



# The Planning Inspectorate

## The Planning Act 2008 – section 91

### Application by Highways England for an Order granting Development Consent for the A47 North Tuddenham to Easton project.

### Agenda for Issue Specific Hearing 3 dealing with matters relating to the draft Development Consent Order (dDCO) and environmental matters.

**Issue Specific Hearing 3:** dDCO and environmental matters

**Date:** 6 January 2022

**Joining available from:** 9.30am<sup>1</sup>

**Meeting start time:** 10.00am<sup>2</sup>

**Location:** Virtual event

### Participation, conduct and management of the Hearing

This is the third Issue Specific Hearing (ISH3) to be held in this Examination. It is being held because the Examining Authority (ExA) wishes to question the Applicant and hear from Interested Parties (IPs) about matters relating to the dDCO and environmental matters, which arise from the documentation submitted with the application, together with any updates and responses at the preceding submission Deadlines.

All Interested Parties are invited to attend the issue specific hearing, but as this is a virtual event, to assist the running of the hearing, please let the Inspectorate's Case Team ([A47NorthTuddenhamtoEaston@planninginspectorate.gov.uk](mailto:A47NorthTuddenhamtoEaston@planninginspectorate.gov.uk)) know by **22 December 2021** of a wish to participate in the hearing so that the relevant instructions can be sent for you to join the event.

The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Each IP is entitled to make oral representations at the hearing. However, this is subject to the ExA's power to control the hearing.

The ExA would find it helpful for the following attendees to participate in ISH3:

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<sup>1</sup> Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate

<sup>2</sup> If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

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- Highways England (the Applicant) - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
  - Norfolk County Council;
  - Broadland District Council;
  - South Norfolk Council;
  - Breckland Council;
  - Environment Agency;
  - Natural England;
  - Historic England; and
  - Any other IPs with an interest in the dDCO and/or environmental matters.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will therefore be led by the ExA.

The virtual event will be open 30 minutes prior to the start of the hearing. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

The evidence presented orally at the hearing should be included in post-hearing submissions and submitted by Monday 17 January 2022 (Deadline 7).

### **Purpose of ISH3**

The main purpose of ISH3 is to undertake further examination of the provisions of the dDCO and environmental matters, as set out below.

#### dDCO

- Identify how the dDCO has been amended since ISH1;
- How the dDCO is intended to work – what would be consented, the extent of the powers and what requirements, provisions and agreements are proposed;

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- Any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
  - The justification for any changes from established practice;
  - The need for changes to other legislative provisions;
  - The need for protective provisions and their scope; and
  - The views of other IPs as to the appropriateness, proportionality or efficacy of the proposals

### Environmental Matters

- Biodiversity;
- Climate;
- Cultural Heritage;
- Flooding;
- Geology and Soils;
- Landscape and visual;
- Noise;
- Population and human health; and
- Transport.

### **Contingencies**

The ExA will endeavour to hear all participants. If the ISH3, or parts of it, is unable to proceed, for example due to technical reasons, then the ExA will deal with any remaining matters via written submissions. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

### **Microsoft Teams**

The ISH3 will take place virtually using Microsoft Teams. Further information about virtual events in relation to Nationally Significant Infrastructure Projects can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events:

[Advice Note 8.6: Virtual examination events | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.gov.uk/guidance/advice-note-8-6-virtual-examination-events)

Further information, including a short video regarding taking part in a Planning Inspectorate virtual event, can be found on the Planning Inspectorate's website:

[Planning Inspectorate virtual events: guide to participating - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-inspectorate-virtual-events-guide-to-participating)

Please contact the Case Team if you have any questions about using Microsoft Teams.



## Agenda

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|-------------------------|---|
| <b>Title of meeting</b> | A47 North Tuddenham to Easton project Issue Specific Hearing 3 on Environmental Matters |
| <b>Date</b>             | 6 January 2022  |
| <b>Time</b>             | 10.00am   |
| <b>Venue</b>            | Online via Microsoft Teams  |
| <b>Attendees</b>        | Invitees  |

### **1. Welcome, introductions and arrangements for the hearing**

### **2. Change request**

- The ExA will ask the Applicant to briefly outline its request for a change to the application.
- The ExA may ask questions on this matter.

### **3. Provisions of the dDCO**

- Applicant to briefly highlight changes which have been made to the dDCO since ISH1.
- The ExA may ask questions in respect of Articles, Schedules and Requirements of the dDCO, seeking responses where appropriate from the Applicant and Interested Parties (IPs).
- IPs will be invited to ask questions of clarification in relation to dDCO Articles, Schedules and Requirements.

### **4. Schedule 9 – Protective Provisions**

- Applicant to provide an update on progress between parties regarding protective provisions, explain any important differences of view and a timescale for resolution

### **5. Environmental Matters**

- The ExA will ask some questions in respect of the following topics:
  - Biodiversity, including protected species and views of the applicant and IPs on information submitted since ISH2;
  - Climate, including clarification around embedded carbon, cumulative assessment and views of the applicant and IPs on information submitted since ISH2;
  - Cultural Heritage views of the applicant and IPs on information submitted since ISH2;
  - Flooding, including floodplain compensation, explanation of compliance with Sequential and Exceptions tests and clarification with regards to climate change adaptation;

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- Geology and Soils, including the presence and use of agricultural land;
  - Landscape and visual, including impact on trees and hedgerows;
  - Noise impacts, including clarification around those receptors identified to experience significant effects;
  - Population and human health, including impact on existing agricultural businesses; and
  - Transport, including traffic modelling figures and views of the applicant and IPs on information submitted since ISH2.

**6. Statements of Common Ground**

- Applicant to provide an update on Statements of Common Ground relevant to the Environmental Matters

**7. Review of issues and actions arising**

**8. Any other matters**

**9. Closure of the hearing**