

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 9

9.18 Applicant's Written Summary of Oral Submissions at CAH1 and CAH2

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

Planning Act 2008

November 2021

Infrastructure Planning

Planning Act 2008

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

The A47 North Tuddenham to Easton
Development Consent Order 202[x]

**APPLICANT'S WRITTEN SUMMARY OF ORAL SUBMISSIONS
AT CAH1 AND CAH2**

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1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47 North Tuddenham to Easton scheme was submitted on 15 March 2021 and accepted for examination on 12 April 2021.
- 1.1.2 The Compulsory Acquisition Hearings (split into CAH1 and CAH2) for the A47 North Tuddenham to Easton (DCO) application were held virtually on Microsoft Teams on Wednesday 3 November 2021 at 10.00am (CAH1) and 2.00pm (CAH2).
- 1.1.3 The Examining Authority (ExA) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing.
- 1.1.4 This document seeks to also fully address the representations made by the Interested Parties at CAH1 and CAH2.
- 1.1.5 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 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT COMPULSORY ACQUISITION HEARING 1 (CAH1)

Ref	Questions / Issues Raised at CAH1 and Hearing Action Points	Summary of Applicant's Response at CAH1	Applicant's Written Response
1.	<p>Outline how the statutory and policy tests relevant to compulsory acquisition and/or temporary possession under the Planning Act 2008 (including s122 and s123) and the Department for Communities and Local Government guidance related to procedures for the compulsory acquisition of land have been met; in your answer outline how the use of the powers are deemed necessary and proportionate.</p>	<p>The starting point is s122 of the Planning Act 2008 which provides that where a DCO includes provisions authorising compulsory acquisition of land, to the extent that this is sought, the decision maker (i.e. the Secretary of State) must be satisfied in respect of the Application of three things:</p> <ul style="list-style-type: none"> a) the land is required for the development b) the land is 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 2008 Act. <p>Further to the this, s122(3) requires that there must be a compelling case in the public interest for the inclusion of powers of compulsory acquisition in a DCO, and s123 outlines that the decision maker may authorise compulsory acquisition if:</p> <ul style="list-style-type: none"> a) Compulsory acquisition powers were requested in the Application (which is met through the inclusion of the Book of Reference REP1-007 as part of the Application); b) all persons with an interest consent; or, c) prescribed procedure has been followed. <p>Paragraph 8 of the DCLG compulsory acquisition 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 relevant Articles in the DCO are 24, 25, 27, 29, 32, 33, and separately</p>	<p>The Applicant has no further submissions.</p>

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		<p>articles 34 and 35 are relevant to the temporary use of land. Details of their inclusion and justification is set out in the Explanatory Memorandum REP2-008.</p> <p>In regard to compliance with the many tests, the Statement of Reasons REP2-011 sets out that the land to be acquired 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 Order Land that is required and, in all events, will seek to minimise effects on landowners.</p> <p>Within the boundaries of the Order Land, land is required temporarily for construction activities such as material storage, management and processing, and temporary utility connections.</p> <p>Paragraph 2.2 of the National Networks National Policy Statement (NNNPS) 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.</p> <p>In relation to the objectives of the Scheme, these are set out in the Case for the Scheme APP-140 at paragraph 3.5.1. The objectives are as follows:</p> <ul style="list-style-type: none"> a) Supporting economic growth: reduce congestion related delay, improve journey time reliability and increase the overall capacity for future traffic growth to help enable regional development and growth in Norwich and its surrounding area. b) A safer and reliable network: improve safety for all road users and those living in the local area by improving safety issues at junctions along 	

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		<p>the A47. Improve user satisfaction by quicker and more reliable journeys.</p> <p>c) A more free-flowing network: increase resilience in coping with incidents such as collisions, breakdowns, maintenance and extreme weather. Support the smooth flow of traffic and improve journey times reliability by maximising the operational capability at the junctions and along the 9km carriageway.</p> <p>d) Improved environment: protect the environment where possible by minimising adverse impacts and, where possible, deliver benefits.</p> <p>e) An accessible and integrated network: ensure the new road layout considers local communities and safe access to the A47. Provide a safer route between communities for cyclists, walkers, horse-riders and other vulnerable users of the network, taking into consideration how their requirements can be addressed with improved connectivity.</p> <p>f) Value for money: ensure the Scheme is affordable and delivers good value for money.</p> <p>In view of these points the Applicant is satisfied that all land listed is necessary, reasonable and proportionate.</p> <p>Having particular regard to s122(3) and the arguments for the presence of a compelling case in the public interest, the Applicant set these out in section 5 of the Statement of Reasons REP2-011.</p> <p>There is a compelling case in the public interest for the Scheme to be delivered. The NPS NN identifies a “critical need” to improve the national networks to address road congestion and support economic growth, quality of life and environmental factors.</p> <p>The way in which the strategic objectives of the Scheme are aligned with the NNNPS is set out in detail at Chapter 3 of the Case for the Scheme APP-140. General compliance with the NNNPS is set out in the National Policy Statement</p>	

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		<p>(NPS) Accordance Tables APP-141. These documents clearly demonstrate that there would be substantial public benefits arising from the implementation of the Scheme.</p> <p>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 2008 is met and that there is a compelling case in the public interest for compulsory acquisition.</p>	
2.	<p>Outline where alternatives were considered and how the current scheme was ultimately decided upon.</p>	<p>A scheme of this size will make it inevitable that compulsory acquisition is required.</p> <p>In designing the Scheme and 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. These alternatives and modifications were consulted on and the preferred route has been chosen based on a thorough consideration of relevant issues.</p> <p>Following public consultation, the Applicant selected the most appropriate option out of four options put forward. This selection took account of various factors, including, amongst others, views of consultees, including persons with a land interest. Other factors included environmental impacts, meeting the objectives of the Scheme, affordability, value for money, safety, construction and operational considerations.</p> <p>None of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary possession of Land.</p> <p>The Applicant took on board key concerns raised by the public and amended the option so that it could be built to have less impact during construction. The assessments also demonstrated that the current route presented the best solution for traffic and safety issues, and had the least impact on the environment, and coupled with the positive public consultation, was deemed to be the most</p>	<p>The Applicant has no further submissions.</p>

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		<p>favourable.</p> <p>The Applicant has been engaged for some time with landowners seeking to reach agreements which would avoid the need to seek to compulsory acquisition or temporary possession of land. This process is ongoing.</p>	
3.	<p>Outline examples where CA factors fed directly into the consideration of alternatives and the design of the scheme</p>	<p>The consideration of compulsory acquisition in assessing alternatives can be found at 2.2 of the Case for the Scheme APP-140.</p> <p>As a general comment, any changes made to a scheme will have an impact on the amount of compulsory acquisition needed and there have therefore been chances to change what is required within the Order and make changes in the nature of any acquisition i.e. whether permanent or temporary.</p> <p>In regard to more specific examples in relation to design, consultation and engagement with Honingham Parish was incorporated into the modelling and design of the roundabout at Berry's Lane/Wood Lane.</p> <p>Furthermore, with the intention of reducing land take and in consultation with Norfolk County Council (NCC), the first design of sideroads was able to be changed. Such roads were initially designed in line with the relevant DMRB standards, requiring the cross-sections of roads to be 9.3m. Engagement with NCC led to the agreement that such cross-sections could be significantly reduced. This resulted in less land take required, a reduction on the impact of the Scheme, and a design that fit better with the local environment. This preference was applied across the Scheme.</p> <p>This was driven by the Applicant's desire to reduce the land take and to reduce the impact on the landowners, and the associated environmental impacts.</p> <p>Following a specific query from the ExA the Applicant confirmed at the start of CAH2 that the extent of land required was considered as part of the assessment of options and alternatives to the Scheme and this is set out in paragraphs 2.2,</p>	<p>The Applicant has no further submissions.</p>

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		2.2.6 and 2.2.15 – 2.2.26 of the Case for the Scheme APP-140 .	
4.	<p>Explain how Human Rights and Public Sector Equality Duty considerations informed the option chosen</p>	<p>Regard was given to Articles 6 and 8 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol.</p> <p>Full details of the considerations are detailed in 6.1 of the Statement of Reasons REP2-011.</p> <p>Section 6 of the Human Rights Act 1998 prohibits the public authorities from acting in a way which is incompatible with rights protected by the ECHR.</p> <p>Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights:</p> <p><i>"The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention."</i></p> <p>The draft DCO, if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:</p> <ul style="list-style-type: none"> a) There is a compelling case in the public interest for the compulsory acquisition powers included within the draft DCO, and that proper procedures are followed. b) Any interference with a human right is proportionate and otherwise justified. There are no residential properties affected by the compulsory acquisition of land in the Scheme. <p>The Applicant recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme outweigh any harm to those individuals. The draft DCO strikes a fair balance</p>	<p>The Applicant has no further submissions.</p>

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		<p>between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the DCO) and the private rights which will be affected by the compulsory acquisition.</p> <p>In relation to both Articles 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the draft DCO has been demonstrated in Chapter 4 of this Statement of Reasons REP2-011 and in the Case for the Scheme APP-140. The Land over which compulsory acquisition powers are sought as set out in the draft DCO is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.</p> <p>In relation to Article 6 the Applicant is content that proper procedures have been followed for both the consultation on the Scheme and in determining the compulsory acquisition powers included in the draft DCO. Any affected party that can prove a claim will be properly and fairly awarded their due compensation.</p> <p>Throughout the development of the Scheme, the Applicant has given persons with an interest in the Order land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant has endeavoured to engage with landowners. The Applicant has had regard to landowner feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme. Examples of design changes are provided within the Consultation Report APP-024.</p> <p>In relation to Public Sector Equality Duty considerations then attention is drawn to section 6.3 of the Statement of Reasons REP2-011 and the Equality Impact Assessment (EqIA) APP-145.</p> <p>The conclusions of the EqIA confirmed that the scheme will:</p> <ul style="list-style-type: none"> a) Improve journey reliability and safety for the route corridor. 	

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		<p>b) Diversify transport links between communities by providing new footway/cycleway provisions.</p> <p>c) Result in a mix of operational positive and (short term) adverse noise effects on residential properties.</p> <p>d) Address impacts anticipated at Merrywood House with the agreed proposals.</p> <p>After undertaking an EDIT assessment, the Applicant does not anticipate that the project would significantly impact people with protected characteristics and that the Scheme is likely to provide a range of benefits that can be shared by equality groups.</p>	
5.	<p>Please confirm that all affected parties are encapsulated in the Book of Reference (BoR) and outline the processes used to ensure this and what measures are in place to ensure it remains up to date</p>	<p>The Applicant confirms that all affected parties are captured within the Book of Reference REP1-007.</p> <p>The Applicant ensured that diligent enquiries were undertaken to guarantee the accuracy of the BoR. These involved a range of activities that ranged from:</p> <ul style="list-style-type: none"> a) desktop methods, including Land Registry searches, index maps, further title searches and searches within titles to uncover hidden interests; b) contact reference inquiries, reaching out to those with interests by various methods; and c) site visits <p>with the intention of clarifying interests and solving queries with the potential of reducing land take.</p> <p>The BoR is kept under constant review and where changes in ownership are notified the Applicant will serve s102A letters.</p> <p>Additional land interests have been identified and the Applicant will provide an</p>	<p>The Applicant has no further submissions. An updated Book of Reference will be submitted at Deadline 5.</p>

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		updated BoR at the next deadline and (as above) it will be kept under constant review.	
6.	In relation to the Funding Statement, advise whether those funds for acquisition costs should be separate to construction/project costs and how such acquisition costs are estimated	<p>As a general comment in relation to separating acquisition costs, such costs are commercially sensitive and therefore cannot be explicitly set out in the Funding Statement APP-022 but do form part of the overall budget.</p> <p>Paragraph 2.1.1 of the Funding Statement confirms that the scheme estimate includes an allowance for compensation and Paragraph 2.1.4 confirms that the estimate is prepared in accordance with the Applicant's standard procedures – the process undertaken on all of the Applicant's other schemes.</p> <p>The overall estimate of costs for compulsory acquisition within the scheme is achieved by considering the plans and details available. An initial estimate is reached for the costs of potential claims by owners for compensation, with some leeway made to accommodate for unknown risks. This is then fed into the wider costing of the Scheme.</p>	The Applicant has no further submissions to make.
7.	Please provide assurance that the budget allotted is sufficient and if there are mechanisms in place to modify if needed	<p>The budget is funded wholly by the Applicant's Road Investment Strategy 2 (RIS2). The Funding Statement APP-022 sets this out with further details at Annexes B, C, and D.</p> <p>Annex A details how the RIS2 can be changed. In the first paragraph it details that changes can be made as requested by the Secretary of State or the Applicant, or changes are made within RIS2, which can be made at a project level if required.</p>	The Applicant has no further submissions to make.
8.	Outline the relevant sections of the dDCO dealing with Temporary Possession and advise on the expected duration of	<p>The relevant sections of the Draft DCO REP2-006 are article 34 (temporary use of land for carrying out the authorised development), article 35 (temporary use of land for maintaining the authorised development), and Schedule 7 of the DCO which sets out all land to be subject to temporary possession only.</p> <p>Temporary possession is able to be taken over any other elements under the</p>	The Applicant has no further submissions to make.

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	such incidents of TP	<p>scheme secured under compulsory acquisition powers. Schedule 5 of the DCO deals with the acquisition of new rights.</p> <p>The Applicant intends to acquire all land required permanently at the outset of the Scheme.</p> <p>In relation to the duration of any incident of temporary possession, it is dependent on the works required on any given plot. Any specific queries or elements of concern a party may have can be dealt with directly.</p>	

3 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT COMPULSORY ACQUISITION HEARING 2 (CAH2)

Ref	Questions / Issues Raised at CAH1 and Hearing Action Points	Summary of Applicant's Response at CAH1	Applicant's Written Response
1.	Please clarify if there is an error in relation the plots referenced on pages 5 and 6 of the CA Schedule, relating to plots 9/1a and 9/1c.	The Applicant has noted the error and agrees to update the CA Schedule REP2-015 accordingly.	The amendment was made in the document submitted after Deadline 3 with reference AS-019 .
2.	Please clarify if there is an error in relation to plot 14/6a as shown on Sheet 14 of the Land Plans –	The Applicant has noted the error and agrees to update the Land Plans REP1-002 accordingly.	The Applicant has subsequently reviewed the plans and can confirm that land parcel 14/6a is shown as green on Sheet 14 of the Land

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	should this now be green?		Plans, Rev.1, REP1-002 submitted at Deadline 1.
3.	Please provide a brief update on the progress of negotiations with APs and the timetable for their conclusion	<p>All of the major landowners to be subject to permanent possession, temporary possession, or the acquisition of rights have been communicated with and correspondence has taken place.</p> <p>The Applicant advised that there are 26 major landowners, all of whom have been engaged with.</p> <p>The amount of progress made in relation to reaching agreement is ranged. Some have Heads of Terms agreed while others are at earlier stages of negotiation, while others are still being written to.</p> <p>Any estimation of timescale is ongoing and it could not be confirmed whether all negotiations will be concluded by the end of the Examination.</p> <p>The majority are in principle agreements, it is a case of agreeing numbers and compensation.</p> <p>Any perceivable stumbling blocks cannot be confirmed at this time as they arise as and when they are discovered.</p> <p>The Compulsory Acquisition Schedule will be updated and submitted to the ExA at regular intervals.</p>	The Applicant has no further submissions to make.
4.	Rebecca Clutten for Mr Meynell , raised a point that there has been no material conversation in relation to multiple matters	<p>The Applicant is not satisfied that all the points raised represent a fair reflection of the engagement that has occurred between the parties but is mindful that a number of issues do remain to be resolved and a meeting took place immediately after CAH2.</p> <p>The Applicant stated that they can provide a timeline of engagement that has been undertaken to-date. This may be submitted as a written submission.</p> <p>The Applicant advised that it has tried to instigate negotiations with Joshua</p>	<p>Table 2.1 of the draft Statement of Common Ground between the Applicant and Mr Meynell sets out the engagement and discussions that have taken place to-date between the two parties.</p> <p>The Applicant and Mr Meynell met</p>

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		<p>Spink of Savills, the land agent acting for Mr Meynell. A preliminary valuation was sent by the Applicant (albeit it is for the landowner to make a claim) and further correspondence took place but the Applicant was advised that nothing would progress until the wider issues were resolved. The Applicant stated that it has a good working relationship with the land agent.</p>	<p>immediately following CAH2 and the parties are working towards submitting a joint submission of the current position to the ExA at Deadline 5.</p>
5.	<p>Rebecca Clutten for Mr Meynell, raised a point that there has been no material conversation in relation to a drainage ditch</p>	<p>The Applicant advised that it had undertaken an assessment of a drainage ditch brought to its attention. The Applicant spent 4 weeks undertaking investigations into the ownership of the drainage ditch before Mr Meynell's representative confirmed it was owned by Mr Meynell.</p> <p>The Applicant has agreed to undertake a site visit. On the Applicant's last visit it noted that the ditch was very overgrown and filled-in in parts with existing culverts partially occluded.</p> <p>The Applicant knows of the existence of some 500mm pipes and will investigate further. This had been communicated to a member of Mr Meynell's team.</p> <p>Engagement on this and further drainage issues will continue to take place.</p>	<p>The Applicant refers to its submission above.</p>
6.	<p>Rebecca Clutten for Mr Meynell, raised a point that land takes were superfluous and would permanently prevent legal access to her client's property</p>	<p>The Applicant advised that throughout the design of the Scheme it has looked to minimise the land take and have challenged the boundaries on permanent and temporary land take. The Applicant went through several design reviews to determine the level of land take required for the Scheme.</p> <p>The Applicant advised that in the field adjacent to Merrywood House a compound had been previously proposed but this was taken out following communications and feedback in consultation.</p> <p>The Applicant will continue to engage on this and any other land take issues that arise.</p>	<p>The Applicant refers to its submission above.</p>

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7.	Rebecca Clutten for Mr Meynell , raised a point in relation to the reservoir housed in plot 9/1b	The Applicant asked for clarity on the location of the reservoir. The Applicant will take the issue away and form a response.	The Applicant refers to its submission above. Since the hearings last week the Applicant has spoken with Mr Meynell to obtain the relevant information in relation to the location of the reservoir.
8.	Rebecca Clutten for Mr Meynell , raised a point in relation to the loss of access to the footpath within plot 9/1g	The Applicant advised that they are aware of the access issue and have built in a Requirement to the dDCO to maintain access for movement of cattle from the pasture, south to the water meadow. This was communicated to a member of Meynell's team and is included in the draft Statement of Common Ground.	The Applicant refers to its submissions above.
9.	In response to the further points raised by Rebecca Clutten for Mr Meynell , please provide an update on talks or a timetable within progress can be expected on the issues raised	The Applicant is to hold a Without Prejudice meeting following CAH2. The two parties are hopeful of providing an update following this.	The Applicant refers to its submission above.
10.	In response to the further points raised by Rebecca Clutten for Mr Meynell , please advise on the progress of a Statement of Common Ground	The Applicant supplied the first draft to Meynell's representatives on 19 October 2021 and it is hoped that this can be discussed and submitted to the ExA shortly. The Applicant hopes to submit this document at Deadline 4. This will be discussed in the Without Prejudice meeting mentioned above.	The Applicant refers to its submission above.

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11.	<p>Phil Clarke for Neil Alston and Alston and Sons Limited – asked for any clarity to be given on the possibility of changing the allocation of land for biodiversity net gain purposes to another location (to the south of the A47) and allowing the current land to be developed as a road-side services area; Mr Clarke further suggested that no engagement had taken place on this allocation decision</p>	<p>The Applicant advised the land was presented at the statutory consultation phase where it was confirmed that it would be landscaped as part of environmental mitigation.</p> <p>The Scheme red line boundary was submitted and no representation has been made on the inclusion of a petrol fueling station.</p> <p>No objections have been received by the LPA in relation to the proposed Scheme boundaries.</p>	<p>The Applicant refer to is responses to relevant representation REP1-013 (RR-022.1) which stated that the Applicant has engaged and consulted with the local planning authorities as described within the Consultation Report APP-024. In this location, the local planning authority (Breckland Council) did not raise any objections during the Statutory Consultation in February to April 2020 or targeted consultation in December 2020 to January 2021. Consultation responses are presented within Annex N APP-038 and Annex O APP-039. The Applicant confirms that no representation has been made from the local planning authorities on the provision of a petrol filling station.</p> <p>In addition to the above, and as highlighted by Mr Clarke during the hearing, the area of land in question does not have planning permission for a petrol filling station, nor is there an outstanding application for a petrol filling station in this location. Furthermore the</p>

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			area of land is not allocated for this use in the Breckland Council local plan.
12.	<p>Charles Birch for Easton Estates – raised several issues of an environmental nature, concerns that more collaborative conversations were needed (but noted that discussions had been positive), and a concern about access from the Norwich Road junction, to the north side of their plots along to Church Lane</p>	<p>The Applicant agreed that environmental concerns would be better dealt with in the dedicated ISH2.</p> <p>The Applicant agreed with and echoed the representative's submissions that conversations to date had been positive.</p> <p>In relation to the access issue, the Applicant advised that they had been made aware and had engaged previously but that the route would need to crossover another landowner's plot and therefore that the landowners would have to initiate talks themselves first.</p>	The Applicant has no further submissions to make.
13.	Is there continuing discussion taking place with Ørsted in relation to the crossover with their overlapping DCO?	The Applicant confirmed that discussions are ongoing with Ørsted and the parties are discussing the overlap of the implementation of works under both schemes.	<p>The Applicant has no further submissions to make.</p> <p>The Applicant and Ørsted are in the process of negotiating a Statement of Common Ground which will be submitted to the ExA in due course.</p>
14.	In relation to additional screening/bunding, would these fall within the red	The Applicant confirmed that all additional screening/bunding falls within the red line boundary and is captured in the Book of Reference REP1-007.	The Applicant has no further submissions to make.

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	line boundaries?		
15.	<p>Jonathan Rush for James Alston, Food Enterprise Zone, Alston Farms Limited, and AL Alston & Sons Limited – expressed that many of their concerns would be raised at ISH2 but that there had been positive discussions with the Applicant</p>	<p>The Applicant noted the positive feedback from Mr Rush and that the issues would be dealt with at the later ISH2.</p>	<p>The Applicant has no further submissions to make.</p>
16.	<p>Alice [●] for Robert Wright – raised a point that Mr Wright had not been consulted until a very late stage and had not been aware that his land was to be acquired; concerned that Mr Wright's plots, being 1/5a and 1/5b, were being acquired permanently</p>	<p>The Applicant advised that it had served a s56 notice, that was properly served and received and that it could provide a schedule of engagement.</p> <p>Positive engagement had taken place on earlier on the day of the CAH2 and it was likely that an amicable agreement could be reached.</p> <p>The Applicant explained that the situation seemed to have arisen as a result of someone signing for, but not passing on the relevant information, with Mr Wright not having updated his address at the Land Registry. Contractors of the Applicant had eventually made direct contact with Mr Wright.</p> <p>The Applicant explained that the land was only needed for the ongoing management of ponds wherein newts are to be relocated. The default position where no response is received from a landowner is to permanently acquire the land, as a worst-case scenario due to the need to meet Natural England licencing requirements. Following the positive engagement taking place, the Applicant could discuss the possibility of reducing the required</p>	<p>The Applicant has no further submissions to make.</p>

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		<p>level of interest in these plots.</p> <p>A member of the Applicant's team and the District Valuer also advised that they would attend a meeting with the parties on 15 November 2021.</p>	
17.	<p>Please summarise any outstanding matters arising from representations by Statutory Undertakers</p>	<p>No statutory undertakers attended CAH2.</p> <p>The Applicant deferred to the update given in ISH1 the day previous.</p>	<p>The Applicant has no further submissions to make.</p>
18.	<p>Please provide an update on the progression of dealing with Crown Land</p>	<p>The Applicant advised that discussions were ongoing with the Government Legal Department and regular calls were taking place.</p> <p>The process is being jointly undertaken across the four DCO schemes the Applicant is promoting along the A47.</p> <p>The Applicant expects no issues in meeting the s135 tests and will keep the ExA updated.</p>	<p>The Applicant has no further submissions to make.</p>