

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.30 Applicant's Written Summary of Oral Submissions at CAH1

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

March 2022
Deadline 9

Infrastructure Planning

Planning Act 2008

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

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

**APPLICANT'S WRITTEN SUMMARY OF
ORAL SUBMISSIONS AT CAH1**

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Author:	A47/A11 Thickthorn Junction Project Team, Highways England

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1 INTRODUCTION

- 1.1. The Development Consent Order (**DCO**) application for the A47 – A11 Thickthorn Junction scheme was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.2. The first Compulsory Acquisition Hearing (CAH1) for the A47 – A11 Thickthorn Junction (DCO) application was held virtually on Microsoft Teams on Wednesday 2 March 2022 at 10.00am.
- 1.3. The Examining Authority (**ExA**) invited the Applicant to briefly set out its case for the compulsory acquisition and temporary possession powers sought under the terms of the dDCO and to respond to the matters raised by the Interested Party. The Applicant confirmed it would respond in writing after the hearing to matters contained in the letters submitted on behalf of the Trustees of the Mackintosh Trust and the Trustees of the CM Watt Residual Trust.
- 1.4. The Applicant has responded to the issues raised by each attending party and provided cross-references to the relevant application or examination documents in the text below.

2 THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT CAH1

Ref	Questions / Issues Raised at CAH1 and Hearing Action Points	Summary of Applicant's Response at CAH1	Applicant's Additional Written Response
Agenda Item 2: Section 122 and 123 of the Planning Act 2008 (PA2008)			
2.1	<p>The ExA asked the Applicant to briefly outline the case made for CA and TP, covering the tests of the PA2008 including whether all reasonable alternatives have been considered and whether the rights to be required are reasonably necessary and proportionate.</p>	<p>The Applicant explained that it would aim to keep its summary brief, that it would be making reference to the Planning Act 2008 (PA) and CA Guidance, and that it would signpost where information could be found in documents submitted to the examination.</p> <p>The starting point is s.122 of the PA which applies where a DCO has provisions authorising compulsory acquisition of land. To the extent that this is sought, the decision maker (i.e. the Secretary of State) in respect of the Application must be satisfied that the land is:</p> <ul style="list-style-type: none"> • s. 122(2) <ul style="list-style-type: none"> a. required for the development; b. required to facilitate or is incidental to the development; or c. the land is replacement land which is to be given in exchange for the order land under section 131 or section 132 of the PA <p>AND</p> <ul style="list-style-type: none"> • s.122(3) 	<p>The Applicant has no further comments.</p>

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		<p>a. there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in a DCO.</p> <p>In relation to s.123, the DCO can authorise CA if the decision maker is satisfied that:</p> <p>a. Application included a request for CA to be authorised – this is met through the Book of Reference REP6-004;</p> <p>b. All persons with an interest consent; or,</p> <p>c. Prescribed procedure has been followed.</p> <p>The Applicant also highlighted that paragraph 8 of the CA Guidance states that the applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.</p> <p>The Applicant stated that there are many relevant articles in the dDCO that allow CA powers. Details as to their inclusion are set out in the Explanatory Memorandum REP6-005.</p> <p>In arguing compliance with the tests, the Applicant stated that the land affected by CA is the minimum necessary to construct, operate, maintain and mitigate the Scheme and is therefore proportionate to the Scheme objectives.</p> <p>In the event that less land proves to be required in a particular area at a later stage, the Applicant would only seek to acquire that part of the land that is required and in all events will seek to</p>	

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		<p>minimise effects on landowners. Part of the detailed design stage will be focused on reducing land take.</p> <p>Within the boundaries of the Scheme land is required temporarily for construction activities such as material storage, management and processing, and temporary utility connections – detailed coloured green on the Land Plans AS-020.</p> <p>The Applicant also drew the ExA's attention to paragraph 2.2 of the National Networks National Policy Statement (NNNPS), which states that there is a "critical need" to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. It goes on to state that improvements may also be required to address the impact of the national networks on quality of life and environmental factors. More details can be found in the Case for the Scheme APP-125.</p> <p>Paragraph 3.6.1 of that document also outlines the objectives of the Scheme, which the Applicant summarised as being:</p> <ul style="list-style-type: none"> • Supporting economic growth • Providing a safer and more reliable network • Providing a more free-flowing network • Improved environment • Providing an accessible and integrated network 	

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		<ul style="list-style-type: none"> Ensuring value for money <p>In relation to consideration of alternatives, the Applicant stated that in determining the Land subject to compulsory acquisition and temporary possession powers, the Applicant has considered alternatives and modifications to the Scheme to minimise the potential land take. On completion of initial assessments, one potential option was considered for further review which comprised free flow link roads connecting the A11 and A47 and bypassing the Thickthorn Junction. This option performed well against the Scheme objectives and was considered to be the only feasible solution for further development.</p> <p>Feedback obtained from the non-statutory consultation in Spring 2017 led to an amended version of the single option. The Applicant took on board key concerns raised by the public and considered seven options to redesign Cantley Lane South link road connections, eventually settling on the option now proposed.</p> <p>Discussions with landowners have sought to reach agreements which would avoid the need to seek to CA/TP land. The Applicant stated that the District Valuer was in attendance should any general or specific updates be required at the hearing.</p> <p>The Applicant is satisfied that all of the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and mitigate the Scheme necessary to achieve the objectives of the Scheme. The extent of the land sought is reasonable and proportionate.</p> <p>Turning back to the tests in s.122 (3), the Applicant restated that this concerned whether there is a compelling case in the public interest for the CA in relation to the need in the public interest for the project to be carried out and whether the public benefit outweighed the private loss to those affected by compulsory</p>	

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		<p>acquisition. The Applicant explained that this is set out in paragraph of the Statement of Reasons AS-030. The Applicant is firmly of the view that there is a compelling case in the public interest for the compulsory acquisition powers sought. The Applicant is satisfied that the condition in section 122(3) of the PA is met and that there is a compelling case in the public interest for compulsory acquisition.</p>	
2.2	<p>The ExA asked for clarification as to whether the option the Applicant ultimately decided to bring forward was the option that involves the least land take.</p>	<p>The Applicant stated that land take is just one aspect of assessment of options. It could not confirm if the option chosen involved the least land take, but is satisfied that it is the optimum solution in light of environmental and engineering constraints and in the context of the Scheme's requirements.</p> <p>The Applicant agreed to respond further in writing.</p>	<p>As noted in the Case for the Scheme (APP-125) Section 2 land take was considered when assessing the scheme options in the Scheme Assessment Report prior to consultation and the Preferred Route Announcement.</p> <p>Further to this, the Applicant can confirm that minimising land take was one of the key factors in developing the scheme proposals. Specific examples include:</p> <ul style="list-style-type: none"> • The proposed segregated left turn lane from the A47 Westbound to the A11 southbound significantly reduces the landtake in comparison to the initial proposal of a connector road between the A47 westbound and the A11 southbound; • Minimum allowable headroom clearances at structures have been used where site constraints allow, to reduce the height and footprint of approach earthworks; • Earthworks have been designed using the maximum allowable slope

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			<p>gradients to reduce the footprint of embankments and cuttings; and</p> <ul style="list-style-type: none"> Land take was also considered when assessing the location of the proposed footbridge and reducing the approach embankments.
Agenda Item 3 – Non-material changes to the examination documents accepted			
3.1	<p>The ExA asked the Applicant to briefly highlight and summarise the non-material changes agreed upon during the course of the examination insofar as the implications of applying Section 122 and 123.</p>	<p>The Applicant explained that the changes that have been accepted, can be summarised in three points:</p> <ul style="list-style-type: none"> Reduction of the Order Limits to remove the property at Intwood Road – this means that there is now less land acquisition and land take. Changes to the field access locations on Cantley Lane Link Road – this has been done in conjunction with discussions with the landowners and their representatives. Change to the alignment of the A11/A47 Connector Road <p>The two latter changes do not have a bearing on land acquisition, they fall within the existing boundary.</p> <p>The only impact where CA is involved is the reduction of land take at Intwood Road.</p>	<p>The Applicant has no further comments.</p>
3.2	<p>The ExA added that they had seen that the Applicant had referred to separate consultation with relevant landowners with</p>	<p>The Applicant explained that it sent out targeted consultation documents on the back of the NMC application.</p>	<p>The Applicant has no further comments.</p>

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	respect to flood risk issues and asked for clarification on this exercise.	The Applicant confirmed that it received no responses from any consultees from anyone it was sent to.	
Agenda Item 5 – Discussions relating to Plots 7/7c and 7/7d¹			
5.1	<p>Charles Birch for BIG SKY DEVELOPMENTS LIMITED (Big Sky) explained many concerns that Big Sky have in relation to welfare facilities to be situated on plot 7/7c. The phasing of construction currently means that the period wherein the welfare facilities need to be operating on plot 7/7c will clash with the construction of three properties on Big Sky's development. The existence of the welfare facilities will also have an impact on houses to be built North of the adjacent hedge. The potential delays caused will have significant impacts on Big Sky's development timetables and cause issues with valuations.</p> <p>Mr Birch queried whether the possibility of separate</p>	<p>The Applicant stated that it has detailed in previous responses [REP4-026] to Big Sky why parcel 7/7c was required and the reason why it was chosen having considered alternatives, including areas outside the red line.</p> <p>The Applicant stated that it believed the suggested site Mr Birch referred to was a new proposal and that it would therefore engage with Mr Birch and Big Sky to consider this option.</p>	<p>A call was held with Big Sky Developments on the 11 March 2022. No suitable alternative land was identified for the site compound, however the Applicant will continue to explore options relating to the location of the site compound with Big Sky Developments and minimising the footprint of the compound facilities. This is recorded in the Statement of Common Ground between the Applicant and Big Sky Developments.</p>

¹ Note that the ExA resolved to address Agenda Item 5 before Agenda Item 4

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	<p>locations being used for the welfare compound could be explored, including potential sites outside of the red line. Mr Birch suggested an area of open space within Big Sky's development site could be used instead.</p>		
5.2	<p>The ExA asked for clarity from the Applicant as to what the welfare facilities provide.</p>	<p>The Applicant clarified that the provision of welfare facilities are a requirement under the Construction (Design and Management) Regulations 2015 (CDM regulations). They will provide toilets, first aid provisions, relaxation areas, eating areas and spaces to conduct site inductions. The CDM regulations also require the welfare facilities to be within suitable distances of sites which contributes to the selection of suitable locations.</p>	<p>The Applicant has no further comments.</p>
5.3	<p>The ExA queried whether the welfare facilities would also incorporate parking facilities.</p>	<p>The Applicant explained that parking facilities would be separate. Workers arrive by minibus from the main site.</p>	<p>The Applicant has no further comments.</p>
5.4	<p>As part of Mr Birch's concerns raised for BIG SKY, it was queried whether the 1.7 acres that the welfare facilities would be situated on was excessive.</p> <p>The ExA asked the Applicant to clarify if this was indeed the minimum amount needed or if this was excessive.</p>	<p>The Applicant stated that this was the minimum possible. The decision followed methodology choices. The facilities are already considered to be taking a small area given the amount of works to take place in that area.</p>	<p>The Applicant has no further comments.</p>

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5.5	<p>The ExA referenced the concerns raised by Mr Birch for BIG SKY surrounding phasing and the clashes with Big Sky's timetables.</p> <p>The ExA asked the Applicant if there was any scope to adjust the phasing on the Scheme.</p>	<p>The Applicant explained that unfortunately the current plan is the only practicable option in relation to phasing. The methodology on the underpass to be constructed in this area and the way it is to be constructed means that no excavations or abutments can happen until later on in the cycle. The Applicant stated that it would be constantly monitoring the phasing options in order to try and get out of the way of Big Sky but at the moment the current plan is the only workable option.</p>	<p>The current plan is the only option in relation to phasing of the box methodology. Excavations and support structures of the excavations is one of the first phases to be complete however, due to the construction of the box itself and the agreed dates for pushing into its final location, the works to this area will not be complete until April/May 2024. Any works remaining in the area around the Big Sky development will be complete after the push.</p>
5.6	<p>The ExA asked for more specific reason as to why the current phasing plan is unmovable.</p>	<p>The Applicant explained that the construction of the box was a 12-13 month process. The Applicant will have to wait until this is completely constructed before closing the road network. The construction of the box is a significant piece of engineering, it is to be complete by April 2024. Time lags also arise with giving notice for the road closure. Pushing the box would be a 24-hour per day process. The road closure would be 9 days .</p>	<p>There is only one 9-day closure planned of the Strategic Road Networks (A11/A47) in April 2024. This period was deemed most suitable in agreement between National Highways and Norfolk County Council to enable full construction of the boxes and also the quietest period of the network.</p>
5.7	<p>Mr Birch for BIG SKY stated that the suggested site in his initial comments was not a new site, referencing REP3-024. He also argued that it was still not clear what the minimum amount of space for welfare facilities were.</p>	<p>The Applicant explained that there was uncertainty as to the site Mr Birch referred to and that it would cover this in discussion with Mr Birch and Big Sky. The Applicant reaffirmed that the provision of welfare facilities was an important part of scheme design, had been included within the application and that it was not aware of a suitable alternative site to date. If the new proposal is indeed new then the Applicant will assess whether it meets the correct criteria, albeit that it may require a separate consent. It asserted again that it would engage with Big Sky and that all parties would benefit from the discussions.</p>	<p>Please see response to item 5.1</p>
5.8	<p>The ExA raised that there had been concerns in submissions about the</p>	<p>The Applicant explained that as a starting point there are reinstatement provisions in the dDCO relating to the temporary possession of land that include conditions to be agreed with the</p>	<p>The Applicant has no further comments.</p>

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	<p>practicalities of removing the welfare facilities. In the event that there no changes to the current plans, the ExA asked what steps would be taken to remove the welfare facilities from the land and any measures that may be available to remove facilities at an earlier stage.</p>	<p>landowners. The Applicant made reference to the ExA Schedule of Proposed Changes to the dDCO and specifically point 9 – the suggested provisions in this do not marry up with the provisions already in article 34 of the dDCO. Article 34 provides for conditions of restoration to be agreed with the landowners. From the perspective of value for money, it is in the Applicant's interest to be in possession for a short period of time in order to mitigate compensation.</p> <p>In regard to the practicalities of removing the facilities the Applicant confirmed that it would look to minimise the time that plot 7/7c is required for. It reiterated that after April 2024 there would still, however, be a large amount of works still to completed and so the intention will be to move welfare facilities to smaller sites where possible.</p>	
5.9	<p>The ExA queried whether the early removal of these facilities was something that could only be determined during construction.</p>	<p>The Applicant confirmed that this could only be determined during the construction period. It will be part of the role of the Principal Contractor to manage welfare and it is within their power to move welfare facilities if and where possible.</p>	<p>It is the responsibility of the Principal Contractor (PC) to manage welfare onsite in line with relevant legislation. After the boxes have been pushed into final position, there will potentially be some additional space available for the PC to move the welfare however, this will not be known until the pushes are complete.</p>
5.10	<p>The ExA queried whether there were options to liaise with Big Sky when these options were considered.</p>	<p>The Applicant confirmed that, as part of their communications strategy, they would be in constant contact with Big Sky during the construction period.</p>	<p>The Applicant has no further comments.</p>
5.11	<p>The ExA asked for clarity on any possible changes to land not currently being treated by the Applicant as</p>	<p>The Applicant clarified that this was land to be dedicated as open space on Big Sky's development and that they understood an</p>	<p>The Applicant has no further comments.</p>

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	<p>Special Category Land when applying relevant tests as well as on the progression of any separate agreement to vary any existing public open space obligation for land subject to CA.</p>	<p>application was being pursued to vary a planning application. The Applicant deferred to Mr Birch for details.</p> <p>The Applicant added no further comments other than that they remained in regular contact with Big Sky about the progress of their application to vary and that they understood it was only being put to committee as a result of the contractual situation between Big Sky and the Parish Council.</p>	
<p>Agenda Item 4 – Discussions relating to Plots 3/3f; 3/6b; 3/6c; 3/6d; 4/1a; 5/1a; 6/1a and the “proposed access track” on the Land Plans²</p>			
<p>4.1</p>	<p>The ExA acknowledged that the representative for both The Trustees of CM WATT RESIDUAL TRUST and The Trustees of the MACKINTOSH TRUST was not in attendance.</p> <p>In their absence the ExA drew the Applicant's attention to the submissions made by each party, references AS-039 and AS-40.</p> <p>The ExA asked if the Applicant could outline their responses to the various issues raised in these submissions.</p>	<p>The Applicant started with the submission from the Mackintosh Trust (AS-040). Point 1 of that submission relates to two new agricultural accesses to the Cantley Lane Link Road. These are located within parcel 5/2a and the changes were agreed as part of the NMC request. The Applicant referred to the design points made in paragraph 2 of Point 1. Detailed design has not taken place yet but the accesses will be provided back to the landowners on a like for like basis.</p> <p>The update that the Applicant can give on design is that discussions would be had on the requirements of the landowners for those access to be provided back to them. The Applicant understood that the agricultural access was a field access and that the landowners had provided information on the kind of vehicles that required use of the access. The Applicant has undertaken swept path analysis of junctions and determined that the radii are adequate.</p>	<p>A full response to AS-039 and AS-040 was submitted at Deadline 8 (REP8-012)</p>

² Note that the ExA resolved to address Agenda Item 5 before Agenda Item 4

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		In relation to the remaining points raised in both submissions it was resolved that it would be easier if the Applicant provided a full response in writing at Deadline 9.	
4.2	The ExA recognised that the speed limit on the road where the accesses were situated would be changed to 40mph. in light of this, the ExA queried the suggested visibility splay at these accesses.	The Applicant stated that it would take this point away and provide a fuller response in writing, but that its understanding was that Cantley Lane Link Road was a very straight stretch of road and that an initial assessment would be that it did not anticipate visibility to be an issue in terms of DMRB.	The Applicant can confirm that the field access junctions will be designed in accordance with DMRB CD123, which mandates the required visibility splays based on design speed (40mph).
4.3	The ExA asked for clarification as to whether any landscape features may block visibility.	The Applicant stated that in its understanding there were no landscape features that blocked visibility and reiterated that any design was in line with DMRB.	The Applicant has no further comments.
4.4	<p>With the caveat that the Applicant would provide full written responses to submissions AS-039 and AS-40, the ExA asked for clarity on some remaining points in the meantime for their own benefit.</p> <p>The ExA referred to points 4, 5, and 6 of AS-40. The ExA queried if the colouring of plots 3/1d and 3/1f as pink on the Land Plans was an error in the light of the MACKINTOSH TRUST's request that these plot</p>	<p>The Applicant explained that at present it was its application to acquire plots 3/1d and 3/1f permanently.</p> <p>Plot 3/3d is required for construction of the Cantley Lane Link Road access track and for the realignment of Cantley Stream. This is a permanent construction.</p> <p>Plot 3/3f is required for an access track to be constructed that allows access to the area of land to the West of the access track.</p>	The Applicant has no further comments.

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	<p>instead be plots subject to temporary possession or temporary possession with the acquisition of permanent rights.</p>		
4.5	<p>The ExA also queried the need for 3/1a.</p>	<p>In relation to plot 3/1a, this is the existing A11 carriageway and so is owned by the Applicant.</p>	<p>The Applicant has no further comments.</p>
4.6	<p>Referring to point 5 of AS-40, the ExA asked for clarity on the need for plot 5/1a, what is proposed for this plot, and the rationale for extinguishing the MACKINTOSH TRUST's interests in it.</p>	<p>The Applicant stated that it could do a full legal submission in relation to this point if required but the ExA had no specific follow up queries. The extent of any interest in 5/1a would be related to a rebuttable presumption of ownership of the subsoil of the highway up to the centre line, the highway being the B1172.</p> <p>At present the B1172 is public highway and is maintained by the local highways authority. Plot 5/1a has been included in the application for compulsory acquisition due to the changing nature of the road – the speed limit reduction to 40mph. It is therefore included in the application as to ensure the title can be transferred to the local highway authority.</p> <p>From an impact perspective, the B1172 will be a highway still and the access to that highway will not be changed by change in ownership.</p>	<p>The Applicant has no further comments.</p>
4.7	<p>Referring to point 6 of AS-40, the ExA asked for clarity on the loss of an access point and the MACKINTOSH TRUST's concern that they will be left in a worse position as a</p>	<p>The Applicant referred to its response in Applicant's Comments on Relevant Representations REP1-004, response reference RR-012.18.</p> <p>The current width of the proposed access track is 3.5m which the Applicant deems appropriate for the intended use of the track (field access). The access track is proposed to be unbound</p>	<p>The Applicant has no further comments.</p>

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	result.	compacted type 1 sub base. On the point about width, the Applicant made the commitment to engage with the landowner during the detailed design stage to provide appropriately spaced passing places, but the Applicant restated that believe the 3.5m width to be appropriate.	
4.8	The ExA asked for clarity on what rights the MACKINTOSH TRUST would have to use the track.	The Applicant explained that the landowners currently have access rights to the field. The track will be given back as freehold to the landowner with rights retained to allow access to pylons in the field as required by a statutory undertaker.	The Applicant has no further comments.
4.9	The ExA asked whether the Applicant would retain rights for access and maintenance and whether rights expanded to other statutory undertakers.	The Applicant confirmed that they would retain rights for access and maintenance and that UKPN would retain rights for access to pylons and diversion routes.	The Applicant has no further comments.
4.10	The ExA noted that subsoil issues was also a stumbling block for CM WATT RESIDUAL TRUST in their submission, AS-039 .	The Applicant confirmed that it would cover this in a full written submission to be submitted at Deadline 9.	A full response to AS-039 was submitted at Deadline 8 (REP8-012).
4.11	The ExA, returning to the MACKINTOSH TRUST 's concerns around accesses and noting that the representative of the trust was not present, queried whether the Applicant had any data on the degree of frequency that the access in question were used.	The Applicant stated that it would investigate but that, given it is a field access, the suspicion is that usage is more periodic rather than regular frequency.	The Applicant can confirm that they have no traffic data regarding the frequency of use for the existing field access.

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4.12	<p>The ExA raised concerns that there may be a "pinch point" at the proposed T junction as designed and that it may lead to increased tailbacks and potentially harm those plots impacted.</p> <p>The ExA asked the Applicant for any data on potential waiting times in relation to tailbacks and any safeguarding measures.</p>	<p>The Applicant stated that this was detailed in the Case for the Scheme APP-125.</p> <p>The scheme VISSIM model was used to assess operation of the proposal ghost island junction in the 2040 design year. Maximum queue results and vehicle delays were extracted from the model at the Cantley Lane approach to the junction. Queue results predict that maximum queues do not exceed 26m through the AM peak hour, indicating queues do not exceed six vehicles. Predicted average delay per vehicle for right-turners on the Cantley Lane approach is 12 seconds.</p> <p>The closest field access is 125m from the junction so based on these distances the Applicant does not deem there will be an issue with moving from East to West.</p>	The Applicant has no further comments.
4.13	<p>The ExA raised concerns about site security. The ExA asked the Applicant if there would be case to give a replacement security in the form of fence or gate to concerned landowners and could they provide any detail on this.</p>	<p>The Applicant explained that specifically on the Cantley Lane Link Road that it would be installing accommodation fencing as part of the Environmental Masterplan [REPX-XXX].</p> <p>In relation to gates, in the recent comments from the Mackintosh Trust the Applicant understands that they are looking for the gates to accommodate farm yard vehicles.</p> <p>As a principal, land will be restored to the landowners' satisfaction, subject to any agreement for any enhancements, which will be dealt as part of compensation packages.</p>	The Applicant has no further comments.
4.14	<p>The ExA asked to clarify if it is the case that Applicant can agree provisions and then that the landowners can</p>	<p>The Applicant confirmed this. The applicant updated that in the specific case of the Mackintosh Trust the Applicant was in advanced negotiations but that the subject of accommodation works had not been broached yet. Any extra fencing above that</p>	The Applicant has no further comments.

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	implement them as they wish.	required will be dealt with in the compensation packages, but details of the heads of terms are still being negotiated.	
Agenda Item 6 – Statutory Undertakers / Crown Land			
6.1	The ExA asked the Applicant to provide an update (in any is applicable) on the progress of CA negotiations with statutory undertakers and deadlines for their conclusion.	<p>The Applicant stated that there had been significant progress and provided updates as:</p> <ul style="list-style-type: none"> • Cadent Gas – An Agreement has been completed with Cadent who have withdrawn their objection to the Application. • Vodafone – have agreed that Schedule 9, Part 2 provides adequate protections and they do not intend to take part in the examination. No SOCG is needed. • National Grid Electricity Transmission – A side agreement and PPs are currently being negotiated. These are in a standard agreed form. Agreement is expected before the end of the examination. • Anglian Water – PPs are agreed, save for three points of principle which remain between the parties. A SoCG setting out the Applicant and Anglian Waters' respective positions is being discussed and will be submitted before the close of the Examination. • UKPN - has not made relevant representations in respect of the application, and can rely on the standard protections in Part 2 of Schedule 9 of the dDCO. • Virgin –Virgin has not made relevant representations in respect of the application, and 	<p>Clarification on the position of some of the SoCGs</p> <ul style="list-style-type: none"> • National Grid Electricity Transmission Plc - A side agreement and PPs are currently being negotiated and we expect these to be agreed and for NG to withdraw their objection before the end of the examination. No SoGC is being provided. • Network Rail Infrastructure Limited – It is agreed that protective provisions will be included in the DCO, but negotiations on the form of PP's are ongoing. We expect Network Rail will be withdrawing their objection before the Examiner's report goes to the Secretary of State following the close of the examination.

Ref	Questions / Issues Raised at CAH1 and Hearing Action Points	Summary of Applicant's Response at CAH1	Applicant's Additional Written Response
		<p>can rely on the standard protections in Part 2 of Schedule 9 of the dDCO.</p> <ul style="list-style-type: none"> • BT Openreach –Openreach have agreed that Schedule 9, Part 2 provides adequate protections. • MBNL (for EE & 3 (Masts)) - MBNL has not made relevant representations in respect of the application, and can rely on the standard protections in Part 2 of Schedule 9 of the dDCO. <p>Final positions will be able to be provided just before the examination closes.</p>	
6.2	<p>The ExA asked whether crown land consents are forthcoming having regard to the responses thus far and the statutory provision triggered.</p>	<p>The Applicant stated that the position was the same on all A47 schemes.</p> <p>The Applicant is in regular contact with the Government Legal Department in relation to the crown consents.</p> <p>There has been no indication that there will be any issues in securing consent.</p> <p>Subject to receipt of the necessary consents then the criteria in s.135(1) (a) and (b) will be met.</p>	<p>The crown consent has now been issued and has been submitted at Deadline 9.</p>
Agenda Item 8 – Action Points and Close of Hearing			
8.1	<p>The ExA looked to clarify the action points arising from CAH1.</p> <p>The ExA listed three:</p>	<p>The Applicant agreed that these were correct but brought two further action points to the ExA's attention:</p> <ul style="list-style-type: none"> • The Applicant to confirm the visibility splays on the two agricultural access points 	<p>See response to Agenda Item 4.2 and 4.11</p>

Ref	Questions / Issues Raised at CAH1 and Hearing Action Points	Summary of Applicant's Response at CAH1	Applicant's Additional Written Response
	<ul style="list-style-type: none"> The Applicant to provide clarification as to whether the chosen design of the Scheme incorporates the least land take The Applicant and Big Sky to engage on any alternative sites for the welfare facilities, looking at potential land outside of the red line. The Applicant to provide a full written response to submissions AS-039 and AS-40. 	<ul style="list-style-type: none"> The Applicant to investigate as to whether it holds any data on the frequency of use of the access point onto the B1172 	
8.2	<p>The ExA asked if these two could be wrapped up into the written response to the submissions, and whether all action points could be responded to by Deadline 9.</p>	<p>The Applicant agreed to incorporate these into the written responses.</p> <p>It agreed to provide updates at Deadline 9.</p> <p>It noted that some further assessments may be required in relation to the site put forward by Big Sky but that an update on progress would be provided.</p>	<p>The Applicant had a meeting with Big Sky Developments on the 11th March to discuss alternative locations of the site compound.</p> <p>See comment on Agenda Item 5.1</p>