

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 9
9.32 Non-Material DCO Changes
Consultation Feedback

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8

Planning Act 2008

January 2022

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 CONSULTATION FEEDBACK

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1 INTRODUCTION

1.1 Background

1.1.1 On 15 December 2021, the Applicant submitted a request that the Examining Authority (ExA) allows the following 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.

- New ghost island: Mattishall Lane Link Road / A47 (Detrunked)
- New ghost island: A47 (Detrunked) / Dereham Road
- Drainage review east side of Berrys Lane
- Adjustment to access to Lyng Road drainage basin
- Convert Taverham Road drainage basin to a wetland area

1.1.2 The request was supported by document 9.25 Non-Material DCO Changes Request (**AS-038**) and Chapter 2 of this document outlines each proposed change, details what each change includes, and where these changes are shown on the updates to the following documents (**AS-026** to **AS-037**):

- 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**)

1.1.3 The Applicant also took 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.

1.1.4 The rationale for each change is explored in Chapter 3 of the Non-Material DCO Changes Request (**AS-038**), 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.

1.2 Purpose of this Report

1.2.1 Whilst no additional consultation was strictly necessary, given that the changes are considered to be non-material by the Applicant and do not have wide implications for the proposed development, the Applicant chose to take a cautious approach and undertake targeted consultation. This consultation was carried out with the statutory bodies and those parties with interests in land at and in the vicinity of the changes to inform them of the proposed changes and provide them with the opportunity to comment on these changes.

1.2.2 This report presents to the Examining Authority a summary of the consultation feedback received by the end of 24 January 2022, the Applicant's response to the feedback and any implications for the non-material change request.

2 APPROACH TO TARGETED CONSULTATION

2.1.1 The following interested parties were contacted by email, or letter, depending on established correspondence arrangements, with links to the change request documents and an offer to provide a USB copy if requested; Appendix A contains a copy of the common content of the letter issued to the consultees.

2.1.2 The Applicant wrote to all the Statutory Environmental Bodies and Local Authorities:

- Norfolk County Council
- Breckland Council
- Broadland Council
- South Norfolk District Council
- Environment Agency
- Natural England
- Historic England

2.1.3 The Applicant also wrote to all Category 1 and 2 interested parties associated with the following land parcels on the Land Plans affected by the proposed non-material changes:

- New Ghost Island: Mattishall Lane Link Road / A47 (Detrunked) = plots 4/1b and 4/3c
- New Ghost Island: A47 (Detrunked) / Dereham Road = plots 9/3h, 9/5a, 9/5b and 9/6a
- Drainage review east side of Berrys Lane = plots 9/2d and 9/1f
- Adjustment to access to Lyng Road drainage basin = plots 2/1e, 2/2d and 2/5a.
- Convert Taverham Road Drainage Basin to a Wetland Area = plot 14/4d

2.1.4 These interested parties were asked to provide any comments they may have by 24 January 2021 following issue of information on 20 December 2021.

3 TARGETED CONSULTATION FEEDBACK

3.1.1 The Applicant received the following responses to the targeted consultation:

- Norfolk County Council – Submitted a written response on 24 January 2022 (see Table 3.1 for a copy of the comment and the Applicant’s response).
- Environment Agency – Submitted a written response on 24 January 2022 (see Table 3.1 for a copy of the comment and the Applicant’s response).
- Historic England – Submitted a written response on 11 January 2022 (see Table 3.1 for more details).
- Broadland Council – acknowledged receipt of the consultation material but did not make any further detailed response.
- South Norfolk Council – acknowledged receipt of the consultation material but did not make any further detailed response.
- Owner of land parcel plot 4/1b – contacted the Applicant to request confirmation of no changes to the permanent landtake, which the Applicant duly confirmed.

3.1.2 Table 3.1 below presents the comments presented by NCC, the Environment Agency and Historic England along with the Applicant’s response).

Table 3.1 – Non-Material Changes Targeted Consultation Feedback

Consultation Feedback	Applicant's Response
Environment Agency	
<p>Thank you for consulting us on the proposed non-material change to the A47 North Tuddenham to Easton scheme, and for highlighting the relevant documents in support of the proposed change.</p> <p>We note the proposal to convert the Taverham Road detention basin to a wetland area outlined in section 2.6 of document 9.26 Non-Material DCO Changes Request.</p> <p>We also note that the Environment Agency is to be consulted on the final detailed design of the drainage basin. While we have no particular concerns with this proposal, we would highlight that the creation of a wetland area at this location should not be considered as compensation for loss of wetland/riverine habitat elsewhere as a result of the scheme.</p> <p>We have no further comments to make on the proposed change.</p>	<p>The Applicant acknowledges the feedback and acknowledges that the creation of a wetland area Taverham Road detention basin is not intended to be compensation for loss of wetland/riverine habitat elsewhere as a result of the Scheme.</p>
Historic England	
<p>Highways England have submitted a request to the Examining Authority for a non-material change to the A47 North Tuddenham to Easton Improvement Scheme Development Consent Order application. This entails minor alterations to plans for a series of works associated with the improvements to the road, including the new Ghost Island at Mattishall Lane Link Road / A47 (Detrunked), the new Ghost Island (A47 (Detrunked) / Dereham Road) and the adjacent Drainage Basin alteration, a drainage review on the east side of Berry's Lane, adjustment to access to Lyng Road Detention Basin and the Conversion of the Taverham Road Detention Basin to a wetland area.</p> <p>The revised plans for these changes and the explanation and rationale for them are</p>	<p>The Applicant welcomes the feedback.</p>

Consultation Feedback	Applicant's Response
<p>set out in the document (volume 9, 9.26) Non-material Design Changes Request dated December 2021. We have considered the proposed changes and do not consider they will affect the heritage assets on which we have previously advised the Examining Authority and therefore have no comment to make. We have previously deferred advise on grade II listed buildings and archaeological matters to the local planning authorities concerned. We would again recommend comment is sought from the authorities on these proposed changes.</p>	
Norfolk County Council – Highways Authority	
<p>Norfolk County Council welcome the provision of a ghost right turn lane, which has been part of recent discussions.</p> <p>The Highways team are supportive of an alteration of the Lyng Road detention basin access in order to provide a shared access for a mobile phone mast.</p>	<p>The Applicant welcomes the feedback.</p>
<p>In reference to the classification of roads plans (TR010038/APP/2.11 Classification of Roads Plans, Rev.2), members of the county council highways team have had discussions with National Highways. The county council view the B Road classification on the drawing as inappropriate. There should be a small section of B road linking the Honingham interchange and the existing B1535 Wood Lane junction; apart from this section, the remainder of the proposed B Road de-trunked network should be a C Class road. National Highways have indicated they will update the drawings to reflect this.</p>	<p>The Applicant confirms this requested change was accepted and is shown on the following documents submitted at Deadline 8:</p> <ul style="list-style-type: none"> • 2.11 Classification of Roads Plans, Rev.3 (REP8-005); and • Draft Development Consent Order, Rev.8 (REP8-008).
Norfolk County Council – Lead Local Flood Authority (LLFA)	
<p>New Ghost Islands at Mattishall Lane Link Road / A47 (Detrunked) and A47 (Detrunked) / Dereham Road. The LLFA notes the updated impermeable areas have been provided in the NMC Request report, Table A-1. Although there is no comparison made to the previous impermeable areas to demonstrate the</p>	<p>The Applicant acknowledges the feedback and held a call with the LLFA representation on 25 January 2022.</p>

Consultation Feedback	Applicant's Response
<p>significance of the increase and its context and scale in relation to the Environmental Statement. The LLFA recommend updating the summary provided in Table A-1 to show the originally proposed areas compared with the NMC proposed areas and report the differences. This will provide some of the evidence required to support the statements made in the requests report.</p> <p>The LLFA notes the proposed filter drains are not yet confirmed to be viable as supporting ground investigation has not been undertaken and is required to demonstrate whether infiltration is possible in this location. No alternative viable drainage solution has been provided should the filter drains prove not to be viable.</p> <p>For the A47 (Detrunked) / Dereham Road junction, the LLFA notes the proposed drainage solution remains unconfirmed due to the pending drainage survey to confirm viability.</p> <p>The impact of the additional drainage areas for both ghost junctions has been checked in the MicroDrainage models and the HEWRAT assessments. However, no comparison of key information has been provided to support the statements made in the NMC Request Report.</p> <p>The LLFA recommends that additional evidence of this comparison is included within the NMC Request Report to demonstrate the statements are appropriate rather than remaining unevidenced as they are at the moment.</p>	<p>Clarity was given as to how the changes, including the impermeable areas, were shown by Table A-1 in Appendix A of document 9.25 Non-Material DCO Changes Request (AS-038) to illustrate the scale of the change between the Proposed Scheme as submitted and the non-material change. The LLFA representative acknowledged this answered their concern and no further evidence was required at this stage.</p> <p>It was agreed with the LLFA that the additional information can be provided as part of the detailed design development, under Requirement 8 of the dDCO (REP7-005) and any future ordinary watercourse consent application to the LLFA, as required by action RD8 within Table 3.1 of the Environmental Management Plan, Rev.1 (REP7-035), secured under Requirement 4 of the dDCO (REP8-008). Should filter drains not be a viable option following supplementary ground investigation, alternative solutions, for example the use of impermeable liners, will be investigated as part of the detailed design development.</p>
<p>Drainage review east side of Berrys Lane</p> <p>The LLFA note the existence of a pond to the east of Berrys Lane. During the viability investigations of this potential option, the LLFA would suggest that consideration of whether there are any impacts, if any, on the existing pond.</p> <p>With regard to the existing drain and in relation to the LLFA's current policies, the</p>	<p>The Applicant acknowledges the feedback and the issues raised would be considered as part of the surface water drainage design development in liaison with the LLFA under Requirement 8 of the dDCO (REP7-005) and any ordinary watercourse consent application to the LLFA, as required by</p>

Consultation Feedback	Applicant's Response
<p>LLFA would encourage the applicant to consider whether any biodiversity / environmental or amenity enhancement opportunities are feasible to include.</p>	<p>action RD8 within Table 3.1 of the Environmental Management Plan, Rev.1 (REP7-035), secured under Requirement 4 of the dDCO (REP8-008).</p>
<p>Adjustment to Access to Lyng Road Detention Basin</p> <p>No comments at this time on this matter.</p> <p>Convert Taverham Road Detention Basin to a Wetland Area</p> <p>The LLFA are supportive of the proposed approach and would suggest that further opportunities to enhance the environment, water quality and amenity are considered at the same time.</p>	<p>The Applicant welcomes the feedback.</p>
<p>General Note</p> <p>Any works on ordinary watercourses and flow paths are likely to require ordinary watercourse consent applications. The design information including location, type, size, justification for its need and any appropriate environmental assessments will be required to support any ordinary watercourse consent applications. It will also be necessary for the contractor to obtain appropriate consents from the LLFA prior to undertaking work on the site. Further information can be found on the Norfolk County Council Flood and Water Management website at: https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-homeowners/consent-for-work-on-ordinary-watercourses</p>	<p>The Applicant acknowledges the feedback and confirms that action RD8 under Table 3.1 of the Environmental Management Plan, Rev.1 (REP7-035) requires the Applicant to: “<i>Obtain an ordinary watercourse consent from the Lead Local Flood Authority (Norfolk County Council) for any works associated with ordinary watercourses.</i>”</p> <p>This commitment will be secured under Requirement 4 of the dDCO (REP7-005).</p>

4 SUMMARY OF TARGETED CONSULTATION FEEDBACK

- 4.1.1 The Applicant has received and reviewed the consultation responses, in particular from Norfolk County Council, the Environment Agency and English Heritage. There were no objections to the proposed changes to the dDCO, though Norfolk County Council, as the LLFA, requested further details to confirm the drainage impacts of the ghost island proposals and the proposals to the east side of Berrys Lane, but are supportive of changing the Taverham Road drainage basin to a wetland; the Applicant has agreed with the LLFA that the additional information can be progressed as part of the detailed design and application for consent from the LLFA for works affecting ordinary watercourse.
- 4.1.2 In summary, no objections were received to the proposed non-material changes and the Applicant submits that its application can be accepted by the ExA as a non-material change 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.

ANNEX A – TARGETED CONSULTATION LETTER TEXT



ADDRESS

20 December 2021

Dear Sir / Madam

APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A47 NORTH TUDDENHAM TO EASTON (TR010038)

CONSULTATION ON REQUEST FOR NON-MATERIAL CHANGE

I am writing to update you on the Highways England A47 North Tuddenham to Easton Improvement Scheme. On the 15 December 2021 Highways England submitted a request to the Examining Authority for a non-material change to the A47 North Tuddenham to Easton Improvement Scheme Development Consent Order application. The request comprised submission of the following documents to the Examining Authority:

- TR010038/EXAM/9.26 Non-material DCO Changes Request
- TR010038/APP/2.2 General Arrangement Plans, Rev.2
- TR010038/APP/2.4 Works Plans, Rev.2
- TR010038/APP/2.5 Rights of Way and Access Plans, Rev.2
- TR010038/APP/2.6 Traffic Regulations Plans, Rev.3
- TR010038/APP/2.8 Drainage and Surface Water Plans, Rev.2
- TR010038/APP/2.11 Classification of Roads Plans, Rev.2
- TR010038/APP/2.12 Hedgerow Plans, Rev.2
- TR010038/APP/2.13 De-trunking Plans, Rev.2
- TR010038/APP/6.8 Environmental Masterplan, Rev.3
- TR010038/APP/3.1 Draft Development Consent Order, Rev.6

Further information can be found on the National Infrastructure Planning page for the A47 North Tuddenham to Easton Scheme at the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-north-tuddenham-to-easton/>

As the changes sought are non-material, there is no requirement for further consultation. However, Highways England has chosen to carry out some targeted consultation with statutory bodies and parties with interests in land in the vicinity of the proposed changes to inform them of the request and provide them with an opportunity to comment on the proposed changes. Therefore, we are writing to you as a person with an interest in land affected by the proposals.

If you have any comments on the proposed changes please could you send these to Freepost A47 North Tuddenham to Easton, National Highways, Woodlands, Manton Lane, Bedford MK41 7LW or email address A47NorthTuddenhamtoEastonRIS@highwaysengland.co.uk, both of which are shown below, before **24 January 2021**.

If you have any queries on any of these matters please do not hesitate to contact me.

Yours sincerely


Senior Project Manager
Highways England

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