

A47 North Tuddenham to Easton

Scheme Number: TR010038

Volume 9 **9.16 Applicant's Responses to Deadline 3** **Comments**

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**

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

9.16 APPLICANT'S RESPONSE TO DEADLINE 3 COMMENTS

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CONTENTS

1	Introduction	1
2	Key Abbreviations.....	2
3	Mr A C Meynell	3
4	Brown & Co on behalf of A L Alston & Sons Ltd.....	3
5	Brown & Co on behalf of Alston Farms Ltd.....	4
6	Anglian Water	5
7	Childhood First.....	5
8	James Alston on behalf of Food Enterprise Park Ltd & Honingham Thorpe Farms and Business Park	6
9	Brown & Co on behalf of Honingham Aktieselskab.....	6
10	Brown & Co on behalf of Mr Neil Alston	9
11	Anthony Clarke on behalf of Norwich Cycling Campaign	10
12	Orsted Hornsea Project Three (UK) Limited	10
13	Bryan Robinson	11
14	David Pett, on Behalf of Wensum Alliance	11
15	Climate Emergency Policy and Planning (CEPP).....	11

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 purpose of this document is to set out Highways England's (the Applicant) comments on the following submissions by third parties at Deadline 3 (05 October 2021):
- A C Meynell's:
 - comments on Applicant's replies to ExA's First Written Questions: Annex 4 (**REP3-043**);
 - comments on Applicant's replies to ExA's First Written Questions (**REP3-044**); and
 - presentation of alternative options to the Applicant's proposed design (**REP3-045**).
 - Anglian Water comments on responses to the ExAs First Written Questions (**REP3-039**).
 - Anthony Clarke, on behalf of Norwich Cycling Campaign, comments on the Broadland District Council and South Norfolk Council Response to Examining Authority's Written Questions (ExQ1) (**REP3-046**).
 - Brown & Co on behalf of A L Alston & Sons Ltd Deadline 3 comments on any additional information/submissions received by Deadline 2 (**REP3-028**).
 - Brown & Co on behalf of Alston Farms Ltd Written Representations in response to Applicant's responses to Relevant Representations (**REP3-029**)
 - Brown & Co on behalf of Honingham Aktieselskab comments in response to the Applicant's response to Relevant Representations (**REP3-036**), supported by:
 - Sections Sheet 1 of 3 (**REP3-030**)
 - Sections Sheet 2 of 3 (**REP3-031**)
 - Sections Sheet 3 of 3 (**REP3-032**)
 - Section Locations (**REP3-033**)
 - Section Locations with pdf underlay (**REP3-034**)
 - Aerial image of access to estate property at Lower Easton (**REP3-035**)
 - Request to participate in Hearings and to attend or part attend the Accompanied Site Inspection (**REP3-037**)
 - Brown & Co on behalf of Mr Neil Alston Written Representations in response to Applicant's responses to Relevant Representations (**REP3-038**)
 - Childhood First submission (**REP3-047**)
 - James Alston on behalf of Food Enterprise Park Ltd & Honingham Thorpe Farms and Business park comments on responses to the ExAs First

Written Questions (**REP3-041**).

- National Grid Gas plc comments on documents submitted at Deadline 2 (**REP3-040**).
- Orsted Hornsea Project Three (UK) Limited comments on Statement of Common Ground (**REP3-042**).

1.1.3 This document also responds to the following late submissions during October 2021:

- Bryan Robinson, submitted 15 October 2021 (**AS-014**).
- David Pett, submitted 15 October 2021 (**AS-015**).
- Climate Emergency Policy and Planning (CEPP), submitted 15 October 2021 (**AS-016**).

1.1.4 The following sections present the responses where additional information or clarity by the Applicant is required.

1.1.5 The Applicant has no further comments to make on the response by National Grid Gas plc¹.

2 KEY ABBREVIATIONS

2.1.1 The following common abbreviations have been used in the Applicant's submissions to the Examination:

- dDCO = draft Development Consent Order
- DMRB = Design Manual for Roads and Bridges
- ExA = Examining Authority
- NPSNN = National Policy Statement for National Networks 2014
- NWL = Norwich Western Link
- the Scheme = the A47 North Tuddenham to Easton dualling scheme

¹ Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000611-DL3%20-%20National%20Grid%20Gas%20Further%20submission%20of%20NGG%20-%202021%20September.pdf>

3 MR A C MEYNELL

3.1.1 The Applicant has reviewed Mr Meynell's responses to the Applicant's comments on Applicant's replies to ExA's First Written Questions (**REP3-043**), available to see in the below link.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000694-A%20C%20Meynell%20-%20Comments%20on%20Applicant%E2%80%99s%20replies%20to%20ExQ1%20-%20Rev%201.pdf>

3.1.2 The Applicant has also reviewed the alternative options to the Applicant's proposed design, presented in the below links. The Applicant's report '9.15 Alternative Wood Lane Junction Options Appraisal' (**AS-022**), plus supporting Appendix B (**AS-023**) and Appendix C (**AS-024**), was submitted to the ExA on 25 October 2021 and an update will be provided by Deadline 6.

- **REP3-044** = <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000693-A%20C%20Meynell%20-%20Comments%20on%20Applicant%E2%80%99s%20replies%20to%20ExQ1%20-%20Annex%204.pdf>
- **REP3-045** = <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000687-A%20C%20Meynell%20-%20Presentation%20of%20alternative%20options%20to%20the%20Applicant%E2%80%98s%20proposed%20design.pdf>

3.1.3 For many of the issues raised in submission **REP3-044** the Applicant has nothing further to add to their below responses to the ExA at Deadlines 1 to 4 and statements at the November 2021 hearings, in response to issues raised either by both Mr Meynell and/or by other third parties with a related theme:

- 9.2 Applicants Response to the Relevant Representations (**REP1-013**)
- 9.6 Applicant's Response to the Examining Authority's First Written Questions (ExQ1) (**REP2-014**)
- 9.8 Applicant's Response to the Written Representations (**REP3-022**)
- 9.9 Applicant's Comments on Responses to the ExA's First Written Questions (ExQ1) (**REP3-023**)
- 9.11 Applicant's Comments on Other Third Party Comments(**REP3-025**)
- 9.18 Applicant's Written Summary of Oral Submissions at CAH1 and CAH2 (**TR010038/EXAM/9.18**)
- 9.19 Applicant's Written Summary of Oral Submissions at ISH1 (**TR010038/EXAM/9.19**)
- 9.20 Applicant's Written Summary of Oral Submissions at ISH2 (**TR010038/EXAM/9.20**)
- 9.21 Applicant's Response to Examining Authority's Action List from ISH1, ISH2, CAH1 and CAH2 (**TR010038/EXAM/9.21**)

3.1.4 It is acknowledged there are several new issues being raised by Mr Meynell, but the Applicant expects to respond to these by:

- Resolving through ongoing discussions with representatives of Berry Hall Estate and recording in a Statement of Common Ground.
- Provision of additional information by Deadline 6, including updates to the following DCO application documents:
 - 2.3 Land Plans, Rev.1 (**REP1-002**).
 - 4.3 Book of Reference, Rev.1 (**REP1-008**).
 - 6.1 Environmental Statement - Chapter 8: Biodiversity (**APP-047**).
 - 6.1 Environmental Statement - Chapter 12: Population and Human Health (**APP-051**).
 - 6.3 Environmental Statement - Appendix 7.6: Arboricultural Impact Assessment (**APP-094**).
 - 6.8 Environmental Masterplan, Rev.2 (**REP3-016**).
 - 9.15 Alternative Wood Lane Junction Options Appraisal (**AS-022**).

3.1.5 Therefore, at Deadline 4, the Applicant will not be submitting further comments on the issues raised in Mr Meynell's responses to the Applicant's comments on Applicant's replies to ExA's First Written Questions (**REP3-044**). We trust the ExA will identify any specific issues they would wish the Applicant to provide a further response to or where further clarity to a previous submission is still required.

4 BROWN & CO ON BEHALF OF A L ALSTON & SONS LTD

4.1.1 Brown & Co's comments on any additional information/submissions received by Deadline 2 (**REP3-028**) are available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000644-Brown%20%20Co%20for%20A%20L%20Alston%20%20Sons%20Ltd.pdf>

4.1.2 The Applicant's response is presented in the below table.

Comment	Applicant Response
<p>It is noted that the LPA have been consulted on this proposal but did not submit any representations. This cannot imply that my clients' proposals for a roadside service centre including petrol filling/EV station in this location are unacceptable. It is noted that the District Council is supportive of the A47 works in general, partly due to the economic benefits that it will bring to the District and the proposed roadside service centre will form part of these important economic benefits on a major infrastructure hub, that is in proximity to the A47 and the potential Norwich Western Link.</p> <p>My clients are prepared to work with the applicant to ensure that the necessary landscaping and biodiversity mitigation works are included but that this is in a position on my clients' land that will facilitate the roadside service centre in the optimum position for the vehicular access. Detailed subject specific technical assessments of the location and its natural features will be undertaken at the planning application stage for</p>	<p>The Applicant has responded to the issue in the Applicant's Response to Relevant Representations, please see RR-022 (REP1-013). It is worth noting that existing PFS facilities are located at Longwater Junction, 6km to the east (Sainsburys), and at Dereham Junction 10km to the west (BP / Tesco / Morrisons).</p> <p>It may be that the ExA wishes to</p>

Comment	Applicant Response
<p>the roadside service centre to ensure that the concerns of the applicant are addressed.</p> <p>In summary my clients believe that land for a potential roadside service centre in this location should be safeguarded as part of the revised proposals and will be able to accommodate the necessary landscaping and biodiversity mitigation arising from the A47 works.</p>	<p>request a view on the proposed roadside service centre from the local planning authority and local highway authority.</p>

5 BROWN & CO ON BEHALF OF ALSTON FARMS LTD

5.1.1 Brown & Co's written representation in response to the Applicant's responses to Relevant Representations (**REP3-029**) are available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000652-Brown%20%26%20Co%20for%20Alston%20Farms%20Ltd.pdf>

Comment	Applicant Response
<p>The reason for closure of Blind Lane to vehicular traffic is linked to the condition within the LDO. It is agreed that closure of Blind Lane to public traffic in order preserve local amenity and avoid rat running is reasonable. HE Scheme Design Report 5.12.2 states that access to land adjoining Blind Lane will be retained via its southern junction with Church Lane (Easton). The owner of the FEZ has submitted a Planning Application for connection of the FEZ to the Scheme via the cut back road to the Honingham Roundabout. The existing commonality of ownership between the ownership of the FEZ and Alston Farms Ltd provides the opportunity for Alston Farms Ltd to utilise the proposed FEZ access to the new network if Blind Lane is kept open from the south end to the point of connection to the FEZ access as a private road/pedestrian access. The representations for an access for the FEZ to the new scheme are bolstered by these representations as the provision of access for the FEZ will considerably, if not entirely, mitigate the impact of the scheme arising from the severance of Ringland Estate from Honingham Thorpe Estate.</p>	<p>The Applicant's response to Brown & Co's comments have been previously responded to in Section 3 'Brown & Co on behalf of Alston Farms Ltd' the Applicant's Response to Written Representations (REP3-022).</p> <p>In particular, the reference to approval of Local Development Order (LDO) condition 2.20 that confirms the a vehicular access route to the Food Enterprise Park from the A47 is via Church Lane. The LDO requires closure of Blind Lane upon completion of 10,000m2 of development floorspace.</p>
<p>The current LDO envisaged a connection from the FEZ to the A47, as per the first iterations of the A47 design where a connecting spur was shown, and therefore the assumption, although not expressly stated, was always that the HTF traffic would be taken away from Church Lane and use the new access for the FEZ onto the A47. It is the removal of a connection to the FEZ from the new A47 that creates the problem of HTF traffic moving from Blind Lane to Church Lane.</p>	<p>This would occur in the baseline situation without the Scheme and the Scheme is maintaining access to the A47 via the approved FEZ route to the A47, so there is no requirement for the Scheme to provide a new access to the FEZ.</p>
<p>Given the comments made by the relevant District and County Council in support of the FEZ, the enabling role the FEZ played in justification for the A47 works and the role a FEZ access could play in removing farm and business park traffic from Easton and Church Lane, it is not understood why HE would not design in and construct the access to the FEZ.</p>	
<p>This statement is strenuously contested by the FEZ developer who also has a vested interest in Alston Farms Ltd. From the beginning of the design process the requirements of the FEZ have been known as has the interaction between the FEZ and the HTF business. Most iterations of the A47 design showed a spur into the FEZ and it was assumed by the connected parties that this would also be able to serve HTF traffic. It was understood that Alston Farms Ltd and HTF would be able to utilise the FEZ to A47 access either using Blind Lane or building over their own land to connect into the back end of the FEZ. Routing the access through the FEZ, being private property and with security provisions on the access, would enable access for HTF to be maintained and the general public would be unable to proceed beyond the FEZ, thus stopping rat running. The FEZ developer and Alston Farms Ltd would be willing to cooperate with HE with regards to provision of land for a spur, works and space to enable construction of a spur and assistance with material management.</p>	
<p>This course of action has had to be taken because of the position HE took with final design, specifically in the removal of the spur into the FEZ. This is not the preferred course of action and represents the last option available</p>	
<p>The issues referred to in previous correspondence by the respondent are all related to the post scheme works, this addresses the situation during the works.</p>	
<p>The closure of Blind Lane was always expected to coincide with a FEZ access to the A47 which could be utilised by the farm traffic. Blind Lane would not be closed without an access to the A47.</p>	
<p>There is confusion between the Alston's family's representation. The matter of routing for Honingham Thorpe Farms refers to links between Honingham Thorpe and Ringland Estate.</p> <p>This refers to Honingham Thorpe Farms and Ringland Estate – being dealt with by this RR-059</p> <p>Comments on the route options proposed by Highways England were submitted by the respondent at Deadline 1 under submission ID4356</p>	<p>The Applicant acknowledges the feedback.</p> <p>The Applicant's response to comments at Deadline 1 have been responded to in Section 3 'Brown & Co on behalf of Alston Farms Ltd' the Applicant's Response to Written Representations (REP3-022).</p>

6 ANGLIAN WATER

- 6.1.1 Anglian Water's comments on responses to the ExA's First Written Questions (**REP3-039**) are available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000632-DL3%20-%20Anglian%20Water%20-%20Comments%20on%20responses%20to%20the%20ExAs%20First%20Written%20Questions.pdf>
- 6.1.2 The Applicant confirms a high level of positive engagement between both parties and the below table presents the Applicant's response to concerns raised regarding land parcels 17/1a and 6/4e.

Comment	Applicant Response
<p>National Highways/ Highways England has now approached Anglian Water to start discussion on access and property matters and so reach agreement on access arrangements during and after construction. The Book of Reference for the A47 North Tuddenham to Easton project identifies two parcels of Anglian Water land to be acquired by Highways England. Specifically, Highways England seek to acquiring roads / access tracks under the reference numbers 17/1a and 6/4e. Anglian Water has sites served by each of these access roads, which are accessible in no other way. As a statutory undertaker, it is essential that Anglian Water have access to these sites 24 hours a day, before, during, and after construction. Anglian Water's land agent Savills is seeking to progress engagement with Highways England on both these sites so that appropriate measures and a formal agreement can be put in place. We ask that Highways England expedite that engagement and update the Examining Authority at or before CAH1 on 1.11.21 on the status of those negotiations with Anglian Water/ Savills.</p>	<p>The Applicant acknowledges Anglian Water's comments and the following reflect the email to Anglian Water dated 2nd October 2021:</p> <ul style="list-style-type: none"> • The draft DCO contains NO powers to stop up existing access arrangements to Gypsy Lane from the existing A47 and to Church Lane from Mattishall Road to the south (Church Lane access is only stopped from the north where the proposed new A47 dual carriageway would cross Church Lane). • Access will also be retained during construction: <ul style="list-style-type: none"> ○ Gypsy Lane – our contractor will use a separate access off the existing A47, leaving open access from the existing A47 to Anglian Water's facility. ○ Church Lane, from the south – there will be some minor works on the highway south of A47 crossing (widening Rotten Row/Church Lane junction for HGVs to access Riverside Farm), but access will be maintained for existing users. • Highways England are only seeking compulsory acquisition powers for roads/access tracks under the reference numbers for following needs: <ul style="list-style-type: none"> ○ Land parcel 17/1a (Church Lane, East Tuddenham) – power to change status of Church Lane to a no through road due to removal of access to existing A47 at the northern end and to widen the junction with Rotten Row. ○ Land parcel 6/4e (Gypsy Lane) - Highways England are seeking easement rights for shared access along Gypsy Lane to maintain the A47 at the southern end. The pink permanent acquisition section at northern end of Gypsy Lane is land already within existing Highways England ownership; there will be no change to existing access arrangements in this section. <p>The Applicant will continue to engage with Anglian Water and Savills on this matter through the course of the DCO Examination.</p>

7 CHILDHOOD FIRST

- 7.1.1 The Applicant is grateful for Childhood First's comments on responses to the ExA's First Written Questions (**REP3-047**), presented in the below link.
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000697-Childhood%20First.pdf>
- 7.1.2 The Applicant has only one comment of clarification on the item presented in the table below.

Comment	Applicant Response
<p>1. The field north of [REDACTED] was not to be used for storing plant and equipment throughout the development.</p> <p>At the meeting HE confirmed this was correct and showed the following link as evidence. Applicants Response to the Relevant Representations (see RR-016) = https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/TR010038/TR010038-000544-9.2%20Applicants%20Response%20to%20the%20Relevant%20Representations_Redacted.pdf.</p> <p>Glen further commented: "Please refer to the statement "That the field is not to be used,...". This needs to be read in the context that the commitment is to not use the field north of [REDACTED] as a proposed A47 works compound. As discussed, the compound would be used for storing plant and equipment for use anywhere on the Scheme and this would apply throughout construction. However, the field will be used for the National Grid Gas diversion, other utility diversion and footpath upgrade works. Having said that, the only plant/equipment present will be those needed for those specific works and the durations of those activities."</p> <p>From the above we are happy to take HE assurance that the field will not be used except for re-routing the gas pipeline.</p>	<p>The Applicant acknowledges and accepts Childhood First's comments.</p> <p>However, the Applicant notes that Childhood First concluded: "...we are happy to take HE assurance that the field will not be used except for re-routing the gas pipeline."</p> <p>However, in order to be clear what works are proposed in this field, the Applicant would direct the ExA to the quote in the cell to the left that preceded Childhood First's comment:</p> <p>"However, the field will be used for the National Grid Gas diversion, other utility diversion and footpath upgrade works."</p>

8 JAMES ALSTON ON BEHALF OF FOOD ENTERPRISE PARK LTD & HONINGHAM THORPE FARMS AND BUSINESS PARK

8.1.1 James Alston's comments on responses to the ExA's First Written Questions (**REP3-041**) have been examined.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000646-James%20Alston%20-%20Comments%20on%20responses%20to%20the%20ExAs%20First%20Written%20Questions.pdf>

8.1.2 The Applicant's response to these comments is shown in the table below.

Comment	Applicant Response
<p>Broadland District Council response to ExQ1 question no: 5.05, correctly states that the LDO can't be described as "unimplemented" as operating from the FEP is a food production plant "Condimentum Ltd. and two additional buildings are under construction; one is a vertical farming operator, the other is a development known as the Food Innovation Centre which comprises 13 units of varying floor sizes being offered to the food and drink industry. Direct access from the FEP to the strategic road network and the re-designed A47 grade separated junction is an integral part of the development of the FEP and its long-term viability. The use of Church Lane as the traffic route serving the FEP development is not considered to be a suitable alternative access to the direct A47 link being proposed. This is a position supported by Broadland District Council and Norfolk County Council Highway Authority. The operators of the FEP have submitted a planning application to the District Council which shows the connection from the FEP to the A47 spur.</p> <p>Consultee comments have been received which request revisions/further information and the proposals are being re-designed to incorporate these requests before the revised plans are submitted to the District Council for further consideration.</p>	<p>Please refer to Section 6 in the Applicant's Comments on Responses to the ExA's First Written Questions (ExQ1) (REP3-023) for the Applicant's comment on Broadland District Council's response to question 5.0.5. The Applicant agreed that the LDO has been implemented and the Statement of Reasons (REP2-010) will be updated accordingly to reflect this.</p> <p>The Applicant also stated the Local Development Order (LDO) does not include an existing or contingent requirement that requires the Food Enterprise Partnership (FEP) to be accessed directly from the A47.</p> <p>The Applicant has considered the access to the FEP in more detail in section 9.3 of the Scheme Design Report (AS-008) and sets out analysis as to why a direct access to the A47 is not required. This is also set out in paragraph 4.17 of the Statement of Reasons (REP2-010).</p> <p>In addition, the LDO made by Broadland District Council (BDC) on 31 October 2017 required a vehicular access route to the FEP to be approved prior to commencement of development pursuant to condition 2.20 of the LDO as well as the closure of Blind Lane. The route via Church Lane was approved by BDC on 21 December 2018 and has therefore been the intended route since that date.</p> <p>The LDO also requires the closure of Blind Lane upon completion of 10,000m² of development floorspace. So, the closure of Blind Lane and any associated impacts are likely to occur regardless of whether the Scheme is implemented.</p> <p>As such, there is no requirement for the Scheme to provide an access over and above what has been approved to-date by Broadland District Council.</p> <p>With regards the planning application, dated 27 July 2021, to Broadland District Council, (Application No.: 20211335) for the provision of a private access to the Scheme along the route of the existing Blind Lane access, the Applicant will continue to engage with the developer on this matter.</p>

9 BROWN & CO ON BEHALF OF HONINGHAM AKTIESELSKAB

9.1.1 The following documents have been submitted for Deadline 3 from Brown & Co and have been examined and are now available for viewing at:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-north-tuddenham-to-easton/?ipcsection=docs&stage=4&filter1=Deadline+3+%28D3%29>

- Comments in response to the Applicant's response to Relevant Representations (**REP3-036**)
- Request to participate in Hearings and to attend or part attend the Accompanied Site Inspection (**REP3-037**)
- Sections Sheet 1 of 3 (**REP3-030**)
- Sections Sheet 2 of 3 (**REP3-031**)
- Sections Sheet 3 of 3 (**REP3-032**)
- Section Locations (**REP3-033**)
- Section Locations with pdf underlay (**REP3-034**)
- Aerial image of access to estate property at Lower Easton (**REP3-035**)

9.1.2 The below table presents the Applicant's response to the issues raised. The Applicant confirms a high level of positive engagement between both parties.

Comment	Applicant Response
<p>Reference: RR-023.1</p> <p>The applicant has engaged with Honingham Aktieselskab. Recently the parties have been able to agree some elements of the scheme to address aspects of Honingham Aktieselskab (Easton Estate) concerns although some issues require further collaboration.</p> <p>This section in the responses refers to the route selection and the omission of the side road between Taverham Road and Church Lane, Easton.</p> <p>1. Route selection:</p> <p>The Easton Estate is very private and had wished to remain so. The landowner respects the fact that the alignment was less detrimental than others consulted upon, although would have preferred a more</p>	<p>The Applicant acknowledges the comment and confirms the accompanied site inspection, on 16 November 2021, includes a visit to Easton Estates.</p>

Comment	Applicant Response
<p>southerly alignment to limit the impact of the scheme which affects the estate along the whole of its southern edge.</p> <p>Since the route was adopted, further representation has been made to alter the scheme. We have no concern about a proposal to prevent or reduce the impact of the scheme on Berry Hall Farm, but not at the expense of the Easton estate.</p> <p>Either of the recently tabled proposed plans would, if enacted have a significant impact upon the Easton Estate (Honingham Aktieselskab) which is not entirely clear from the plans provided. The plans do not show the land required in addition to the road corridor for infrastructure, accessways, landscaping and bunding so the impact of the revisions appear to be understated.</p> <p>Easton Estate (Honingham Aktieselskab) currently has four major infrastructure projects impacting upon the Estate and a proposal for the A47 RIS to have an even greater impact than is already planned is unreasonable.</p> <p>The loss of any land and boundary features are regrettable and Mr Meynell's representatives have indicated the problems caused to the estate from the loss of 3 hectares of land.</p> <p>The Easton Estate is currently losing 30 hectares for the road, together with temporary land use over 33 hectares, 16.5 hectares of which will be affected by permanent rights. The landowner is keen not to lose more land or to suffer increased detriment to the retained property.</p> <p>We recently requested the ability to attend hearings and attach the letter as an appendix. (REP3-037)</p>	
<p>2. Side Road between Taverham Road and Church Lane, Easton:</p> <p>The landowner was concerned about land loss required for the side road between Taverham Road and Lower Easton. However, the removal of this link creates a different significant problem related to access to Easton Lodge with especially heavy farm traffic and heavy goods vehicles. Access is required for crop storage, access generally and for services to the houses.</p> <p>This issue is dealt with further in response RR-023.8 below and see attachment for location required for access to estate at Lower Easton.</p>	<p>Please refer to Section 15, item 3.2, in the Applicant's Response to Written Representations (REP3-022).</p>
<p><u>RR-023.2</u></p> <p>We note that no further mitigation is considered necessary by the applicant in accordance with Chapter 7 Landscape and Visual and Chapter 11 Noise and Vibration.</p> <p>This response refers to the section between Taverham Road and Lower Easton.</p> <p>The Applicant refers to the need for rights of access for maintenance by certain statutory undertakers and Orsted.</p> <p>In relation to the previous point and RR-023.8 following, it is important to be able to access the southern portion of land adjacent A47 and for any private means of access to be extended to link with Church Lane, Lower Easton.</p> <p>It seems sensible for the land reserved for the Orsted private access from Taverham Road to be constructed as a private means of access suitable and reserved for Orsted, Messrs Gowing and the landowner.</p> <p>See aerial image of the existing access to Easton Lodge, attached. (REP3-035)</p>	<p>Please refer to Section 15, item 4.3, in the Applicant's Response to Written Representations (REP3-022).</p>
<p><u>RR-023.3</u></p> <p>This section refers to screening of the Restricted Byway and the earth bund or embankment between Wood Lane and the River Tud crossing.</p> <p>1. Restricted byway Restricted byway There is an area where the potentially temporary route of the restricted byway will be unsecured. It has been agreed with the applicant that fencing and hedging will be agreed as part of compensation measures.</p>	<p>The Applicant acknowledges the comments.</p>
<p>3. Embankment</p> <p>The applicant has provided information on the proposed earth bund, design drawings and more recently topographical data. The Applicant will need to be guided by the regulations and appraisals, but there has been a reluctance to discuss mitigation measures from the landowner's perspective as opposed to the Applicants assessment of "need".</p> <p>The landowner has assessed the eventual ground levels of the carriageway and the 2-metre embankment as a means of protection for visual intrusion and noise.</p> <p>In the absence of collaboration, the landowner has had to resource landscape, noise, and highways advice throughout the process.</p> <p>The Landscape Partnership, who provided early-stage landscape advice, and Create Consulting who have advised recently in relation to noise and highways have both advised the landowner that the 2-metre embankment is insufficient to provide a level of protection a landowner might reasonably expect along sections of the scheme.</p> <p>The road will be located a significant distance to the north of the existing road on higher ground and we suggest the retained property should be impacted as little as reasonably possible by increased noise and overlooking. This is made more difficult because along much of the route, the land north of the scheme is higher than the scheme, so views pass straight over the bund, where it exists.</p> <p>The Applicant indicates more need not be done, whereas we consider they should do as much as reasonably possible to mitigate the obvious impact of the works, and that more can be done.</p> <p>We attach drawings to demonstrate views towards the scheme at 7 various points along the route.</p> <p>Notwithstanding the applicant's comments about chainage 5 + 650 metres to 6 + 100 metres, there are</p>	<p>The ExA is directed to Section 15, item 2.2 of the Applicant's Response to Written Representations (REP3-022).</p> <p>The Applicant provided six long section drawings in pdf format at locations requested by the landowner in December 2020. These were at 'Natural Scale' (i.e. the horizontal and vertical scales were identical) and provided representations from locations identified by the landowner from a viewpoint height of 2.0m looking towards the scheme.</p> <p>The sections provided included the proposed earthworks bund and landscape planting to demonstrate the views at Year 15 of the landscape.</p> <p>The information provided by the landowner at Deadline 3, includes a 1 in 5 exaggeration on the vertical scale (1:500H / 1:100V).</p> <p>As confirmed at ISH1, on Friday 5 November, the Applicant has issued the drawings in native digital format to the</p>

Comment	Applicant Response				
<p>large stretches where the impact of the road will be significant, and the bank will neither mitigate the works and the use of them visually, nor assist with noise attenuation.</p> <p>Chapter 11 (Noise and Vibration) refers to the premises at Hall Farm, which consists of a traditional farmhouse, four houses and a set of traditional buildings suited to alternative uses. It states that there will be lasting significant adverse noise effects in this location. Because the barrier considered was likely to provide only limited benefit, the decision has been made to do nothing about it other than rely on the quiet road surface. We suggest a better barrier specification could enable both noise and landscape benefits.</p> <p>Extract from Chapter 11; table 11.16 Final operational noise significance summary table</p> <table border="1" data-bbox="163 647 1344 1193"> <tr> <td data-bbox="163 647 390 1193">Hall Farm and Hall Farm Cottages, Honingham (5 receptors)</td> <td data-bbox="390 647 684 1193">Major adverse in the short-term, moderate adverse in the long term</td> <td data-bbox="684 647 877 1193">Significant adverse</td> <td data-bbox="877 647 1344 1193"> <p>These receptors are predicted to experience a major adverse impact in the short-term and a moderate adverse impact over the long-term due to the Proposed Scheme.</p> <p>Do-Something road traffic noise levels are predicted to be below SOAEL and above LOAEL at all receptors. The highest Do-Something road traffic noise level is predicted to be 58 dB L_{A10,15hv} (in the future year) at Hall Farm.</p> <p>Therefore, because of the change in road traffic noise level that is predicted to occur due to the Proposed Scheme, this adverse effect is considered to be significant. A noise barrier is not proposed at this location it is not a proportionate or reasonable mitigation measure. This is discussed further in 11.9.29. Mitigation in the form of a low-noise surface along the length of the Proposed Scheme has been included, however, this is not sufficient to avoid significant adverse noise effects in this location.</p> </td> </tr> </table>	Hall Farm and Hall Farm Cottages, Honingham (5 receptors)	Major adverse in the short-term, moderate adverse in the long term	Significant adverse	<p>These receptors are predicted to experience a major adverse impact in the short-term and a moderate adverse impact over the long-term due to the Proposed Scheme.</p> <p>Do-Something road traffic noise levels are predicted to be below SOAEL and above LOAEL at all receptors. The highest Do-Something road traffic noise level is predicted to be 58 dB L_{A10,15hv} (in the future year) at Hall Farm.</p> <p>Therefore, because of the change in road traffic noise level that is predicted to occur due to the Proposed Scheme, this adverse effect is considered to be significant. A noise barrier is not proposed at this location it is not a proportionate or reasonable mitigation measure. This is discussed further in 11.9.29. Mitigation in the form of a low-noise surface along the length of the Proposed Scheme has been included, however, this is not sufficient to avoid significant adverse noise effects in this location.</p>	<p>landowner (8th November 2021).</p> <p>The Applicant will continue to engage with the landowner through the Examination process.</p>
Hall Farm and Hall Farm Cottages, Honingham (5 receptors)	Major adverse in the short-term, moderate adverse in the long term	Significant adverse	<p>These receptors are predicted to experience a major adverse impact in the short-term and a moderate adverse impact over the long-term due to the Proposed Scheme.</p> <p>Do-Something road traffic noise levels are predicted to be below SOAEL and above LOAEL at all receptors. The highest Do-Something road traffic noise level is predicted to be 58 dB L_{A10,15hv} (in the future year) at Hall Farm.</p> <p>Therefore, because of the change in road traffic noise level that is predicted to occur due to the Proposed Scheme, this adverse effect is considered to be significant. A noise barrier is not proposed at this location it is not a proportionate or reasonable mitigation measure. This is discussed further in 11.9.29. Mitigation in the form of a low-noise surface along the length of the Proposed Scheme has been included, however, this is not sufficient to avoid significant adverse noise effects in this location.</p>		
<p>To explain the views across various sections, we attach a series of plans. The views overlaid on the estate plan, the extent of a bank required to deliver preferred bund dimensions and 7 long views.</p> <p>We summarise:</p> <ul style="list-style-type: none"> - Section 1: The view towards the Wood Lane junction Section 1 is reasonably well screened because the dumbbell roundabout is low. The main carriageway, between the dumbbell roundabouts is much higher and will be open to view. - Section 2 is taken midway between the Wood Lane junction and the Hall Farm underpass. It is clear the road will be clear to view as the road stays high and rises towards the underpass. Passing vehicles will remain visible. - Section 3: The carriageway over the Hall Farm under Section 3 pass will be very high in relation to the surrounding landscape with clear visibility and no noise mitigation. These issues are not experienced with the current road, and it isn't clear why this scheme can be projected into the location without reference to privacy and landscape protection. <p>A scheme to mitigate the intrusion of the Hall Farm underpass will require significant land take on the landowner's land. We recognise it is likely to have to be done in isolation from the scheme, by the owner if the applicant does not accept further works are necessary or justified.</p> <ul style="list-style-type: none"> - Section 4: To the east of the Hall Farm underpass the road remains high and as the ground level runs down towards the road, greater protection is required. The road does then enter cutting and the impact reduces as the road approaches Hall Farm through Section 5. <p>The road is cut in around 1 metre so with the bank of 2m, although it is situated half the distance away from Hall Farm and the cottages than at present it shouldn't require much material to improve the situation.</p> <p>Approaching Section 6, the road and vehicles will become increasing visible because of the elevation of the surrounding land.</p> <ul style="list-style-type: none"> - Section 7: As the land falls away southwards toward the River Tud, the road is elevated on an embankment with very clear sightlines from Hall Farm and the houses. <p>It would require a significant embankment ideally set at a distance north of the works to mitigate this completely open sight line. We have previously proposed the bund be extended on the north side of the attenuation lagoon.</p> <p>Combining the proximity of the works and limited protection with the prevailing south westerly wind means the landowner can only expect significant deterioration in noise levels, tranquillity, and privacy.</p> <p>We hope the examining authority will direct the Applicant that further work is required to agree increased embankment heights and the extent of the embankment near Hall Farm, to mitigate the impact of the realignment of this road.</p>					
<p>RR-023.4</p> <p>The applicant has advised that for engineering and wind loading reasons it is not possible to add screen fencing in the two most exposed locations reflected at section 2 and section 6 in previous comments. We respectfully suggest this justifies even more collaboration by the Applicant to find another way to reduce deterioration in the quality of the retained property.</p>	<p>Please refer to Section 15, item 2.5, in the Applicant's Response to Written Representations (REP3-022).</p>				

Comment	Applicant Response
<p>RR-023.5</p> <p>The Applicant is convinced few vehicles will use Weston Road and the road over Ringland Hills (Ringland Rd.) when Honingham Lane is stopped up.</p> <p>We request the Examining Authority consider the alternative access proposed for heavy farm vehicles via Weston Road and Ringland Road. These lanes are barely serviceable for cars and light vans and do not provide a suitable route for heavy farm equipment.</p> <p>Increasing the need for heavy farm equipment and normal road users to interact in these lanes will cause difficulties as the roads are not wide enough, the junctions are not of satisfactory radii and improvements will be necessary, whatever they may be.</p> <p>If the parties ultimately accept that these are appropriate alternative routes, if passed could the Examining Authority please embed in the Development Consent Order the need for the applicant and Norfolk County Council to assess constantly the impact on the local road network to inform any improvements required.</p>	<p>Please refer to Section 15, item 3.1, in the Applicant's Response to Written Representations (REP3-022).</p> <p>The Applicant notes that Weston Road is already an existing route for agricultural vehicles as confirmed by the landowner and local stakeholders.</p> <p>The Applicant explored a potential mitigation measure suggested by the landowner to the Local Highway Authority which was not accepted.</p> <p>Upon further discussion, during a site visit on the 13th October, the landowner noted that in hindsight the proposal made wouldn't have solved the issue as it does not permit access for tractors with attachments.</p> <p>The Applicant is engaging with the Local Highway Authority to discuss the best location to implement the TTRO on Honingham Lane and manage its effects.</p>
<p>RR-023.6</p> <p>The landowner is pleased the applicant has agreed to amend the structure SO4 to provide a 5 metre vertical head room within the box structure.</p>	<p>The Applicant acknowledges the comments.</p>
<p>RR-023.7</p> <p>The applicant has confirmed the landowner will not be responsible for any water pipe under or to the south of the scheme and that a meter will be fitted on the north of the scheme works.</p> <p>We welcome further discussion about the precise location and works required for the meter and any rerouting of supplies.</p>	
<p>RR-023.8</p> <p>This refers also to RR-023.5. The need to take heavy farm vehicles along Weston Road and south to Lower Easton to access the land adjacent A47 in front of Fore Cottage is significantly more awkward and unsatisfactory than the current access directly from the A47.</p> <p>We have requested the applicant extends the proposal for the Orsted private means of access and provides a private means of access from the Taverham Road junction to Lower Easton.</p> <p>This would enable Orsted to use it when required and for Messrs Gowing and the Landowner to use it in relation to their respective land. It would reduce at least one of the side road problems and is likely to assist other discussions about accommodation works.</p>	<p>Please refer to Section 15, item 4.3, in the Applicant's Response to Written Representations (REP3-022).</p>
<p>The applicant has further agreed that concerns about access to crop storage and a concrete pad on the estate be dealt with through accommodation works and compensation.</p>	<p>The Applicant acknowledges the comment.</p>

10 BROWN & CO ON BEHALF OF MR NEIL ALSTON

10.1.1 Brown & Co's comments on behalf of Mr Neil Aston on responses to the ExA's First Written Questions (**REP3-038**) have been examined and the Applicant's response is shown in the table below.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000650-Brown%20&%20Co%20for%20Mr%20Neil%20Alston%20-%20Written%20representations%20in%20response%20to%20Applicants%20responses%20to%20relevant%20representations.pdf>

Comment	Applicant Response
<p>Discussions have taken place however they have only been to reiterate the position HE is taking and not to offer any other options.</p> <p>Yet very limited discussion at the planning phase with those would be most directly impacted by the works. It appears that consultation by committee has replaced consultation with affected parties.</p> <p>There does not appear to be any empirical evidence to support the concerns of residents that Berry's Lane will become a rat run. It appears to be a fear-based position taken by the local residents based on an assumption that every side road will become a rat run.</p> <p>Were the traffic modelling scenarios backed up by actual traffic surveys and empirical data? This decision also appears to have been made in response to local opinion, rather than fact. The respondent would be grateful to see the evidence gathered to formulate the position taken by the A47 taskforce and other consultees.</p> <p>The change was made and not reported directly to the respondent who has since found themselves trying to alter a design that was finalised without adequate consultation.</p> <p>The respondent would be grateful to see the evidence used for modelling and why the closure was deemed the most appropriate solution.</p>	<p>The Applicant notes that the local highway authority (Norfolk County Council) were involved in this process throughout, undertook independent traffic modelling and support the closure of Berrys Lane.</p> <p>The Applicant can also confirm that landowners have been engaged and notified of the change, including through the targeted consultation in December 2020; see Consultation Report (APP-024) and its Annex O (APP-039).</p>

Comment	Applicant Response
<p>The respondent suggested a wide range of alternatives for controlling use of Berry's Lane. One of which was gating the access.</p> <p>The Respondent would suggest the following is more likely</p> <ol style="list-style-type: none"> 1. Vehicle would drive up 2. Driver would activate fob-controlled gate or vehicle drop barrier (10 seconds) 3. Driver would proceed. 4. Gate or barrier would close/raise automatically <p>We estimate 10 seconds per single way journey, possibly less if the activating fob had a longer communicating range with the barrier.</p> <p>The risk that something might not work is not reason to say it will not work.</p> <p>Berry' Lane will need to remain open from the south to allow traffic to the properties adjacent to Berry's Lane, the suggestion is that access is available through to the new Honingham Road but that a barrier controls through access. Signs at the south end of Berry's Lane will make it clear the road is for access only and is a dead end, which will stop traffic from entering at the south to 'rat run'. Traffic looking to join from the North would be presented with a gate or barrier at the junction point, thus making it clear that through access is not available.</p> <p>This response relates to a different Relevant Representation and should be given for RR-059. This does not address the issues regarding access between the Northern and Southern portion of Mr Alston's farm.</p> <p>The property currently abuts both sides of the A47 and the two elements are linked by Church Lane and Berry's Lane. The proposed scheme closes both roads and presents the respondent with two options:</p> <p>Route 1 - west through East Tuddenham to the Mattishall Lane link road and then back east along the old A47, taking 6km and involving taking machinery through East Tuddenham.</p> <p>Route 2 – east to the Honingham Church roundabout, double back along the old A47 to the Wood Lane Grade Separated Junction (GSJ), to the north side of Wood Lane. Taking an extra 3km of journey compared to using Berry Hall Lane.</p> <p>The proposals sever the Property, significantly impact the efficacy of running a farming business on the Property, put a significant number of agricultural vehicles on the highways network rather than keeping them localised, and pushes traffic through East Tuddenham.</p> <p>The respondents request would not seek to create additional access routes over land belonging to a third party, it seeks to retain the existing access route.</p> <p>The owner of the Berry Hall Estate is proposing junction options at Wood Lane that keep Berry's Lane available for local traffic.</p> <p>Response to incorrect representation – this refers to RR-059 not this representation.</p> <p>Engagement was in the form of telling the respondent that HE would not provide an option to use Berry's Lane.</p>	<p>As previously stated in the Applicant's Response to Relevant Representations (REP1-013), following statutory consultation feedback and engagement with the Local Liaison Group (Norfolk County Council and Parish Councils), the Scheme design was amended to close access to Berrys Lane to through traffic from the A47. This change is reported in Table 4.12 (item no. 6) of the Consultation Report (APP-024).</p> <p>The Applicant responded to concerns about severance to their property in response RR-074.1 and RR-074.2 in the Applicant's Response to Relevant Representations (REP1-013).</p> <p>The gradient on the slope for the Wood Lane junction southern roundabout prevents retaining any agricultural vehicle access from Berry's Lane. The embankment slope is set at a gradient of 1 in 3. The Berrys Lane road will be removed where stopped up north of New Back Drive access to Berry Hall by grubbing up and landscaping accordingly.</p> <p>There also are no feasible options to put in an access to DMRB standards without increasing landtake from the Berry Hall Estate.</p>

11 ANTHONY CLARKE ON BEHALF OF NORWICH CYCLING CAMPAIGN

11.1.1 The below table responds to Anthony Clarke's comment on the Broadland District Council and South Norfolk Council Response to Examining Authority's Written Questions (ExQ1) **(REP3-046)**, which is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000696-Norwich%20Cycling%20Campaign.pdf>

Comment	Applicant Response
<p>What is the function of the spur of former Church Lane to the north of the proposed Easton pedestrian/cycle bridge? Is this necessary? There is a case for stopping up this spur as it will introduce vehicles to Church Lane and, at the crossroads, allow vehicles to access Ringland Road and Costessey Lane which could produce a "rat run" into the City avoiding the Longwater Interchange (notorious for congestion). It will also reduce the value of the proposed cycle/pedestrian bridge over the A47 at Dog Lane. Ringland Road should be considered as a "quiet lane" allowing access to the valley of the rivers Wensum and Yare for recreational and tourist cycling.</p>	<p>Please refer to RR-057.11 in the Applicant's Response to the Relevant Representations (REP1-013). Works are required to Church Lane, Easton, to retain a cycle track connection between the Easton pedestrian/cycle bridge and Ringland Road, while restricting vehicle access to a short section at the northern end to access a new agricultural field access.</p>

12 ORSTED HORNSEA PROJECT THREE (UK) LIMITED

12.1.1 Orsted Hornsea Project Three (UK) Limited's comments on Statement of Common Ground **(REP3-042)** are available at:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000648-Orsted%20Hornsea%20Project%20Three%20\(UK\)%20Limited%20-%20Comments%20on%20SoCGs.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000648-Orsted%20Hornsea%20Project%20Three%20(UK)%20Limited%20-%20Comments%20on%20SoCGs.pdf)

12.1.2 The Applicant welcomes the support for the Scheme provided by Orsted Hornsea Project Three (UK) Limited and confirms a high level of positive engagement between both parties to agree protective provisions and a SoCG to present to the ExA.

13 BRYAN ROBINSON

13.1.1 Bryan Robinson's comments on the Applicant's responses to the Examining Authority's First Written Questions (**AS-014**) regarding Barbestelle bats are available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000703-AS%20Bryan%20Robinson.pdf>

13.1.2 The Applicant has nothing more to add to the responses provide to the ExA to date, but the Applicant will be presenting an update to the Environmental Statement Chapter 8 Biodiversity (**APP-047**) by Deadline 6 to clarify how the core sustenance zone of Barbestelle bats has been considered through the assessment.

14 DAVID PETT, ON BEHALF OF WENSUM ALLIANCE

14.1.1 David Pett's comments on the Applicant's responses to the ExA's First Written Questions (**AS-015**) regarding Barbestelle bats are available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000704-AS%20-%20David%20Pett%20-%20Deadline%203%20Response%20To%20Responses%20To%20ExQ1%20-%20Late%20Submission.pdf>

14.1.2 The Applicant has nothing more to add to the responses provide to the ExA to date, but the Applicant will be presenting an update to the Environmental Statement Chapter 8 Biodiversity (**APP-047**) by Deadline 6 to clarify how the core sustenance zone of Barbestelle bats has been considered through the assessment.

15 CLIMATE EMERGENCY POLICY AND PLANNING (CEPP)

15.1.1 Mr Boswell's request (**AS-016**) for cumulative carbon emissions to be considered together for the A47BNB, A47NTE and A47THI examinations is available in the below link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-000703-AS%20Bryan%20Robinson.pdf>

15.1.2 The Applicant firmly rejects the assertion by Dr Boswell that the ES for the Scheme is defective because it does not comply with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the DMRB Guidance.

15.1.3 The Applicant has explained how ES Chapter 14 Climate (**APP-054**) is compliant with DMRB LA 114 in the Applicant's Written Summary of Oral Submissions at ISH2 (**TR010038/EXAM/9.20**), including the Climate Annex.

15.1.4 In terms of compliance with the EIA Regulations:

The EIA Regulations require the production of an Environmental Statement, which is defined at Regulation 14 as

"a statement which includes at least—

(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;

(b) a description of the likely significant effects of the proposed development on the environment;

...

(f) any additional information specified in [REDACTED] relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected."

Paragraph 5 of Schedule 4 states

"A description of the likely significant effects of the development on the environment resulting from, inter alia—

*(e) the cumulation of effects with other **existing and/or approved projects**, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;*

(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;" (emphasis added)

15.1.5 In terms of compliance with the EIA Regulations: The Courts have considered the approach to cumulative impacts in a number of cases. Guidance was given by the ECJ in [REDACTED] in regard to how to assess the cumulative impact of projects. Dr Boswell quoted from this case in his Written Representation for Deadline 1 (**REP1-023**). The CJEU held that:

"45... a national authority, in ascertaining whether a project must be made subject to an environmental impact assessment, must examine its potential impact jointly with other projects. Moreover, where nothing is specified, that obligation is not restricted only to projects of the same kind. As observed by the Advocate General in [AG71] of her Opinion, the preliminary assessment must also consider whether, on account of the effects of other projects, the environmental effects of the exploratory drillings may be greater than they would be in their absence.

46. It should also be borne in mind that the effectiveness of Directive 85/337 would be seriously compromised if the competent authorities of a Member State could, when deciding whether a project must be the subject of an environmental impact assessment, leave out of consideration that part of the project which is located in another Member State (judgment in [REDACTED], at [55]). For the same reasons, the assessment of the impact of other projects cannot be confined to municipal boundaries."

15.1.6 Thus, a project should not be considered in isolation, nor should an examination of the cumulative effects be confined to projects of the same kind and cannot be confined by municipal boundaries. The Annex to the Applicant's Written Summary of Oral Submissions at ISH2 (**TR010038/EXAM/9.20**) explains how other schemes have been incorporated within the Traffic Model so as to understand the effects of the Scheme along with other developments in the affected road network (ARN) and, consequently, predict the greenhouse gas (GHG) emissions. However, as it is not possible to attribute a specific local emission of carbon to effects on a local receptor, in contrast to other cumulative impact assessments, there is no logical study area capable of definition by the nature of the effect itself. The aggregation of GHG emissions from the Scheme with any particular selection of other

projects as Dr Boswell proposes would not serve any purpose because there is no local receptor against which a meaningful assessment could be made.

15.1.7 In terms of what should be provided in an ES, [REDACTED] makes clear that there is a limit to what can sensibly be included in a cumulative assessment and that limit is to assess by reference to what can reasonably be required having regard to current knowledge. In that case, Patterson J rejected the contention that the environmental assessment had been flawed because it did not assess the impact of the as-yet unknown final route of a heat pipeline.

15.1.8 In the Court of Appeal judgment in [REDACTED] Lindblom LJ noted that:

"67. An equally robust principle is that an environmental statement is not expected to include more information than is reasonably required to assess the likely significant environmental effects of the development proposed, in the light of current knowledge (see, for example, the judgment of Patterson J. in Khan [REDACTED]), at paras. 121 to 134."

15.1.9 Although Dr Boswell asserts that the GHG emissions from the Scheme should be assessed cumulatively, and suggests that the Scheme should be assessed against the GHG emissions from two other proposed A47 schemes (Blofield and Thickethorn) "and other programmed road schemes", he does not explain how the significance of any such cumulative assessment would then be determined. In the absence of a target for the road transport sector at any spatial level against which the Applicant could carry out a cumulative assessment there would be useful purpose served by any such assessment.

15.1.10 The Applicant's assessment of GHG emissions ES Chapter 14: Climate (**APP-054**) has included such information as is reasonably required to assess the environmental effects of the development and which the Applicant could reasonably be required to compile having regard to current knowledge. Since only the Government is in the position to identify cumulative targets, the current knowledge available to the Applicant comprises the national targets set out in the carbon budgets. Accordingly, a cumulative assessment against a target for the road transport sector or indeed any other target or receptor that Dr Boswell proposes, is not a matter which the Applicant could reasonably be expected to be required to compile having regard to current knowledge. The approach in LA114 and in ES Chapter 14: Climate of assessment against the national Carbon Budget targets, which span cumulative economic sectors, is correct.

15.1.11 It is for the Secretary of State to determine whether the ES submitted for the Scheme is sufficient to amount to an Environmental Statement within the meaning of the EIA Regulations: *R. v Rochdale MBC Ex p. Milne (No.2)* [2001] Env. L.R. 22, [2000] 7 WLUK 955, *R. v Cornwall CC Ex p. Hardy* [2001] Env. L.R. 25, [2000] 9 WLUK 276 and *R. (on the application of Blewett) v Derbyshire CC* [2003] EWHC 2775 (Admin), [2004] Env. L.R. 29, [2003] 11 WLUK 209. The Applicant has provided in ES Chapter 14: Climate (**APP-054**) the information necessary for the Secretary of State to determine whether the GHG emissions from the Scheme would be significant for the purposes of the NNNPS. It is not possible for the Applicant to undertake a cumulative impact assessment against targets at any level below the national Carbon budgets on the basis of current knowledge. Therefore, there is no basis on which the Examination into the Scheme could be suspended as Dr Boswell requests.