

A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

RESPONSES to comments on RR's
On behalf of A.C. MEYNELL of the Berry Hall Estate

IP reference 2002/8353



ACM 07

14 September 2021

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

Regulation 10

The A47 North Tuddenham to Easton
Development Consent Order

**RESPONSES on behalf of Mr A C MEYNELL to the Applicant's
Comments on RRs**

Application reference: TR 010038

Interested Party reference: 2002/8353

Document reference: ACM 07

Date: 14 September 2021

Responses on behalf of Mr A C Meynell (“the Objector”) to the Applicant’s comments on RRs

In relation to the Applicant’s comments on the Objector’s RRs (RR-061)

Overarching point

The Applicant continues to misunderstand and downplay the relevance of the IHTA designation of the Berry Hall Estate (the “Estate” or “BHE”). This serves to reinforce the Objector's view that its application does not properly take into account or address this highly relevant consideration.

RR-061.1

The Applicant’s comment does not take into account the fact that the alternative access identified into the Estate from Berry’s Lane (C167) cannot be used by HGVs. See Mr Meynell’s statement at ACM 03 at para 155 *et seq.*

For those vehicles which currently use the “old back drive” as referred to in Mr Meynell’s statement at para 161, the inability to continue its use will mean an extra journey of approximately 2 miles and if approaching from the west, the necessity to pass through four villages and their built- up areas, which would not otherwise have been necessary.

RR-061.2

The criteria used is that the Estate is considered to be of outstanding scenic and historic interest (see ACM 03.6 at para 3.3.12 (ACM 03.6.5)).

The Applicant’s comments relating to its being of outstanding scenic interest only are therefore irrelevant.

The Objector’s position as to the relevance of the designation and its policy implications are set out in ACM 02 at paras 43 to 59.

The fact that the Estate is not a “designated heritage asset” for the purposes of the NN NPS does not mean that it is not a heritage asset for the purposes of the policies therein as explained in NN NPS. The response to RRs does not claim that the Estate (aside from the listed components) has been assessed as a non-designated heritage asset and as such that the ExA must proceed on the basis that it has not and that the assessment is deficient.

Moreover the response does not suggest that the applicant has carried out an assessment of the implications of the Project for the scenic qualities. This is another deficiency in its assessment.

RR-061.5

The Objector made a written objection to the 2017 Consultation on the four options in which he objected to that which was set to pass through the Estate and which omitted to refer to Berry Hall as being a listed property (referring only to the Ice House (see ACM 03.11A plan 5)).

At that point there were no junctions proposed at the mid point of the route on any plans. See ACM 03.11A plans 1-4

Engagement by the Applicant with the Objector prior to the Applicant's decision to locate a junction at Wood Lane was nil.

Engagement by the Applicant with the Objector on the design and location of the Scheme between January 2020 and the date of the application for the DCO was limited to the two visits by the Applicant referred to in ACM 02 and ACM 03 and listed in the timeline at ACM 03.11 on 27 January 2020 and 14 December 2020.

RR-061.6

See comments on 061.2 above. It is wrong in policy and law to say that the designation is not a heritage designation for the NN NPS. It is not a designated heritage asset but it is a heritage asset. The Applicant continues to fail to recognise the significance attaching to the Estate.

The Objector notes that the Applicant has been invited to provide further heritage assessment as part of EXA Q1.

The specific concession that LV impacts on the designated scenic qualities of the Estate have not been taken into account.

No details of the Applicant's review of the BHE designation and HMP have been provided. The Objector cannot therefore at this stage comment on the claim that it would not affect the conclusions of Ch 7. The Ex A should not accept this comment without provision of a detailed review.

RR-061.7

The Applicant's approach to the IHTA designation is wrong as a matter of law. The correct position is as per the ACM 02 submissions. If the Ex A follows the Applicant's approach he risks falling into error.

In any event, the IHTA designation relates to the use and condition of land and so is a material consideration on that basis. As such it does fall to be separately considered in any event.

RR-061.8

Further details of the impact on the BHE are set out in ACM 03 (see the sections in red headed “IMP1” et seq). The overall effect of changes to the proposals following Feb 2020 stat con was to significantly worsen the impact on the BHE. These were not subject to consultation as is confirmed in ACM 02.

RR-061.10

The respondent's opinion was based on the scheme in contemplation at the time of the questionnaire, which was materially different to that applied for as set out in ACM 02 and ACM 03.

The impact of the application scheme was not commented on because it was not consulted upon as also set out in those documents. This only serves to emphasise the materiality of the consultation failings.

The full impact of the application scheme is as set out in ACM 03 and this illustrates the inadequacy of the assessment in Ch 12

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Refer to ACM 02 and ACM 03 for the consultation failings and the consequence they should have.

14 September 2021