

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 9

9.26 Non-Material DCO Changes Request

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8

Planning Act 2008

December 2021

Infrastructure Planning

Planning Act 2008

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

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

NON-MATERIAL DCO CHANGES REQUEST

Rule Number:	Rule 8
Planning Inspectorate Scheme Reference	TR010038
Application Document Reference	TR010038/EXAM/9.26
BIM Document Reference	HE551489-GTY-LSI-000-RP-TX-40018
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Version	Date	Status of Version
Rev 0	December 2021	Deadline 6 Issue

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1 INTRODUCTION

- 1.1.1 The Applicant requests that the Examining Authority (ExA) allows some non-material changes to the draft Development Consent Order (dDCO) and associated application documentation for the A47 North Tuddenham to Easton Development Consent Order application.
- 1.1.2 The purpose of this report is to introduce the proposed changes. The need for the proposed changes has arisen from discussions with third parties during the Examination process. Minor alterations to the DCO application documents are required to ensure that these changes are secured and can be delivered at the detailed design stage.

2 FULL DETAILS OF THE PROPOSED CHANGES

- 2.1.1 This chapter outlines each proposed change, details what each change includes, and where these changes are shown on the updates to the following documents:
- 2.2 General Arrangement Plans, Rev.1 (**REP3-002**)
 - 2.4 Works Plans, Rev.1 (**REP3-003**)
 - 2.5 Rights of Way and Access Plans, Rev.1 (**REP3-004**)
 - 2.6 Traffic Regulations Plans, Rev.2 (**REP3-005**)
 - 2.8 Drainage and Surface Water Plans, Rev.1 (**REP3-006**)
 - 2.11 Classification of Roads Plans, Rev.1 (**REP3-007**)
 - 2.12 Hedgerow Plans, Rev.1 (**REP3-008**)
 - 2.13 De-trunking Plans, Rev.1 (**REP3-009**)
 - 6.8 Environmental Masterplan, Rev.2 (**REP3-016**)
 - 3.1 Draft Development Consent Order, Rev.5 (**REP6-012**)
- 2.1.2 The Applicant has also taken the opportunity to make the following minor changes to the DCO plans to reflect a commitment made to a landowner during the Examination process as stated in the Joint submission between the Applicant and Mr Meynell (**REP4-044**) submitted at Deadline 4. The Land Plans (**REP5-002**) were updated at Deadline 5, but the following change to the DCO plans is made as part of this submission:
- Work No. 83 has been adjusted to remove the silage clamp and land adjacent to the Back Drive from the temporary materials storage area, following the commitment to the landowner to remove the silage clamp and the Back Drive (part of Plot 9/1a) from the temporary possession requirements (**REP4-044**). This change is shown on Sheet 9 of the General

Arrangement Plans and Works Plans.

- 2.1.3 The rationale for each change is explored in Chapter 3, while Chapter 4 explains why the change is non-material, particularly with reference to landtake and the lack of materially new or different effects in the assessments in the Environmental Statement.

2.2 New Ghost Island – Mattishall Lane Link Road / A47 (Detrunked)

- 2.2.1 This design change involves the addition of a ghost island for turning right into the new Mattishall Lane Link Road from the existing A47. The current junction design has been widened with road markings used to facilitate turning in and out of Mattishall Lane from the existing A47. The highways limits of deviation have been adjusted accordingly.
- 2.2.2 This design change is illustrated in Figure 2.1 below and Sheet 4 of the DCO plans listed in Table 2.1 has been updated to show this change in the design.
- 2.2.3 This design change does not result in any additional permanent land take as it merely offsets the localised highway width reduction for detrunking the existing A47.
- 2.2.4 The description of Work No. 10, in Schedule 1 of the dDCO (**REP6-012**), has been updated to reflect the provision of a ghost island on the existing A47 at the junction with Mattishall Lane Link Road, as detailed in Table 2.1 below.

Figure 2.1 – Before and After Image of Proposed Change



Table 2.1 – Documents amended following addition of a ghost island at the Mattishall Lane Link Road junction with the detrunked A47

Document Name	Reference	Sheet	Description of amendments
2.2 General Arrangement Plans, Rev.1	REP3-002	4 of 23	Base layer updated to show amended design.
2.4 Works Plans, Rev.1	REP3-003	4 of 23	Show amended design and the western extent of Work No. 10 moving approximately 140m to the west.

Document Name	Reference	Sheet	Description of amendments
2.5 Rights of Way and Access Plans, Rev.1	REP3-004	4 of 23	Base layer updated to show amended design.
2.6 Traffic Regulations Plans, Rev.2	REP3-005	4 of 23	Base layer updated to show amended design.
2.8 Drainage and Surface Water Plans, Rev.1	REP3-006	4 of 23	Amended to reflect altered design.
2.11 Classification of Roads Plans, Rev.1	REP3-007	4 of 23	Base layer updated to show amended design.
2.12 Hedgerow Plans, Rev.1	REP3-008	4 of 23	Base layer updated to show amended design.
2.13 De-trunking Plans, Rev.1	REP3-009	4 of 23	Base layer updated to show amended design.
6.8 Environmental Masterplan, Rev.2	REP3-016	3 of 14	Amended to reflect altered design.
3.1 Draft Development Consent Order, Rev.4	REP6-012	N/A	Amended description of Work No. 10 in Schedule 1.

2.3 New Ghost Island (A47 (Detrunked) / Dereham Road) and Adjacent Drainage Basin Alteration

2.3.1 This design change involves the addition of a ghost island for turning right into the realigned Dereham Road (leading to Honingham) from the de-trunked A47. This design change involves the following within the existing highway limit of deviation:

- minor, localised widening of the existing A47 northwards at the junction with Dereham Road (Work No. 32)
- altering the shape of the drainage basin adjacent to the junction to reflect the northward movement of the highway's northern edge (Work No. 27), which has required the need to move the existing A47 connection to the maintenance access track 35m to the east (also Work No. 27)

2.3.2 The drainage basin change also requires a minor rerouting of the access track eastward by 35m. This improves the provision of access from the drainage basin access track to the Vodafone mast north-east of the drainage basin, between the existing and new A47 alignments.

- 2.3.3 Work No. 84 (minor works limit of deviation) has been extended eastward slightly, within existing permanent landtake area, to cater for possible utilities works around the new access track location.
- 2.3.4 This design change is illustrated in Figure 2.2 below and Sheet 9 of the DCO plans listed in Table 2.2 has been updated to show this slight change in the design.
- 2.3.5 This design change does not result in any additional permanent land take as it is catered for within the existing limit of highway deviation for detailed design of highways and drainage works.
- 2.3.6 The description of Work No. 32, in Schedule 1 of the dDCO (**REP6-012**), has been updated to reflect the provision of a ghost island on the existing A47 at the junction with the realigned Dereham Road; this is detailed in Table 2.2 below.
- 2.3.7 Schedule 3, Part 3, New Private Means of Access, of the dDCO (**REP6-012**) has also been updated to reflect the entrance to the new drainage basin access being relocated 35m eastwards.

Figure 2.2 – Before and After Image of Proposed Change

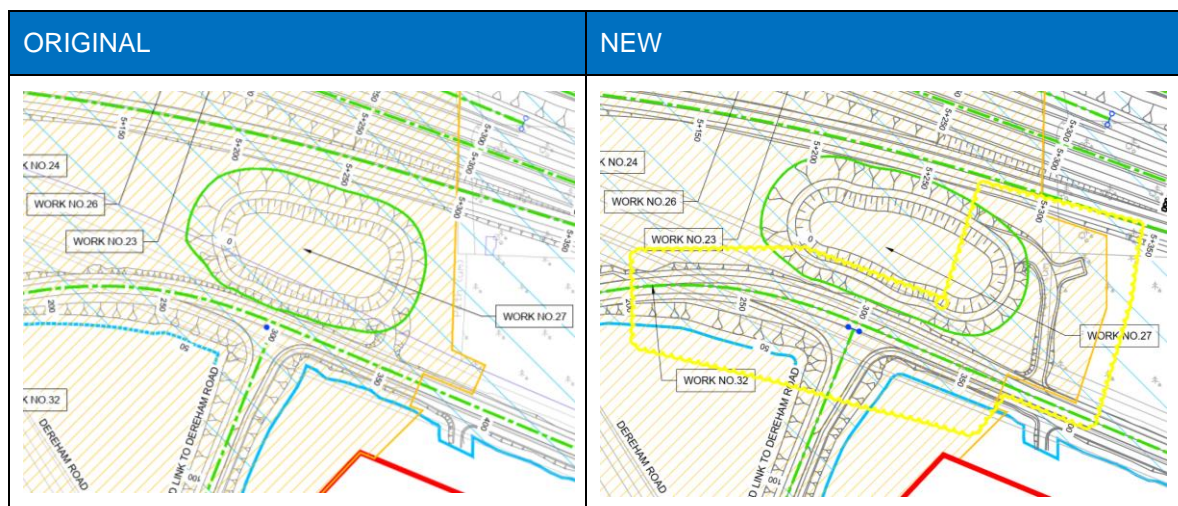


Table 2.2 – Documents amended following changes inclusion of a ghost island at the junction of the detrunked A47 and Dereham Road

Document Name	Reference	Sheet	Description of amendments
2.2 General Arrangement Plans, Rev.1	REP3-002	9 of 23	Base layer updated to show amended design.
2.4 Works Plans, Rev.1	REP3-003	9 of 23	Base layer updated to show amended design and utility Work No. 84 extend accordingly.
2.5 Rights of Way and Access Plans, Rev.1	REP3-004	9 of 23	Access C23 to C24 has been moved 35m to the east.
2.6 Traffic Regulations Plans,	REP3-005	9 of 23	Base layer updated to show amended design.

Document Name	Reference	Sheet	Description of amendments
Rev.2			
2.8 Drainage and Surface Water Plans, Rev.1	REP3-006	9 of 23	Amended to reflect altered design.
2.11 Classification of Roads Plans, Rev.1	REP3-007	9 of 23	Base layer updated to show amended design.
2.12 Hedgerow Plans, Rev.1	REP3-008	9 of 23	Base layer updated to show amended design.
2.13 De-trunking Plans, Rev.1	REP3-009	9 of 23	Base layer updated to show amended design.
6.8 Environmental Masterplan, Rev.2	REP3-016	8 and 9 of 14	Amended to reflect altered design.
3.1 Draft Development Consent Order, Rev.4	REP6-012	N/A	Amended description of Work No. 32 in Schedule 1. Schedule 4, Part 3 (Sheet 9) updated distance of new drainage basin access from Wood Lane junction being 35m further east.

2.4 Drainage review east side of Berrys Lane

- 2.4.1 This design change is to widen slightly the eastern extent of the highway limit of deviation along Berrys Lane to encompass the whole of Berrys Lane within the Order limits.
- 2.4.2 This is to allow the Applicant at the detailed design stage to continue exploring the option to tie into the existing drain on the east side of Berrys Lane, following discussions with the landowner during the Examination period. This is a non-material change to the DCO design as it would simply permit the option to tie-in to the northern end of a drainage system between the existing A47 and the River Tud.
- 2.4.3 This design change is illustrated in Figure 2.3 below and Sheet 9 of the DCO plans listed in Table 2.3 has been updated to show this change in the design.
- 2.4.4 This design change does not result in any additional permanent land take as the whole of Berrys Lane within the Order Limits was already identified for permanent acquisition.
- 2.4.5 The dDCO (**REP5-005**) does not need updating to reflect this change.

Figure 2.3 – Before and After Image of Proposed Change

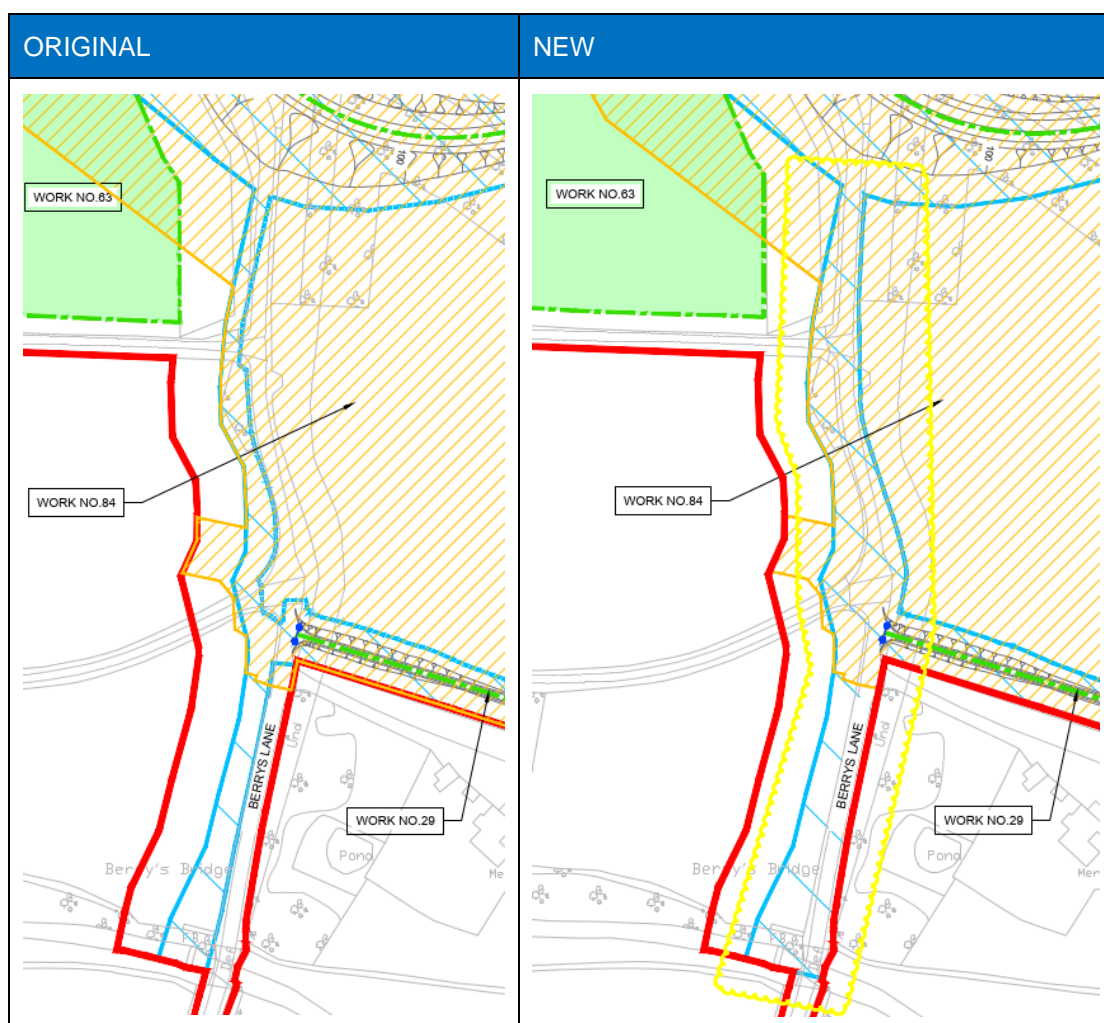


Table 2.3 – Documents amended following changes to highways limit of deviation along Berrys Lane

Document Name	Reference	Sheet	Description of amendments
2.4 Works Plans	REP3-003	9 of 23	Show amended highways limit of deviation.
2.12 Hedgerow Plans	REP3-008	9 of 23	Show amended highways limit of deviation.

2.5 Adjustment to Access to Lyng Road Detention Basin

- 2.5.1 This design change involves moving the access point at the drainage basin on Lyng Road, south of the existing A47 (dDCO Work No. 6), to provide a shared turning area beside the Vodafone mast across Lyng Road opposite the drainage basin.
- 2.5.2 This design change is illustrated in Figure 2.2 below and Sheet 4 of the DCO plans listed in Table 2.2 has been updated to show this change in the design.
- 2.5.3 This design change does not result in any additional permanent land take as it is just a re-arrangement within the permanent landtake for this drainage basin.

- 2.5.4 The dDCO (**REP6-012**) does not need updating to reflect this change and in any event Article 18 of the dDCO provides the power to provide means of access for the purpose of the authorised development. However, the reference to C3 to C4 in description in Schedule 4, Part 3, has been updated to change the name of the adjacent road.

Figure 2.4 – Before and After Image of Proposed Change

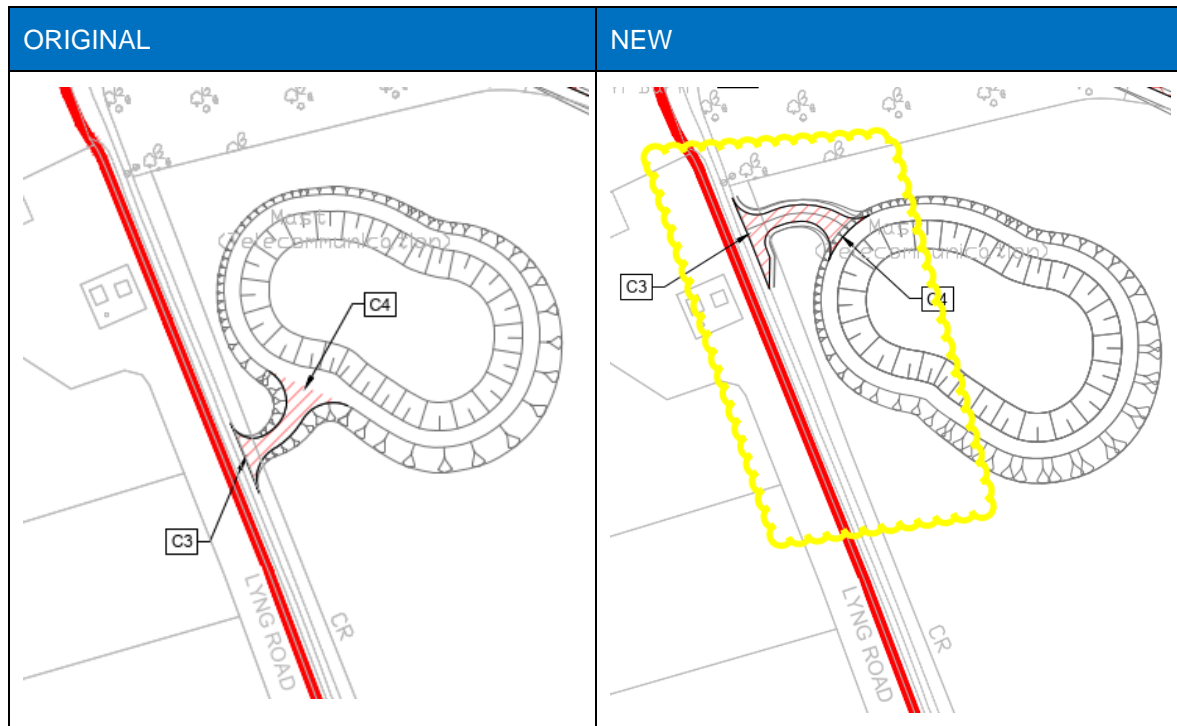


Table 2.4 – Documents amended following changes to Lyng Road drainage basin access

Document Name	Reference	Sheet	Description of amendments
2.2 General Arrangement Plans, Rev.1	REP3-002	2 of 23	Base layer updated to show amended design.
2.4 Works Plans, Rev.1	REP3-003	2 of 23	Base layer updated to show amended design.
2.5 Rights of Way and Access Plans, Rev.1	REP3-004	2 of 23	Base layer updated to s Show amended design and relocation of access C3 to C4.
2.6 Traffic Regulations Plans, Rev.2	REP3-005	2 of 23	Base layer updated to show amended design.
2.8 Drainage and Surface Water Plans, Rev.1	REP3-006	2 of 23	Amended to reflect altered design.
2.11 Classification of Roads Plans,	REP3-007	2 of 23	Base layer updated to show amended design.

Document Name	Reference	Sheet	Description of amendments
Rev.1			
2.12 Hedgerow Plans, Rev.1	REP3-008	2 of 23	Base layer updated to show amended design.
2.13 De-trunking Plans, Rev.1	REP3-009	2 of 23	Base layer updated to show amended design.
6.8 Environmental Masterplan, Rev.2	REP3-016	2 of 14	Amended to reflect altered design.
3.1 Draft Development Consent Order, Rev.4	REP6-012	N/A	Amended description in Schedule 4, Part 3, to change the name of the adjacent road.

2.6 Convert Taverham Road Detention Basin to a Wetland Area

- 2.6.1 In July 2021, post the Applicant's DCO application submission, new areas designated as County Wildlife Sites (CWSs) were published by the relevant local planning authority. The Applicant has considered whether their Scheme affects any of these new CWSs in document entitled 'Additional Environmental Information' (**REP6-019**).
- 2.6.2 This design change involves the drainage basin at Taverham Road being changed from a dry basin to a wet basin to provide wetland habitat as mitigation for the basin being located within a new County Wildlife Site designation area.
- 2.6.3 This design change requires the drainage basin description on Sheet 14 of the General Arrangement Plans, Rev.1, (**REP3-002**) to be edited to include 'wetland area' in the description of the drainage basin. Sheet 12 of the Environmental Masterplan, Rev.2, (**REP3-016**) is amended to add a label to the drainage basin saying 'Proposed wetland to be detailed further at Stage 5', as per the wetlands shown on Sheets 6 and 10 of the Environmental Masterplan.
- 2.6.4 Though the footprint of the drainage basin would not significantly alter, the drainage outfall connection to the River Tud may need amending to allow for the creation of wetland habitat within the drainage basin. Therefore, the highway limit of deviation has been amended on the riverside of the drainage basin, within the Order limits and existing proposed permanent landtake, to cater for this provision. This change is illustrated in Figure 2.2 below and on Sheet 14 of the Works Plans, Rev.1, (**REP3-002**) and Hedgerow Plans, Rev.1 (**REP3-008**).
- 2.6.5 This design change does not result in any additional permanent land take, as the change was made within the existing highways limit of deviation. The final layout design as a wetland area would be developed in consultation with the relevant planning authority, lead local flood authority and the Environment Agency as part of the final detailed design layout for the drainage basin under dDCO Requirements 2 'Detailed Design', 5 'Landscaping' and 8 'Surface and foul water drainage'; these requirements do not need amending.

- 2.6.6 In Schedule 1 of the dDCO (**REP6-012**), the description of Work No. 41 has been amended to include reference to a wetland area, as shown in Table 2.6; this approach aligns with the description in Works No.s 15 and 36 that already have a wetland area proposed as part of their design.

Figure 2.6 – Before and After Image of Proposed Change



Table 2.6– Documents amended following changes to Taverham Road drainage basin highway limit of deviation

Document Name	Reference	Sheet	Description of amendments
2.2 General Arrangement Plans, Rev.1	REP3-002	14 of 23	Added 'wetland area' to the drainage basin label on Sheet 14.
2.4 Works Plans, Rev.1	REP3-003	14 of 23	Amended highway limit of deviation between drainage basin, east of Taverham Road, and the River Tud on Sheet 14.
2.12 Hedgerow Plans, Rev.1	REP3-008	14 of 23	Amended highway limit of deviation between drainage basin, east of Taverham Road, and the River Tud on Sheet 14.
Environmental Masterplan, Rev.2	REP3-016	12 of 14	Added 'wetland area' to the drainage basin label on Sheet 12.
3.1 Draft Development Consent Order, Rev.4	REP6-012	N/A	Amended description of Work No. 41 in Schedule 1.

3 EXPLANATION AND RATIONALE FOR THE CHANGES REQUESTED

3.1 New Ghost Island – Mattishall Lane Link Road / A47 (Detrunked)

- 3.1.1 This design change is proposed in response to on-going design discussions with Norfolk County Council which have prompted a request for a ghost island at this junction.
- 3.1.2 This provision will afford vehicles turning right onto Mattishall Lane Link Road further protection, improving road user safety and assist with the free flow of road traffic on the de-trunked A47.
- 3.1.3 The Applicant agrees with this approach and it is in line with the UK DMRB CD 123, Geometric design of at-grade priority and signal-controlled junctions, Section 2 Junction selection. The island will be created with road markings and will not include any raised kerbs or other physical infrastructure.
- 3.1.4 The change is all within existing permanent landtake identified for creation of the junction between the existing A47 and Mattishall Land Link Road, so does not alter the conclusions of the original environmental assessment; see Section 4.2 below. However, the change does require a minor adjustment to the extent of Schedule 1 Work No. 10 and associated highway limits of deviation, as shown in Figure 2.1 above, to enable its provision.
- 3.1.5 With no changes to the landtake requirements, Order limits and environmental assessment, it is proposed as a minor non-material change to the DCO application..

3.2 New Ghost Island – A47 (Detrunked) / Dereham Road

- 3.2.1 This design change is proposed in response to on-going design discussions with Norfolk County Council which have prompted a request for a ghost island at this junction.
- 3.2.2 This provision will afford vehicles turning right onto Dereham Road further protection, improving road user safety and assist with the free flow of road traffic on the de-trunked A47. The Applicant agrees with this approach and it is in line with the UK DMRB CD 123, Section 2 Junction selection.
- 3.2.3 The Applicant agrees with this approach and it is in line with the UK DMRB CD 123, Geometric design of at-grade priority and signal-controlled junctions, Section 2 Junction selection. The island will be created with road markings and will not include any raised kerbs or other physical infrastructure.

- 3.2.4 The change is all within existing permanent landtake and highway limit of deviation identified for creation of the junction between the existing A47 and the realigned Dereham Road plus adjacent drainage basin, so does not alter the conclusions of the original environmental assessment; see Section 4.2 below. However, the re-positioning of the highway earthworks under Work No. 32 requires the drainage basin access, under Work No. 27, moving 35m east, as shown in Figure 2.2 above. This new access arrangement is now along a section of the existing Honingham byway RB1 that is already proposed to be closed by the Scheme and helps combine access to the drainage basin and to the Vodafone mast, located between the existing and new A47 alignments.
- 3.2.5 Work No. 84 (minor works limit of deviation) has also been extended east to allow for management of works near a utility cable adjacent to the east side of the new access track route leading between the mobile phone mast and the existing A47.
- 3.2.6 The change is all within existing permanent landtake identified for creation of the junction between the existing A47 and the realigned Dereham Road plus adjacent drainage basin, so does not alter the conclusions of the original environmental assessment; see Section 4.2 below.
- 3.2.7 With no changes to the landtake requirements, Order limits and environmental assessment, it is proposed as a minor non-material change to the DCO application.

3.3 Drainage review east side of Berrys Lane

- 3.3.1 This proposed minor non-material change has resulted from discussions the Applicant has had with the owner of the Berry Hall Estate. It has since been confirmed that a drain runs from the existing A47 along the east side of Berrys Lane to discharge to the River Tud. In their representations, the landowner proposed the Applicant investigate the ability to connect to this existing drain as an alternative to creating a new highway drain through their land on the west side of Berrys Lane. The joint submission between the Applicant and Mr Meynell (**REP4-044**) acknowledges the Applicant is investigating whether this is a viable option.
- 3.3.2 Therefore, the proposed DCO change is required in order to enable the option to tie into the existing drain on the east side of Berrys Lane if that option is deemed viable following further investigation. If appropriate, this option would avoid the need to create a new drain through Berry Hall Estate west of Berrys Lane. The change would be to tie into an existing Berrys Lane drainage system and thereby avoid the need to create a further drainage structure. As a result, the option would not involve additional structures to those already assessed in the design.
- 3.3.3 Surveys and design investigations into the viability of this option are on-going and, if viable, would still need detailed design development and consultations with the local highway authority before committing to the change. Extending the highways limit of deviation would enable the Applicant to implement the tie in option if found to be appropriate at the detailed design stage. However, if the existing eastern channel proves unviable, the DCO design retains the option to fall back to the original western drainage proposal.

- 3.3.4 The change is all within existing permanent landtake identified for works to alter Berrys Lane, so does not alter the conclusions of the original environmental assessment that assumes a worst case of having to create a new drain through Berry Hall Estate west of Berrys Lane. This option would simply remove that need, if deemed viable, with no significant change to the flood risk and drainage assessment as discussed in Section 4.2 below.
- 3.3.5 With no changes to the landtake requirements, Order limits and environmental assessment, it is proposed as a minor non-material change to the DCO application.

3.4 Adjustment to Access to Lyng Road Drainage Basin

- 3.4.1 Moving the access point at the drainage basin on Lyng Road (dDCO Work No. 6) is required to provide a shared turning area beside the existing Vodafone mast across Lyng Road opposite the drainage basin.
- 3.4.2 During engagement with the mobile phone operator it has been identified that the current maintenance access arrangement involves a vehicle accessing Lyng Road from the existing A47 via Oak Farm. This enables the vehicle to travel one-way along Lyng Road to exit at Low Road. With the severance of access on the A47 and no existing agreement to turn vehicles within private land off Oak Farm, the Applicant proposed adapting the drainage basin access to provide a shared turning area beside their mast.
- 3.4.3 The Applicant has proposed making the change during the Examination stage to provide reassurance the commitment will be delivered, and to ensure the plans correctly illustrated the location of new private access point C3 to C4 as referenced in Schedule 4 of the dDCO (**REP5-005**).
- 3.4.4 The change is all within existing permanent landtake and highway design limit of deviation, so does not alter the conclusions of the original environmental assessment.
- 3.4.5 With no changes to the landtake requirements, Order limits and environmental assessment, it is proposed as a minor non-material change to the DCO application.

3.5 Convert Taverham Road Drainage Basin to a Wetland Area

- 3.5.1 This design change involves the proposed drainage basin at Taverham Road being changed from a dry basin to a wetland area to provide wetland habitat as mitigation for the drainage basin being located in a new County Wildlife Site (CWS) designation area.
- 3.5.2 As identified in document '9.25 Additional Environmental information (**REP6-019**), submitted at Deadline 6, new data received from Norfolk Biodiversity Information Service (NBIS), in August 2021, identified a number of newly designated CWSs within 2km of the site boundary. Though the new data did not form part of the original assessment in ES Chapter 8 Biodiversity (**APP-047**) as the new designations were made post March 2021, the Applicant has considered the risks to these new designations by the Scheme.

- 3.5.3 Section 2 of this document acknowledges the drainage basin at Taverham Road is located within the area newly designated as Brook House Marshes CWS. In order to compensate for the permanent loss of grassland area and support the CWS designation, the Applicant has proposed the creation and management of a wetland area and grassland complex habitat.
- 3.5.4 As noted in document '9.25 Additional Environmental information (**REP6-019**), a site visit carried out on 13 October 2021 included viewing the fields and segment of the River Tud within the DCO boundary from Taverham Road. The grassland was noted to be mesic in most areas with a small area of rush dominated vegetation in the centre of the site. Although species diversity could not be accurately assessed from the road, the character of the grassland being dominated by coarse grasses with very little herbs noticeable indicated the sward is generally species-poor, and likely to be a grass dominated *Arrhenatherum* grassland in mesic areas transitioning to *Holcus/Juncus* grassland in wetter areas. At the time of the survey approximately 20 cattle were grazing in the southern field. The section of the River Tud viewed from the road was observed to be turbid and mesotrophic to eutrophic in this location, with no visible submerged vegetation, and shrubby bankside vegetation. Common nettle and Himalayan balsam were noted to be frequent along the banks of the river.
- 3.5.5 In order to ensure the design provides compensation for the loss of existing habitat within the CWS, an amendment is required to the drainage basin description in: Schedule 1 Work No. 41 of the dDCO (**REP6-012**); the General Arrangement Plans, Rev.1, (**REP3-002**); and the Environmental Masterplan, Rev.2, (**REP3-016**).
- 3.5.6 The description of the drainage basin needs amending to include reference to wetland area to change this dry drainage basin to a drainage basin with a wetland area; this is the same description already used for wetland drainage basins proposed under Works No.s 15 and 36 on Sheets 7 and 12 of the Works Plans, Rev.1 (**REP3-003**) and in Schedule 1 of the dDCO (**REP6-012**).
- 3.5.7 The highway limit of deviation needs amending on the riverside of the drainage basin to allow the drainage outfall connection to the River Tud to be reviewed during the detailed design development, under Schedule 8 of the dDCO (**REP6-012**) to allow for creation of wetland habitat within the drainage basin. This change is within the Order limits and existing allocated permanent landtake and presented on Sheet 14 of the Works Plans, Rev.1 (**REP3-002**), and Hedgerow Plans, Rev.1 (**REP3-008**).
- 3.5.8 The detailed landscaping design would be developed in consultation with the relevant planning authority prior to approval by the Secretary of State under dDCO Requirement 5 'Landscaping' (**REP3-011**), and no change is required to this requirement.
- 3.5.9 As reported in Section 2 (paragraph 2.2.30) of the Additional Environmental information (**REP6-019**), this does not change the original assessment conclusions in ES Chapter 8 Biodiversity (APP-047), which had already considered the construction effects on the habitats within these new CWS designated areas.

- 3.5.10 With no changes to the landtake requirements, Order limits and environmental assessment, it is proposed as a minor non-material change to the DCO application.

4 ARE THE PROPOSED CHANGES A MATERIAL CHANGE TO THE DRAFT DEVELOPMENT CONSENT ORDER?

4.1 Land Take Changes

- 4.1.1 As noted above, none of the changes require additional land take or amendments to the existing land parcels or compulsory acquisition powers identified in the Land Plans, Rev.2 (**REP5-002**).

4.2 Environmental Changes

- 4.2.1 The nature of the changes described above do not change the original environmental assessment chapter conclusions or lead to any new or materially different likely significant effects individually or cumulatively.
- 4.2.2 Chapter 2 of document '9.25 Additional Environmental Information' (**REP6-019**) identifies a slight adverse construction and slight beneficial operational impact on Brook House Marshes CWS. However, it would not change the overall conclusion. The softer landscaping of the wetland area may also offer some benefit to receptors along Taverham Road overlooking the drainage basin, such as the heritage setting of listed buildings and residents of properties, but not to any material extent.
- 4.2.3 The Applicant has anticipated that the proposed changes may raise concerns about the potential for a cumulative effect on drainage, so Appendix B reviews the potential effects of the above changes on the water environment and demonstrates the changes are minor and within the tolerance of the flood risk and drainage assessments.

4.3 Conclusion

- 4.3.1 The approach to making changes to a draft Order during an examination is set out in the detailed examination Guidance (Guidance for Examination of Applications for Development Consent, DCLG, March 2015) and AN16. The decision on materiality rests with the ExA.
- 4.3.2 There is no legal definition of the term "material" but the guidance differentiates between material changes and changes that amount to an entirely different project. Paragraph 2.1 of AN16 states:

"There is no legal definition of 'material' but the tests to apply are whether the change is substantial or whether the development now being proposed is not in substance that which was originally applied for. The former constitutes a material change which provided there is sufficient time remaining in the Examination stage can be accommodated as part of the Planning Act 2008 process. The latter constitutes a different project for which a new application would be required"

- 4.3.3 The changes which are proposed do not constitute a different project. It follows that the issue which falls to be considered is whether the changes, considered collectively, are sufficiently substantial to result in a material change. The question of whether the change is "material" is a question of planning judgment for the ExA (see paragraphs 2.1 and 2.3 of AN16).
- 4.3.4 The Applicant considers that the combined impact of the proposed changes is not material, and this section sets out why it has reached this conclusion in order to assist the ExA in exercising its planning judgment.
- 4.3.5 The following factors are relevant:
- (i) All of the land required in respect of the changes outlined in Section 2 falls within the existing Order Limits. AN16 states that the extension of the Order Land and the addition of new plots of land or interests for compulsory acquisition may be factors suggesting a material change. This test of materiality is not met, as none of the changes require an extension to the Order Land, and do not add new plots of land or interests for compulsory acquisition which were not previously within the Order Land.
 - (ii) Moreover, the procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 is not engaged as the proposed changes do not provide for the acquisition of additional land or additional compulsory acquisition powers.
 - (iii) The wording of the dDCO (**REP5-005**) (submitted at Deadline 5), requires minimal alterations to accommodate the proposed changes.
 - (iv) Furthermore, the effect of the proposed changes on the conclusions contained in the Environmental Impact Assessment (EIA) has been considered. The Applicant has assessed all the proposed changes and concluded there are no new or materially different likely significant environmental effects as a result of the changes. This is further indication that the proposed changes to the Application are not material.
- 4.3.6 For the reasons set out, the Applicant submits that the changes requested, when considered both individually and cumulatively, do not amount to a material change to the Application.
- 4.3.7 In all the circumstances therefore, the ExA is asked to accept the proposed changes as non-material changes to the Scheme.

5 TARGETED CONSULTATION WITH, AND CONSENT FROM, PERSONS WITH INTERESTS IN THE LAND AFFECTED BY THE PROPOSED CHANGE

- 5.1.1 As noted in Section 3 above, most of the changes arose from engagement and are requested by the affected landowners.
- 5.1.2 The proposed change to the Taverham Road drainage basin to mitigate the impact on Brook House Marshes CWS has provisionally been discussed with the Norfolk County Council Ecologist, who did not object to the proposed mitigation strategy.
- 5.1.3 Nevertheless, the Applicant has chosen to take a cautious approach and is also writing to the parties with interests in land in the vicinity of the changes to inform them of the proposed changes and provide them with the opportunity to comment on these changes. Parties have been asked to provide comments by 24 January 2021, following receipt of information by 20 December 2021. All comments and the Applicant's response to them as may be required will be provided to the Examination by way of a short report by the Applicant.

6 IS FURTHER CONSULTATION NECESSARY?

- 6.1.1 No additional consultation is considered necessary given that the changes are non-material and do not have wide implications for the proposed development. However, in addition to the directly affected landowners the Applicant has chosen to carry out some further targeted consultation with the following statutory bodies regarding the proposed changes and Additional Environmental Information:
- Norfolk County Council
 - Environment Agency
 - Natural England
 - Historic England
 - Breckland Council
 - Broadland Council
 - South Norfolk District Council
- 6.1.2 These parties have been given until 24 January 2022 to provide comments on the proposed changes and ES addendum, following receipt of information by 20 December 2021.
- 6.1.3 Whilst the Applicant does not anticipate any material issues being raised in response to this consultation it will update the Examining Authority of any comments in the report outlined above.

- 6.1.4 This request for non-material changes and all accompanying documents will also be published on the National Infrastructure Planning website. It will still be open for any interested parties who may wish to make representations to do so before the close of the Examination.

7 CONCLUSIONS AND FORMAL REQUEST FOR PROPOSED CHANGE TO BE MADE

- 7.1.1 The Applicant submits that its application can be accepted by the ExA as a non-material change and without additional consultation to that outlined above being required. The ExA is asked to accept the changes on the basis that they:

- (i) are minor in nature;
- (ii) are all within the Order land;
- (iii) do not require any additional powers of compulsory acquisition and therefore no further steps are necessary under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 since, as demonstrated above, those regulations are not engaged;
- (iv) only require minor amendments to the descriptions of the Works in Schedule 1 of the dDCO (**REP6-012**); and
- (v) do not generate new or materially different likely significant environmental effects.

APPENDIX A - ROAD DRAINAGE AND WATER ENVIRONMENT

Introduction

This chapter considers the effects of the design changes described in chapter 2 on the water environment.

Assessment of Likely Significant Effects of the Design Changes

The following design changes have the potential to affect the water environment during construction and operation:

- New Ghost Island - Mattishall Lane / A47 (Detrunked)
- New Ghost Island - A47 (Detrunked) / Dereham Road
- Drainage option east side of Berrys Lane
- Adjustment to access to Lyng Road drainage basin
- Change Taverham Road drainage basin to a wetland area

New ghost islands

Table A.1 summarises the changes in the proposed drainage areas for the proposed ghost islands at the junction of Mattishall Lane and the de-trunked (existing) A47 and the junction of Dereham Road and the de-trunked (existing) A47.

Table A-1 Summary of proposed drainage areas

Design Change		New Ghost Island - Mattishall Lane / A47 (Detrunked) – catchment M3	New Ghost Island - A47 (Detrunked) / Dereham Road – catchment S3
Proposed Scheme Drainage Area (ha)	Total Area	3.082	0.298
	Impermeable Area	1.924	0.191
Design Change Drainage Area (ha)	Total Area	3.26	0.309
	Impermeable Area	2.072	0.204
Change in Drainage Area (ha)	Total Area	0.178	0.011
	Impermeable Area	0.148	0.013

The Scheme includes development of a new junctions along the existing A47 at both the ghost island locations, so the potential effects of constructing the ghost islands is considered within the existing construction activities in ES Chapter 13 (**APP-052**). Therefore the reported significance of effects for this design change would not change.

During operation, there would be an increase in drainage area which has the potential to increase runoff from the highway and consequently flood risk downstream and increase pollutant loads in road runoff polluting downstream watercourses.

The Mattishall Lane ghost island would result in an increase in the highway drainage catchment area M3 as defined in ES Appendix 13.2 Drainage Strategy (**APP-126** and **APP-127**). The drainage area M3 shall discharge via a vegetated detention basin to the River Tud. The detention basin shall attenuate highway runoff from catchment M3 to existing greenfield runoff rates (including an allowance for climate change) to mitigate against any increase in flood risk downstream. The water quality assessment confirmed that no treatment is required for drainage catchment M3; however, design enhancements shall be provided by filter drains (subject to further investigation following supplementary ground investigation) and the vegetated detention basin.

The Dereham Road ghost island would result in an increase in the highway drainage catchment area S3 as defined in ES Appendix 13.2 Drainage Strategy (**APP-126** and **APP-127**). The drainage area S3 shall discharge to the existing road network in Dereham Road pending the outcome of a drainage survey. Pending the outcome of the drainage survey and detailed design, catchment S3 shall be attenuated to existing flow rates or better (including an allowance for climate change) for existing networks and to greenfield runoff rates (including an allowance for climate change) for new networks by the use of flow controls and oversized pipes and / or ditches mitigate against any increase in flood risk. The water quality assessment in ES Appendix 13.3 Water Quality Assessment (**APP-128**) confirmed that no treatment is required for drainage catchment S3; however, design enhancements shall be provided by the use filter drains subject to further investigation at detailed design.

The impact of the additional drainage areas at the ghost islands has been assessed using the MicroDrainage model of the proposed drainage design and it has been confirmed that the existing Scheme design would also be able to mitigate the effects of the additional areas and therefore any potential impact of flood risk. Additional HEWRAT assessments have been undertaken and it is confirmed that no further mitigation is required. Given this, it is considered that during operation the significance of effect on the receptors (River Tud) identified in ES Chapter 13 (**APP-052**) would not change.

Drainage option east side of Berrys Lane

Sheet 9 of the Drainage and Surface Water Plans, Rev.1 (**REP3-006**) shows the proposed natural catchment drainage network (labelled as “Pre Earthworks Ditch (natural catchment)”) extending from the Wood Land junction southern roundabout southwards to the outfall into the River Tud. This network collects natural catchment runoff (overland flow pathways) as well as drainage from embankments but not road drainage. The proposed change would allow the Applicant to consider using an existing drainage ditch on the eastern edge of Berrys Lane, subject to surveys and detailed design, rather than construct the proposed new network west of Berrys Lane. The ditch currently discharges into the River Tud downstream of Berrys Lane bridge.

Potential effects of any construction activities associated with adapting the drainage ditch, such as working near watercourses and accidental spillages, are mitigated as described in ES Chapter 13 (**APP-052**) and the Environmental Management Plan (**APP-143**). Consequently, the proposed change is not considered to alter or increase the significance of effects reported in ES Chapter 13.

During operation, there is a potential to increase flood risk downstream. Existing mitigation as stated in ES Chapter 13 (**APP-052**) is required to ensure the surface water flood flow pathways that cross the Scheme are able to convey flood flows up to a 1 in 100-year event including a 65% allowance for climate change and do not increase flood risk to others. The capacity of the drainage ditch is unknown and further assessment is required at detailed design to confirm if the eastern drainage ditch option is viable to both replace the proposed network west of Berrys Lane western and still maintain the mitigation commitments in ES Chapter 13 (**APP-052**). If it is not viable, the Scheme would continue to develop the western drainage option.

Relocation of the access to Lyng Road drainage basin

The proposed relocation of the access to Lyng Road detention basin would result in a small increase in drainage area. The access track would comprise an unbound surface with 'over the edge' drainage. An increase in runoff from the access track, including the additional increase associated with the design change described above would be negligible in magnitude. The track would continue to be used by maintenance vehicles to the detention basin, but with the addition of use by maintenance vehicles accessing the mobile network mast. It is considered that the negligible additional traffic volume would not significantly increase the pollutant load in runoff from the track. Therefore, the relocation of access to the Lyng Road detention basin and the increase in area of the access track is considered to not change the conclusion of significance of effect identified in ES Chapter 13 (**APP-052**) during construction and operation.

Change Taverham Road drainage basin to a wetland area

The Taverham Road vegetated drainage basin provides attenuation storage and treatment for drainage catchments NE, M9, M10 and S5 and W1 associated with Norwich Road junction and the surrounding area. The basin would discharge into the River Tud. The potential effects and proposed mitigation are considered in ES Chapter 13 (**APP-052**) and its appendices, noting that existing treatment measures (vegetated drainage basin and filter drains) are provided as enhancement rather than adverse effect mitigation measures (see ES Appendix 13.3 Water Quality Assessment (**APP-128**)). Conversion of the vegetated drainage basin to a wetland area would provide additional enhanced treatment of heavy metals compared to a vegetated detention basin. However, as groundwater levels in this area are likely to be close to the ground surface, it is assumed that to avoid risks to groundwater, the wetland would continue to be lined as per the original design of the drainage basin.

Given this, it is considered that during operation the significance of effect on the receptors (River Tud) identified in ES Chapter 13 (**APP-052**) would not change. Differences in the potential effects of constructing a wetland area as opposed to a drainage basin are considered to be negligible. Therefore, the significance of effect of the construction activities described in ES Chapter 13 (**APP-052**) would not change.