

# A47 North Tuddenham to Easton Dualling

**Scheme Number: TR010038**

**Volume 9**

## **9.28 Applicant's Written Summary of Oral Submissions at CAH3**

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

Planning Act 2008

January 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

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

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**APPLICANT'S WRITTEN SUMMARY OF ORAL SUBMISSIONS  
AT CAH3**

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<b>Regulation Number:</b>	Rule 8(1)(c)
<b>Planning Inspectorate Scheme Reference</b>	TR010038
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## 1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47 North Tuddenham to Easton scheme (Application) was submitted on 15 March 2021 and accepted for examination on 12 April 2021.
- 1.1.2 Compulsory Acquisition Hearing 1 (CAH1) (covering the Applicant's case for compulsory acquisition and temporary possession) and Compulsory Acquisition Hearing 2 (CAH2) (covering site/plot specific issues) for the Application were held on 3 November 2021 starting at 10am and 2pm respectively.
- 1.1.3 Compulsory Acquisition Hearing 3 (CAH3) for the Application was held virtually on Microsoft Teams on Wednesday 5 January 2022 at 10.00am.
- 1.1.4 The Examining Authority (ExA) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing, where it was not possible to do so during CAH3.
- 1.1.5 This document also seeks to fully address the representations made by the Interested Parties at CAH3.
- 1.1.6 The Applicant has responded to the issues raised by each attending party and provided cross-references to the relevant Application or examination documents in the text below.

## 2 THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT CAH3

Ref	Questions / Issues Raised at CAH3 and Hearing Action Points	Summary of Applicant's Response at CAH3	Applicant's Written Response
<b>AGENDA ITEM 2 – Change request</b>			
1.	Please briefly outline the Applicant's request for a change to the Application and what any implications are for temporary possession and compulsory acquisition.	<p>The Applicant explained that the Non-Material DCO Change Request application (<b>AS-038</b>) was submitted last month. None of the changes contained within that application require additional compulsory acquisition of land. There are no additions to the existing land parcels identified in the Land Plans (<b>REP5-002</b>) or to the compulsory acquisition powers sought. The Applicant confirmed that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged as a result of the Non-Material DCO Change Request.</p> <p>The Applicant explained that there have been amendments to the Land Plans (<b>REP5-002</b>) as part of discussions with Mr Meynell. On Sheet 9, an area of land has been removed from the parcels for compulsory acquisition and this is shown coloured in black. The area removed is an access from Berrys Lane to the west on the Berry Hall Estate (New Back Drive) and an area around and including the sileage clamp. This is detailed in paragraph 2.1.2 of Non-Material DCO Change Request (<b>AS-038</b>) and also in the letter dated 15</p>	The Applicant has no further submissions to make.

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		<p>November 2021 to the Inspector which was the joint submission with Mr Meynell (<b>REP4-044</b>).</p> <p>Specifically, in relation to Mr Meynell's land, the Applicant has undertaken a Topographical survey of the existing ditch that runs along the eastern side of Berrys Lane.</p> <p>The surveys were commissioned and undertaken as the ditch was not present on historical and operational National Highways databases for land and drainage assets.</p> <p>The Applicant confirmed it is in possession of the survey data and is looking at options for tying into the Scheme design.</p> <p>This is expected to be discussed at a site meeting on Wednesday 19 January 2022 with Mr Meynell and his representatives.</p>	
<b>AGENDA ITEM 3 – Site-specific issues for the Applicant</b>			
2.	Please provide a brief update on the progress of negotiations with Affected Parties ( <b>APs</b> ) and the timetable for their conclusion.	<p>The District Valuer (on behalf of the Applicant) stated that negotiations have progressed significantly and valuation offers have been made to all affected parties. The Applicant is hopeful that agreements will be reached within the next 6 months with the APs.</p> <p>Specifically, in relation to Mr Meynell, the District Valuer has not been able to commence full negotiations with Mr Meynell yet (albeit discussions with the Project team have been ongoing). The District Valuer will attend the</p>	The Applicant has no further submissions to make.

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		proposed meeting on Wednesday 19 January 2022 where Mr Meynell's land agent will also be present.	
3.	The ExA asked whether there any particular areas or issues which the Applicant is concerned about as there has been changes in land ownership due to recent sales.	<p>The Applicant confirmed that they have engaged with the new landowners and the Applicant is moving forward as quickly as possible.</p> <p>The Applicant stated that there is a meeting scheduled with Mr Alston / Norfolk Food Enterprise Partnership representatives on 18 January 2022 which the Applicant will use as a forum to discuss compensation issues and agricultural access proposals.</p> <p>The Applicant notes that any details are primarily detailed design issues.</p>	The Applicant has no further submissions to make.
4.	George Josselyn for Mr Meynell explained that there is a tacit agreement between Mr Spinks (land agent representing Mr Meynell) and the Applicant. Mr Meynell will instruct Mr Spinks to engage with the Applicant on valuation on the assumption that these discussions are without prejudice to Mr Meynell's primary contention. Mr Meynell is agreeable to meeting with the Applicant's representative to discuss this	The Applicant welcomes this and is agreeable to discussions with Mr Meynell's representative.	The Applicant has no further submissions to make.

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	at the meeting on 19 January 2022.		
<b>AGENDA ITEM 4 – Site-specific representations by APs</b>			
5.	<p>The ExA asked Mr Meynell to briefly set out any outstanding concerns in relation to CA and / or TP for the land which he owns and / or occupies.</p> <p>George Josselyn for Mr Meynell stated that the following issues have been resolved:</p> <p>(1) Permanent cutting of all access to the west of Berry Hall Estate. There are two entrances west off Berrys Lane to be closed off: stopping up of Old Back Drive and the access from the A47, without substitution. New Back Drive still has a strip of permanent acquisition in Plot 9/1b that separates it from the highway. The removal from temporary possession requirements</p>	<p>The Applicant thanked Mr Josselyn for his comments and stated that he has set out a useful agenda for the proposed meeting to be held in January.</p> <p>The Applicant stated that the points made are predominantly design related and are subject to the discussions between the parties in the SOCG.</p> <p>However:</p> <p>The Applicant stated that with regard to the Old Back Drive off the A47 and the stopping up of the access, the 132 metres relates to the fact that the Applicant has a temporary compound (Compound 2) in that location and therefore, will have to stop up the drive during the actual construction of the works. Upon removal of that compound, the drive would be reinstated such that Mr. Meynell could access the existing woodland in that location. Again, that would be part of the discussion and engagement with the landowner during the development of the detailed design of the compound and the Environmental Master Plan (EMP).</p> <p>The reservoir also falls into that area, and the Applicant has undertaken a topographical survey and has confirmed already to the landowner that we will not have</p>	<p>The Applicant's Scheme Design Report, Rev.1 (<b>AS-008</b>) also contains information on the compounds within Section 11 - Construction Considerations. Compound 2 is covered in Section 11.1.8 to 11.1.10 including a summary of identified receptors and cross reference to the Environmental Management Plan (<b>APP-143</b>). An indicative drawing of Compound 2 has been provided as an appendix to the 'Applicant's Written Summary of Oral Submissions at ISH3' (<b>TR010038/EXAM/9.29</b>), submitted at Deadline 7.</p> <p>Section 11.1.9; "Receptors identified below have been considered, but it was deemed measures could be taken to avoid or minimise any risk of significant impacts. Further, consideration of the measures outlined in the Environmental Management Plan (EMP) (APP-143) will be taken into account during the</p>



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	<p>does not rectify the problem that the exit onto the public highway is included in Plot 9/1b.</p> <p>(2) The Front Drive which runs from the lozenge explaining 9/2d on the Land Plans, in a looping curve up to the main house. The drive is crossed by temporary possession Plot 9/1c and permanent acquisition Plot 9/1b which extends down to the River Tud. If it were to be decided that the drainage could run down the eastern side and all of that section no longer required, it would solve the problem.</p> <p>(3) The legal agreement will need to document precisely how the reservoir is to be retained, maintained, accessed and used during the permanent and temporary acquisition elements of the Project and will need to deal with Mr</p>	<p>an impact on the reservoir. Any widening required to facilitate access to the construction compound would be undertaken to the west side and not to the east where the reservoir is located.</p> <p>Access routes are under discussion and the Applicant has proposed some alternatives that could be delivered within the existing Scheme boundary. Mr Meynell has suggested an alternative that would utilise an existing gate and woodland ride in an area outside the Scheme boundary. The Applicant has commissioned a further topographical survey and upon receipt of that, the Applicant hopes that this can be agreed and secured by private agreement.</p> <p>The meadow access across Plot 9/1g will be maintained and this will also be covered in a private agreement. The access will be provided through a secured corridor where the Applicant is carrying out the National Grid Gas diversion works.</p> <p>The Applicant has undertaken topographical surveys of the eastern ditch which was not present on historical databases. The Applicant is in possession of some of the required information and is looking at options for connecting to this.</p> <p>The Applicant has assessed the impact of the compounds in the Environment Statement. In respect of the impact on the residents, the Applicant has provided a response at Deadline 1 in the Applicant's Response to</p>	<p>detailed planning and construction of the compound:</p> <ul style="list-style-type: none"> <li>• Residential dwellings to the east and west, including Hillcrest Cottage and Berry Hall Cottages</li> <li>• Deciduous woodland to the north-east and south-east</li> <li>• Area of botanical interest west of Hillcrest Cottage</li> <li>• Area of high potential for terrestrial invertebrates west of Hillcrest cottage.</li> </ul> <p>Section 11.1.10: Other factors that will be considered in the detailed planning of the layout and construction of the compound includes:</p> <ul style="list-style-type: none"> <li>• Siting of topsoil storage to provide screening</li> <li>• Siting of noise and light emitting equipment.</li> </ul>

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	<p>Meynell's rights to use the reservoir if the Applicant does acquire the reservoir.</p> <p>(4) Drainage – The Applicant is proposing to investigate a drainage culvert east of Berry's Lane to replace the proposed use of land west of Berrys Lane – this relates to Plots 9/1n, 9/1d and 9/1c and extension of 9/1b. The Applicant needs to consider how it will utilise the land for drainage and either acquire the land or obtain an easement to run through it for highway run-off. Mr Meynell wants a commitment that the Applicant will adopt the eastern drain alternative if it is feasible and the Applicant will not exercise compulsory acquisition powers to the area to the west of Berrys Lane if it does not adopt the use of eastern drain. Mr Meynell knows the ditch well and records do not show its existence. The Applicant</p>	<p>Relevant Representations (REP1-013) and tabled as RR-087.</p> <p>The Applicant anticipates that the issue of the permanent HGV access will be resolved upon receipt of the results of the topographical survey. The Applicant anticipates that the position will be agreed with Mr Meynell by private agreement.</p> <p>The reduction of temporary and permanent land take will form part of the process undertaken at the detailed design stage. This is a standard approach for the delivery of major highways schemes. As part of this process the Applicant will seek to minimise land take, on the basis of more up-to-date information and detailed design. Once the Applicant has analysed the further geotechnical information this too will assist in scaling back the land take and the Applicant is committed to following this process. The Applicant cannot say what that will be at this stage without the detailed design process being undertaken. The Applicant is committed to delivering this as the Project moves forward.</p> <p>The Applicant welcomes the suggestion of a timetable and the Applicant will discuss this further with Mr Meynell. The Applicant stated that it would be useful to include the draft SOCG in this.</p> <p>Comments are awaited by the Applicant from Mr Meynell on the SoCG.</p>	

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	<p>surveyed the ditch in November and made 4x1m holes in the hedge. The Applicant's representative will be conducting a site visit on 19 January 2022 and Mr Meynell would be happy to have a meeting.</p> <p>(5) Meadow access across Plot 9/1g on sheet 9 of the Land Plans, to the east of the Berry Hall Estate – The Applicant has agreed measures to ensure that the cattle can be crossed over the bridleway. However, this commitment will need to be secured in a legal agreement. The route will also need to cross Plots 9/1j and 9/1g during the works period.</p> <p>The following are the outstanding issues between Mr Meynell and the Applicant:</p> <p>(1) Permanent loss of HGV</p>	<p>The Applicant's representatives will meet Mr Meynell during a visit on 19 January 2022.</p>	

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	<p>access – the exclusion of New Back Drive from proposed temporary possession does not resolve the HGV access issue to the estate which results from closure of Old Back Drive. Mr Meynell awaits the results of the survey undertaken by the Applicant around the time of CAH2. Mr Meynell awaits to hear from the Applicant on Mr Meynell's alternative suggestion to take the HGVs from Berrys Lane, westwards to create a new track to go straight across the land.</p> <p>(2) Closure of Old Back Drive from the south side of the A47 for 132 metres will cause issues for Mr Meynell. The Applicant has not explained why that distance was chosen and hopes that the Applicant will reduce it to a nominal distance. This is listed in the draft DCO, Schedule 4, Part 4, as being</p>		

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	<p>a private road to be stopped up. If there were to be a substituted road, Mr Meynell would request that this included a turning space at the top of the driveway.</p> <p>(3) The temporary compounds covering Plots 8/5c and 9/1a will impact the cattle buildings and animals as it is in close proximity to this, thereby making the building inappropriate for occupation by cattle. This could put the holistic farming enterprise at risk if the cattle buildings are no longer usable. The temporary compound will also impact residential receptors at Berry Hall farm cottages in particular an NHS nurse who lives there and works night shifts. In addition, the tenant at Wisteria Cottage who is concerned that her life is not adversely affected by the temporary compounds.</p>		

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	<p>(4) The temporary possession boundary, and that this should and could be drawn to increase the set off between the two uses, or at the very least restrictions could be placed on activities within them that were less than above, both for the residential receptors and the cattle on the farm.</p> <p>(5) Forestry – Mr Meynell has concerns about the inappropriate management of woodland in the temporary possession area. Mr Meynell would like the opportunity to consider how the management will be carried out, or to see a reduction of the area of land to be acquired here.</p> <p>(6) Mr Meynell wants a commitment to the overall reduction of temporary and permanent land take. There has been some reduction in temporary land take and</p>		

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	<p>there is some hope for exclusion of some permanent land take especially if the eastern drainage is viable. Mr Meynell would like to see evidence of reduction of steps taken by the Applicant to reduce the permanent land take.</p> <p>(7) The temporary land take in the vicinity of a nearby cattle shed and nearby residences is inappropriate and results in loss of areas of nature interest, which do not appear in the biodiversity assessment. Notably the field margins that are managed under the Countryside Stewardship Scheme, the winter bird feeding ground and the nectar mix area for bees</p> <p>(8) Temporary loss of 80% of arable farming land which will be occupied by the compounds. The Applicant</p>		

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	<p>has not suggested any form of mitigation for this. In addition the effect that this will have on the holistic farming methods which rely upon the farmer growing crops to feed the cattle on those two fields. This has not been dealt with by the Applicant.</p> <p>Mr Josselyn suggested that Mr Meynell is grateful for the discussions with the Applicant to-date but that none of the agreed points are secure yet.</p> <p>Mr Meynell suggested that a timetable is agreed between the parties to resolution these issues. Mr Meynell will be making submissions to the ExA if the above is not dealt with in an agreement.</p>		
6.	<p>The ExA asked whether the drainage issue on the east side of Berrys Lane is likely to be resolved by the end of</p>	<p>The Applicant is still undertaking investigations to confirm the situation.</p> <p>As part of the Applicant's proposed design, the ditch would only carry greenfield run-off, rather than highway</p>	<p>The Applicant will assess the viability of the use of the eastern ditch during Stage 5 (Detailed Design) and will engage with the relevant consultees accordingly, namely the Lead Local</p>



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	the examination.	run-off. The Applicant will need to liaise with the lead local flood authority ( <b>LLFA</b> ) and the IDB on this going forward to get approval to use the eastern ditch as an alternative.	<p>Flood Authority (LLFA) and the Internal Drainage Board (IDB).</p> <p>The Applicant is not in the position to confirm this now, nor will it be prior to the closure of the Examination given the further work and consultation with the LLFA and IDB that is required.</p> <p>As communicated, the Applicant will include in the land agreement with the landowner a commitment to pursue the eastern ditch option, if viable and agreed with the relevant consultees.</p> <p>Under Action RD9 of the Environmental Management Plan (<b>APP-143</b>), secured by Requirement 4 of the DCO, the design will be approved by the Norfolk Rivers District Internal Drainage Board (IDB) and Norfolk County Council (the Lead Local Flood Authority (LLFA)) as required by their respective consenting and approvals prior to construction works.</p>
7.	George Josselyn stated that the closure of 132metres of Old Back Drive during the construction period does not deal with the fact that Mr	The Applicant stated that free movement of landowners / members of the public across a live construction site has to be prohibited to ensure accordance with the relevant H&S protocols.	The Applicant has requested information be provided regarding the maintenance regime and records of maintenance for the reservoir from Mr Meynell (email issued to George

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	<p>Meynell needs access during the construction period to get to the reservoir, to cut the hedges and to reach the woodland.</p>	<p>However, Mr Meynell will be able to arrange access via the Contractors stakeholder manager as required to undertake necessary maintenance.</p>	<p>Josselyn representing Mr Meynell on 5<sup>th</sup> January 2022).</p> <p>Once this information has been provided and collated with the woodland management practices these will provide an understanding of the frequency of access required.</p>
8.	<p>George Josselyn stated that the temporary compound would be better placed to the north of the A47 rather than on Mr Meynell's land</p>	<p>The Applicant stated that the compounds are based on the Outline Traffic Management Plan (<b>APP-144</b>) which provides an overview of the construction phasing.</p>	<p>The Applicant's Scheme Design Report, Rev.1 (<b>AS-008</b>) contains information on the compounds within Section 11 - Construction Considerations. Compound 2 is covered in Section 11.1.8 to 11.1.10 including a summary of identified receptors and cross reference to the Environmental Management Plan (<b>APP-143</b>).</p> <p>Compound 2 is a satellite compound and has been located to serve the construction of the western section of the scheme and Wood Lane Junction where there are principal structures required.</p> <p>All compounds have been located with the principle of ensuring safety of road users and construction operatives as they approach and travel through the</p>

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			<p>A47 whilst under construction. This approach minimises the H&amp;S risks to the customers by separating strategic traffic from construction operations.</p> <p>The Construction phasing outlined in the Outline Traffic Management Plan (<b>APP-144</b>) maximises the offline construction areas with the compounds located to ensure the number of crossings of the live carriageway to access these work areas is reduced.</p>
9.	<p>George Josselyn said that the Traffic Management Plan shows that access into and out of the compounds can only be done by left turn in and by left turn out. Therefore, it is unlikely that the Traffic Management Plan shows that that area is more suitable than an area to the north of the A47.</p>	<p>The Applicant has no further submissions to make.</p> <p>The ExA stated that this should be picked up in the ISH on 06 January 2022.</p>	<p>The Applicant notes that all accesses and exits to work areas will be left in / left out (left turn) only with no right turns permitted across a live carriageway by construction vehicles.</p> <p>This approach is confirmed in Section 3.28.1 of the Outline Traffic Management Plan (<b>APP-144</b>).</p> <p>This in line with industry best practice to ensure safety of the customers and construction staff and in accordance with the principles of the Applicants "Home Safe &amp; Well" and Contractors "Knowingly Safe" policies.</p>

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<b>AGENDA ITEM 5 – Statutory Undertakers</b>			
10.	Please summarise any outstanding matters arising from representations by Statutory Undertakers	No statutory undertakers attended CAH3.  The Applicant deferred to the update given at Deadline 6 and added that discussions continue with each party.	The Applicant has no further submissions to make.
<b>AGENDA ITEM 6 – Crown Land</b>			
11.	Please provide an update on matters relating to Crown Land.	The Applicant stated there is no further updates since the update at Deadline 6. The Applicant does not see an impediment to securing Crown consent.	The Applicant has no further submissions to make.