be reduced from National Speed Limit to 40mph, from the extents of the scheme at the Colney Lane Junction to the Park and Ride/Services junction. Therefore, traffic turning into the Cantley Lane Link Road from the B1172 or from the Cantley Lane Link Road to the B1172 will both be subject to a new 40mph limit. At present that part of the B1172 is subject to the national speed limit and is where the landowner's access and egress is currently located. There is no ghost island to facilitate the current vehicular movements in and out of the agricultural field.</p> <p>As noted in Section 4.9 of the Case for the Scheme (APP-125), maximum queue results and vehicle delays were extracted from the VISSIM model at the Cantley Lane approach to the junction. Queue</p>

	not fit with my clients lifetime of experience.	results predict that maximum queues do not exceed 25m through the AM peak hour. As the new accesses are a minimum of 125m from the junction with the B1172 it will not negatively impact upon the landowner's ability to move across the proposed Cantley Lane Link Road from east to west and vice versa.
3	Also related to the above, we note that despite our requests throughout the process, the speed limit on the proposed Cantley Lane Link Road remains set at 40mph. Due to the types of vehicles that will be making use of the farm access, if the speed limit was set at the requested 30mph it would make it easier and safer for my client to access and egress their property. We would like to understand why a 30mph limit is not acceptable to Highways England	The 40mph speed limit for the Cantley Lane Link Road has been developed in consultation with Norfolk County Council and complying with their 'Norfolk Speed Management Strategy (2014)', which will be the local highway authority for the road following construction, and is appropriate for the proposed road cross section and intended use. The design of the link road meets the safety standards appropriate to this speed of road and means there is a consistency in speed limits with the adjoining B1172 Norwich Road, which will also have a 40mph speed limit. An independent Stage 1 Road Safety Audit has been undertaken in relation to the Scheme and has not highlighted any safety concerns.
4	Despite Assurances from Highways England that the area of land to be acquired permanently from my client will not be as great as shown on the earlier land plans, we believe the additional submitted plans from December 2021, enclosed, still show; a land take that should be significantly reduced, and still shows parcels 3/3d; 3/3f and the land under the underpass for the existing A11 (within 3/1a) as being land to be acquired permanently. Generally, the land to be acquired permanently should be restricted and in relation to the above referenced parcels in particular these should either be shown on Highways England's plans as 'land to be used temporarily' or as 'land to be used temporarily and rights to be acquired permanently'.	<p>The extent of land shaded pink on the land plans is the land required to ensure the Scheme is deliverable at this stage of the design.</p> <p>Parcel 3/3d is required for the construction of the new Cantley Lane Link Road, the realigned Cantley Stream and the new access track to the east of the realigned Cantley Stream.</p> <p>Parcel 3/3f is required for the construction of the new access track from Cantley Lane South.</p> <p>Parcel 3/1a is required for the construction of the extended Canley Stream Underpass.</p> <p>Notwithstanding the powers applied for in the DCO, the Applicant will endeavor to minimise land take where possible and any land which the Applicant does not require will be offered back to the landowner under the Crichel Down rules.</p>
5	On a related point to the above, the Additionally Submitted Plans from December 2021 continue to show sections of public highway (e.g. 5/1a) as being sections where my client will lose all interests. Whilst we realise the Planning Inspectorate is not responsible for overseeing the matter of compensation, it is the case that Highways England do not currently believe my client should be entitled to any compensation whatsoever in relation to these areas. If no value is attributed to the interests of my client, there should be no reason why those interests need to be transferred to facilitate this project.	As noted in the Book of Reference (REP5-006) the Representative's client has a rebuttable presumption that they own the subsoil up to centre line of the highway contiguous with the extent of their ownership. The monetary value attributed to these interests will be dealt with through the compensation claim process and can be referred to the Upper Tribunal (Lands Chamber) in the event of a dispute. The Applicant has not stated that the landowner is not entitled to any compensation in respect of this interest.
6	Of fundamental importance to my client is the specification and future ownership and access rights over the proposed accommodation track, shown on drawings HE551492-GTY-LSI-000-DR-CH-31003 and HE551492-GTY-LSI-000DR-CH-31006, enclosed. My client is losing their existing access to the fields north of Cantley Wood as a consequence of this project, this being an access and track over which they have complete control and security, and across which two vehicles can pass side by side. We realise there may be no alternative route for the proposed accommodation track than the long one proposed and that Highways England will need to retain some rights of access and maintenance over it in the future. That being accepted, where possible my client should not be left in worse position after the project than before it and thus should be granted ownership of the new track without any restrictions on their use of it, and it should be the case that the new route is properly secured and capable of accommodating two cars side by side. We await confirmation that these requirements are being facilitated.	<p>As noted in the response to Relevant Rep RR-012.18 (REP1-004) the current width of the proposed access track is 3.5m which the Applicant deems appropriate for the intended use of the track.</p> <p>The Applicant has already committed to engage with the respondent during the detailed design stage to provide appropriately spaced passing places.</p> <p>Since this track crosses third party land ownership of the new track without any restrictions on use of it cannot be offered, however, permanent rights of access will be granted to the respondent when the land is returned to the existing landowner.</p>

7	We await meaningful engagement regarding how my client might work with Highways England to deliver any mitigation measures required in relation to matters such as carbon emissions (during the construction and operation phases of the project); the local community; trees and habitat. My client is keen to work with Highways England on these points, where possible, and looks forward to progressing those matters in due course.	The Applicant welcomes the offer to work with Trustees of the Macintosh Trust to explore additional opportunities to enhance the local environment. Any additional measures would be outside the scope of the Scheme and are not required to meet the commitments secured by the dDCO.
8	Finally, whilst Highways England have agreed to pay for my clients professional fees where these have related to discussions with Highways England themselves, they have refused to pay any fees relating to my clients engagement with the planning Inspectorate, such as this letter. Whilst we understand Highways England need to have a robust position on this point and should not be obliged to pay for every person or organization that chooses to engage in the Development Consent Order (DCO) examination, my client is an interested party who will be significantly impacted by this project and who should be encouraged to participate in the DCO process. We would welcome the Planning Inspectorate's opinion and guidance on this point, please.	The "Awards of costs: examinations of applications for development consent orders" Guidance states in Part B that all parties will normally be expected to meet their own costs.

4 BIDWELL ON BEHALF OF THE TRUSTEES OF THE CM WATT RESIDUAL TRUST

- 4.1.1 The below submission on 03/02/2022 (see below link) on behalf of the Trustees of the CM Watt Residual Trust has been examined and the responses to the questions and concerns raised are provided in the table below.
- 4.1.2 Further discussion into the Trustees of the CM Watt Residual Trust's land were held at the Compulsory Acquisition Hearing 1 (02/03/2022) additional detail from these discussions will be submitted at Deadline 9.

- https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000757-2022-02-03%20Letter%20on%20behalf%20of%20CM%20Watt%20Residual%20Trust_Redacted.pdf

Ref	Comment	Applicant's Response
1	We still have serious concerns regarding the form of junction being proposed where the proposed Cantley Lane Link Road shall meet with the B1172 Norwich Road. It is understood Highways England have carried out traffic modelling to inform their design and are satisfied the proposed T-junction will be capable of meeting the demands placed upon it safely but our own daily experience of turning eastwards onto the B1172 from the Thickthorn Estate, or turning onto the Estate from the eastward lane of B1172, is this is already a very time consuming and potentially dangerous manoeuvre that will only become more so as the population of the area increases. We therefore respectfully ask that the Planning Inspectorate please looks in detail at the data on which Highways England decision has been based because it does not fit with my client's lifetime of experience.	This is substantively the same point as raised in point 2 for the Macintosh Trust response which the Applicant has responded to above.
2	The Additionally Submitted Plans from December 2021 continue to show sections of public highway (e.g. 5/1a) as being sections where my client will lose all interests. Whilst we realise the Planning Inspectorate is not responsible for overseeing the matter of compensation, it is the case that Highways England do not currently believe my client should be entitled to any compensation whatsoever in relation to these areas. If no value is attributed to the interests of my client, there should be no reason why those interests need to be transferred to facilitate this project.	This is substantively the same point as raised in point 5 for the Macintosh Trust response which the Applicant has responded to above.
3	We await meaningful engagement regarding how my client might work with Highways England to deliver any mitigation measures required in relation to matters such as carbon emissions (during the construction and operation phases of the project); the local community; trees and habitat. My client is keen to work with Highways England on these points, where possible, and looks forward to progressing those matters in due	This is substantively the same point as raised in point 7 for the Macintosh Trust response which the Applicant has responded to above.

	course.	
4	<p>Finally, whilst Highways England have agreed to pay for my clients professional fees where these have related to discussions with Highways England themselves, they have refused to pay any fees relating to my clients engagement with the planning Inspectorate, such as this letter. Whilst we understand Highways England need to have a robust position on this point and should not be obliged to pay for every person or organization that choses to engage in the Development Consent Order (DCO) examination, my client is an interested party who will be significantly impacted by this project and who should be encouraged to participate in the DCO process. We would welcome the Planning Inspectorate's opinion and guidance on this point, please.</p>	<p>This is substantively the same point as raised in point 8 for the Macintosh Trust response which the Applicant has responded to above.</p>

5 MINISTRY OF DEFENCE

5.1.1 The below submission on 09/02/2022 (see below link) from The Ministry of Defence has been examined and the responses to the questions and concerns raised are provided in the table below.

- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000759-Ministry%20of%20Defence.pdf>

Ref	Comment	Applicant's Response
1	<p>Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 26/01/2022. This relates to notification of Notice of variation of Examination Timetable - under Rule 8(3); Hearing Notification - under Rule 13 and an Information Request - under Rule 17 I can confirm the MOD has no safeguarding objections to this proposal.</p>	<p>The MOD's comment is noted.</p>

6 RICHARD HAWKER

- 6.1.1 The below submission on 10/02/2022 (see below link) from Richard Hawker has been examined and the responses to the questions and concerns raised are provided in the table below.
- 6.1.2 The Applicant responds here briefly to Mr Hawker's comments but notes that these were supplemented by Mr Hawker at OFH2 and the Applicant will respond substantively (where necessary) once it has reviewed Mr Hawker's summary of his oral case.
- <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010037/TR010037-000772-submissions%20received%20by%20Deadline%206.pdf>

Ref	Comment	Applicant's Response
1a	<p>2015 and 2019 models</p> <p>a) In REP6-019, response to the submission of Dr Boswell (Climate Emergency and Planning and Policy), the Applicant refers to its submission REP2-001 (cover letter), which states that it had undertaken a comparison between the 2015 and 2019 traffic models on the total AADT, summed across major links across the area, and that this had indicated an increase of just 3.4%. I reiterate some points here made in my submission at REP6-027. Whilst it is good to know that the Applicant's initial assertion has been borne out by subsequent investigation, it would seem right that during this examination we are given more detail than just a bland statement. What are the actual figures which confirms the initial statement? The Applicant states that a similar exercise done on the A47 North Tuddenham scheme showed a similar general increase (of 3.3%) also, but some figures in that area have shown markedly different values. For instance, Taverham Road AADT value is 200 for 2019 base year, whereas it is 600 for 2015 base year, with no change in physical road layout. This may not be classed as a major link at present, but it is a road planned to be joined directly to the dualled A47, so it is clearly considered to be important. This massive difference surely needs to be justified. Do some roads in the Thickthorn area show similar vast differences in the models? If so, why?</p> <p>We have still not been told what correlation there is between the traffic models and the actual counts made on the roads in the area. Surely counts HAVE been made, and these could be used directly. Can we see those results, against the outputs of the model, to give confidence in the model? After all, this is a comparison between two dates 7 and 3 years ago; we do not have to deal with the uncertainty of predicting the future.</p>	<p>The scheme is not the A47 North Tuddenham to Easton Scheme and it has not been necessary to carry out detailed analysis of figures in the area, as an increase in traffic of 3.4% is broadly in line with the expected traffic growth over a four-year period (2015-2019). It follows that the comparison shows a good degree of consistency between the two models at an aggregate level.</p>
1b	<p>b) Has the Applicant requested from Department for Transport the reason why they have not yet approved the NATS 2019 model ? If indeed the figures seem reasonable to the Applicant, it must surely be very strange that the model cannot be approved after over 2 years since it was created.</p>	<p>The Applicant has no further comments to add further to Common Response E in the Applicant's Response to Relevant Representations (REP1-004)</p>
2	<p>30% change in figures. I understand that the 30% change queried by Dr Boswell refers to traffic within an area including the NWL, but, as the Applicant has offered an explanation of this, I would like to ask that this is expanded upon, as I do not understand it. Please can the applicant detail what were the differences in road links which gave rise to such a very large difference in predicted figures ?</p>	<p>The 30% variation cited in the representation relates to a comparison of traffic models used by the NWL scheme at different stages of its development. That model uses a different combination of road network links, which explains the difference compared to the change identified by the Applicant.</p>
3	<p>Park and Ride Slip Road REP6-021 Ref GC2.2 refers to the 'Park and Ride slip road'; please can this be identified by reference to a plan, as I cannot identify its position.</p>	<p>An additional slip road to the Park and Ride site does not form part of the Applicants proposals and as such is not shown on any of the submitted plans.</p>