

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 9

9.21 Applicant's Response to Examining Authority's Action List from ISH1, ISH2, 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 RESPONSE TO EXAMINING AUTHORITY'S
ACTION LIST FROM ISH1, ISH2, CAH1 AND CAH2**

Rule Number:	Rule 8(1)(c)
Planning Inspectorate Scheme Reference	TR010038
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Author:	A47 North Tuddenham to Easton Project Team, Highways England

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1 INTRODUCTION

- 1.1.1 This document is the Applicant's response to the Examining Authority's Actions List, issued 10 November 2021 following the close of the Issue Specific Hearing 1 (**ISH1**), Issue Specific Hearing 2 (**ISH2**), Compulsory Acquisition Hearing 1 (**CAH1**) and Compulsory Acquisition Hearing 2 (**CAH2**).

2 RESPONSE TO ACTIONS LIST

ACTION	PARTY	DEADLINE	APPLICANT'S RESPONSE
Tuesday 2 November 2021 – Issue Specific Hearing 1			
Article 8 (Limits of Deviation) – provide confirmation of the exact procedure for limits of deviation being certified by the Secretary of State.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – line 1.5.
Article 10 (Consent to transfer benefit of Order) – review wording in relation to compensation and provide update.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – line 1.6.
Article 35 (Temporary use of land for maintaining the authorised development) – clarify whether specific consultation has taken place with landowners in terms of the details of this article that allows temporary possession of any land within the Order Limits.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – line 1.14.
Article 22 (Protective works to buildings) –outline within the Environmental Management Plan the process for how parties can notify the applicant where and when buildings are affected.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – lines 1.12 and 1.17.
Article 41 (Trees subject to tree preservation orders) – Detail the process by which consultation would take place with the LPA as set out Article 41 2 (c) and confirm	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – lines 1.18 and 1.19.

ACTION	PARTY	DEADLINE	APPLICANT'S RESPONSE
whether this is for information only or would allow the LPA to object to tree removal.			
Requirement 7 (Protected Species) – clarify the wording and process for otherwise agreed by the Secretary of State as set out in Paragraph 4.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submission in relation to ISH1 (TR010038/EXAM/9.19) – line 2.4.
Wednesday 3 November 2021 – Compulsory Acquisition Hearings 1 and 2			
Provide the evidence to demonstrate that land take and compulsory acquisition was a factor in the selection of the preferred route.	The Applicant	Deadline 4	Please see response 3 under the Applicant's post-hearing submissions in relation to CAH1 (TR010038/EXAM/9.18)
Review and clarify the position in relation to land parcels 9/1a and 9/1c.	The Applicant	Deadline 4	The amendment was made in the document submitted after Deadline 3 with reference AS-019 .
Ensure the ExA is provided with regular updates in respect of all compulsory acquisition/temporary acquisition and Crown Land negotiations.	The Applicant	Ongoing	Please see responses 3 and 18 of the Applicant's post-hearing submissions in relation to CAH2 (TR010038/EXAM/9.18)
Thursday 4 and Friday 5 November 2021- Issue Specific Hearing 2			
Provide the evidence to support the submission that the current capacity and congestion on the A47 currently inhibits bus services.	The Applicant	Deadline 4	Please see the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20), and the section dealing with Item 3 of the agenda.
Provide references to demonstrate that the scheme has always proposed to include two junctions along its length, along with its intent to remove the Easton roundabout and provide a junction to the west of the Easton roundabout.	The Applicant	Deadline 4	Please see the response to relevant representations RR-061.9 of the Applicant's responses to relevant representations REP1-013 . The Applicant also refers to section 23.3.3 of the Scheme Assessment Report, available under 2020 consultation material at A47 North Tuddenham to Easton improvement - Highways England (nationalhighways.co.uk)
Provide evidence with regards to the safety audits and operational safety	The Applicant	Deadline 4	Please see the 9.17 Stage 1 Road Safety Audit Designer's Response (TR010038/EXAM/9.17) submitted at

ACTION	PARTY	DEADLINE	APPLICANT'S RESPONSE
assessments in relation to Wood Lane Junction.			Deadline 4.
Provide the evidence to demonstrate the size of roundabout required should the Norwich Western Link not be provided.	The Applicant	Deadline 4	Please see Annex A to this document.
Confirm process for updating examination in relation to ongoing discussions and future agreements on proposed new access to Food Enterprise Zone.	The Applicant	Deadline 4	The Applicant has provided its response on the issue of the access to the FEZ in its response to relevant representations (RR-067) REP1-013 . The local planning authority (Broadland District Council) will be able to update the ExA in relation to the live planning application for the FEZ access. The FEZ is dealt with in the SoCGs with Norfolk County Council and Broadland District Council.
Provision of correspondence in relation to issue of origin and destination data raised by Interested Party.	The Applicant	Deadline 4	<p>The Applicant noted that Mr Hawker (IP) had made requests to the Local Liaison Group (LLG) for the provision of "origin – destination data" for the local roads primarily in regard to the NWL scheme. The LLG held a specific traffic modelling sub-group on the 28th January 2021, led by the A47 & NWL project team which outlined the modelling approach undertaken across the schemes.</p> <p>The IP raised the question during this session on how origin – destination data was captured for the modelling and was provided with a response from the NWL Traffic Lead, which confirmed that O-D was obtained from the mobile phone companies (data from electronic devices) in accordance with Transport Analysis Guidance (TAG) methodology. The mobile phone data is then used to define zones for origin and destination; the modelled zones were then presented to the sub-group attendees on screen.</p> <p>An extract from the Modelling Group Question Sheet is shown at Annex B of this document.</p> <p>The Applicant notes that Chapter 4 of the Case for the Scheme (APP-140) outlines the Forecast modelling approach in Section 4.3.7, with specific reference to the variable demand model and how it calculates growth between origin-destination pairs provided in section 4.3.9.</p>

ACTION	PARTY	DEADLINE	APPLICANT'S RESPONSE
Provide comments in relation to the alternative junction arrangements put forward by the owners of Berry Hall.	Norfolk County Council	Deadline 5	This is not for the Applicant to respond to.
Respond to the comment raised by the Interested Party with respect to the potential to relocate the proposed environmental mitigation area from the land to the west of Wood Lane junction, to an area to the south.	The Applicant	Deadline 4	Please see the Applicants response RR-022 of the Applicant's responses to relevant representations REP1-013
Provide details in relation to biodiversity net gain and expand on why Defra Metric 3.0 is not to be used.	The Applicant	Deadline 4	Please see the Applicant's response in the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20) under Item 4 of the agenda.
Provide a timeline for the submission of an updated version of ES Chapter 8 (Biodiversity), to include further desk study data.	The Applicant	Deadline 4	The Applicant is proposing to submit an update to the ES Chapter 8 Biodiversity (APP-047) at Deadline 6.
Provide a timeline for the submission of updated version of ES Chapter 15 (Cumulative Assessment).	The Applicant	Deadline 4	The Applicant is proposing to submit an update to the ES Chapter 15 Cumulative Assessment (APP-054) at Deadline 6.
Provide a statement with regards to climate change issues and the approach taken within the National Networks National Policy Statement.	The Applicant	Deadline 4	Please see the Applicant's response in the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20) under Item 5 of the agenda.
Provide a response to the recent relevant Court Cases and challenges and their implications for the Proposed Development.	The Applicant	Deadline 4	Please see the Applicant's response in the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20) under Item 5 of the agenda.
Response to comments raised by an Interested Party in relation to the EIA being defective due to a lack of cumulative assessment of climate change impacts with other A47 schemes.	The Applicant	Deadline 4	Please see the Applicant's response in the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20) under Item 5 of the agenda.

ACTION	PARTY	DEADLINE	APPLICANT'S RESPONSE
<p>Confirm whether the applicant has updated the benefit cost ratio for the scheme to include the recent HM Treasury Greenbrook valuation of energy use and greenhouse gas supplementary guidance to the HM Treasury, published in October 2021. If not, provide a timeline for when this would be done.</p>	<p>The Applicant</p>	<p>Deadline 4</p>	<p>Please see the Applicant's response in the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20) under Item 5 of the agenda.</p>
<p>Set out the detail provided in relation to the specific assessment approach on Berry Hall and its Estate.</p>	<p>The Applicant</p>	<p>Deadline 4</p>	<p>The Applicant has provided further detail in Annex C of the Applicant's post-hearing submissions for ISH2 (TR010038/EXAM/9.20).</p>
<p>Provide a timescale for the submission of an updated AIA, to address the issue highlighted by owners of Berry Hall, along with the errors highlighted by the applicant.</p>	<p>The Applicant</p>	<p>Deadline 4</p>	<p>The Applicant is proposing to submit an update to ES Appendix 7.6 Arboricultural Impact Assessment (APP-094) at Deadline 6.</p>
<p>To ensure that additional viewpoints suggested by the owners of Berry Hall are added to the list of locations for the accompanied site visit.</p>	<p>The Applicant</p>	<p>Deadline 4</p>	<p>Noted. The Applicant will add the location to the list for the ASI.</p>

ANNEX A - STATEMENT ABOUT SIZE OF WOOD LANE JUNCTION ROUNDABOUT

Provide the evidence to demonstrate the size of the Wood Lane Junction required should the Norwich Western Link not be provided.

Introduction

This note explains why the Applicant has made an application for a DCO which caters for the Norwich Western Link scheme and why the Applicant considers that the design of the Scheme would remain materially the same in a hypothetical no Norwich Western Link (NWL) scenario.

The A47 improvement between North Tuddenham and Easton was identified by the Government and included within the Road Investment Strategy (RIS), which sets a long-term strategic vision for the network by:

- Specifying the performance standards Highways England must deliver under their statutory license as the strategic highway authority in England.
- Listing planned enhancement Schemes expected to be built.
- Stating the funding made available during the second Road Period (RP2) covering the financial years 2020-21 to 2024-25.

The Scheme objectives are covered in Section 2.2 of the Scheme Design Report, Rev.1 (**AS-008**), and section 3.5 of the Case for the Scheme (**APP-140**). The three below objectives are key in understanding the provision at the Wood Lane junction:

- 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.
- 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 the A47**. Improve user satisfaction by quicker and more reliable journeys.
- 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.

As a result of the NWL scheme announcing a preferred route, under the Department for Transport (DfT) traffic modelling guidance, the NWL has to be considered as a “certain development” in the traffic modelling determining the need case for the A47 North Tuddenham to Easton Dualling scheme; see Scheme Design Report, Rev.1, Section 9.2.3. (**AS-008**).

The classification of “near certain” means that the NWL is included in both the Do Minimum (DM) and Do Something (DS) scenarios for the scheme traffic modelling; see the Case for the Scheme, Section 4.4.3 (**APP-140**). Therefore, the Wood Lane roundabout must be designed to accommodate these flows.

Benefits of Designing for Norwich Western Link:

The Applicant has provided information on the interrelationship with the NWL in Section 9 of the Scheme Design Report, Rev. 1 (**AS-008**).

The benefits of a single delivery approach are covered within Sections 9.2.5 and 9.2.6. Provision of a design with the proposed size of roundabouts would not only cater for the future connection and capacity with NWL included, but would also avoid:

- Additional costs from amending Wood Lane junction after the A47 construction
- Impact on customers and delays to journey times during construction to traffic using the junction after the Scheme opening.
- Demolition of recently built highways, drainage systems, utility services to create the new connection to Wood Lane Junction.
- Associated adverse environmental impacts (e.g. construction plant emissions, waste arisings for disposal and embedded carbon emissions) from removing recently built road surfaces, earthworks and utility infrastructure when tying into Wood Lane junction after the Scheme opening.

The Applicant has also explained the justification for including provision of the NWL arm to the roundabout within the Scheme in section 4.16 of the Statement of Reasons (**APP-021**). In particular, paragraph 4.16.6 states:

“The provision of additional capacity for future developments is permitted under, and subject to the provisions of, the DCLG guidance on associated development for DCOs (April 2013), which states at paragraph 5(iv) that a degree of overcapacity may be included as associated development for a DCO “if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project”. The NWL is not anticipated to be a DCO project but will be a significant and necessary element of the roads network if it comes forward and is a major infrastructure project. It is common in highways schemes for new or upgraded roads to accommodate potential future schemes in this manner, and the optional infrastructure (comprised in Work No. 98, which would be accommodated by a realignment inwards of the footway and cycle path in Work Numbers 26 and 26a should the NWL not be constructed) has been fully environmentally assessed.”

The Applicant does not consider that there is overcapacity within the design. However, even if such an allegation were to be made, there remains in any event a compelling case in the public interest for compulsory acquisition powers, associated with the minimal additional land that will be required to facilitate the NWL scheme connecting into the A47 scheme, to be granted.

Timeline

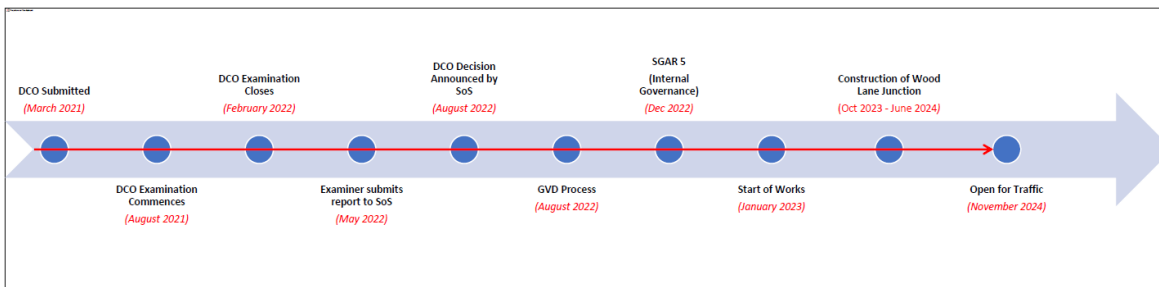
The Norwich Western Link scheme is anticipated to be open to traffic within 12 months of the opening of the A47 Scheme.

The timeline below gives a graphical representation of the key dates for both schemes.

Note that these timelines do not afford a trigger point for a decision to introduce a non-NWL alternative design to be pursued due to the overlap between the start of works (SoW) for the

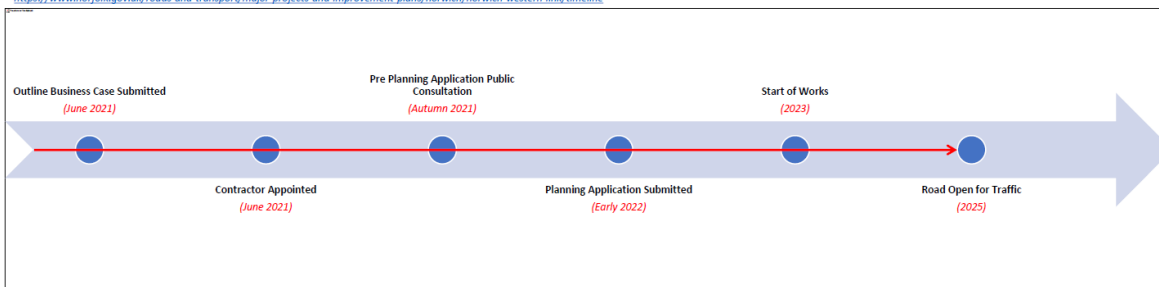
A47 North Tuddenham to Easton scheme and the anticipated determination of a planning application for the NWL. Delaying the finalisation of the design for the A47 and as a consequence, the SoW in order to accommodate a final decision on the NWL scheme would materially delay the A47 open for traffic date – meaning that the date when the benefits of implementing the A47 scheme (including much-needed safety improvements) would start to accrue would also be delayed. Delaying the SoW would also place at risk the Applicant's commitment to complete the works before the end of the Government's Road Investment Strategy 2 (RIS2). Notably, the Scheme is not for the purpose of linking to or facilitating NWL. The myriad of reasons why it is important that the Scheme is open for traffic as soon as possible are set out in the Case for the Scheme [APP-140].

A47 Tuddenham Timeline:



Norwich Western Link Timeline:

<https://www.norfolk.gov.uk/roads-and-transport/major-projects-and-improvement-plans/norwich/norwich-western-link/timeline>



Wood Lane junction in a non-NWL scenario

This preliminary assessment is based on traffic flows in a non-NWL scenario. It makes no allowance for the alternative measures that would need to be implemented by Norfolk County Council in the unlikely event that the NWL does not proceed.

The Applicant has reviewed the anticipated traffic levels and type of vehicles that would use the Wood Lane junction in a non-NWL scenario and has concluded that once the configuration of the local side roads to the south of the proposed Wood Lane junction are considered along with safe weaving lengths, HGV flows and junction flares, the minimum Inscribed Circle Diameter (ICD) required for the operation of the junction would be similar to that required in the NWL scenario.

Therefore, the footprint of the two scenarios would be similar and the changes resulting from the implementation of a non-NWL scenario scheme to the landowner to the south of the junction in terms of land take would be marginal.

For the reasons set out, the Applicant does not consider that the provision of a redesigned scheme is necessary or appropriate.

ANNEX B – EXTRACT FROM MODELLING GROUP QUESTION SHEET

Q10	Richard Hawker	In the presentation from Mr Drennan it appeared that origin and destination figures are obtained from mobile phone data alone. Not everyone has smart mobile phones. What percentage of vehicles have been captured by this method? Are such figures able to discriminate between private cars, and commercial vehicles? An O & D metric was mentioned, but not shown. Please can we see that.	WSP	CD explained that this is a standard methodology used for determining O&D
Q11	Richard Hawker	It was explained that the O and D survey defines zones for origin and destination. Please can you define these for the area of interest to the project. Previous information we have been given on zones show each zone being a very large area of Norfolk, which gives very little useful information.	WSP	The zone map for model was shown to be sub-group.