

# A47 Blofield to North Burlingham Dualling

**Scheme Number: TR010040**

**Volume 9**

## **9.13 Applicant's Response to Submissions to Examining Authority's First Written Questions**

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

Planning Act 2008

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

August 2021

Deadline 3

Infrastructure Planning

Planning Act 2008

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

A47 Blofield to North Burlingham Dualling  
Development Consent Order 202[x]

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**Applicant's Response to Submissions to Examining Authority's First  
Written Questions**

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## **1 INTRODUCTION**

- 1.1.1 The Development Consent Order (DCO) application for the A47 Blofield to North Burlingham scheme was submitted on 30 December 2020 and accepted for examination on 27 January 2021.
- 1.1.2 The purpose of this document is to set out Highways England's (the Applicant) response to submissions made at Deadline 1.
- 1.1.3 This document provides the Applicants response to Submissions in response to the Examining Authority's First Written Questions (ExQ1) by other parties
- Broadland District Council
  - Norfolk County Council
  - Historic England
  - Environment Agency
  - Cadent Gas Ltd

## 2 SUBMISSIONS BY THIRD PARTIES TO EXAMINERS FIRST WRITTEN QUESTIONS

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.1.9	BDC	The Environment Agency (EA), in its RR [RR-008], indicates that, rather than itself, Broadland District Council (BDC) would be responsible for some consents or licence agreements relating to waste and materials as identified in Appendix A of the Consents and Licences Position Statement document [APP-018]. Does BDC agree with this, and if so, can the Applicant please make any changes necessary to the document?	BDC agrees that it is responsible for mobile plant licenses (Appendix A of APP-018 on page 6, row 3).	The Consents and Licences Position Statement has been updated and was submitted at Deadline 1 ( <b>REP1-010</b> ).
1.1.14	BDC	The ExA understands that the development plan for Broadland District, within the administrative boundaries of which the Proposed Development is located, includes: the Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014); the Broadland District Council Development Management DPD 2015; the Broadland District Council Site Allocations DPD 2016; the Broadland District Council Growth Triangle Area Action Plan 2016; and various neighbourhood plans, including the Blofield Parish Neighbourhood Plan 2016. Please provide a definitive list of relevant development plan policies, reasons for conformity or otherwise with these and a copy of the policies (this could be done as part of the Statement of Common Ground between the Applicant and Broadland District Council and / or within Broadland District Council's Local Impact Report).	A definitive list of relevant development plan policies and reasons for conformity or otherwise will be provided in the Local Impact Report. A copy of those policies will be provided within the Statement of Common Ground.	<p>The Applicant provide a list of development plan policies in its response to the Examiners First Written Questions (ExQ1) (<b>REP1-061</b>).</p> <p>The Applicant intends to discuss this with Broadlands District Council at their next meeting.</p> <p>The Applicant will be providing a response to the Broadland District Council Local Impact Report at Deadline 3 and will be updating the Statement of Common Ground for submission at an appropriate Deadline.</p>
1.2.7	NCC	The Transport Assessment [APP-072] uses a 2015 base year model for verification. The Applicant states in paragraph 5.5.1 that using 2015 baseline data adds extra uncertainty as traffic flows and background concentrations will not be representative of the current climate; this approach has only been agreed with Highways England (the Applicant). Please comment on the appropriateness of this approach.	NCC's Highways team would assume that the modelling used for the scheme and economic appraisal and business case is suitable for the air quality and emissions assessment.	<p>The existing A47 NATS model used for the assessment of Blofield scheme is based on 2015 traffic data. The model was developed as part of the A47 PCF Stage 2 assessment. It was agreed with Highways England that the A47 NATS should be adopted for use in Stage 3 and was subsequently signed off by Highways England in 2018 as part of the Stage 3 works. In general, due to the timescales involved with data collections and model development, it is common that a base year model reflects the situation a few years before the current year.</p> <p>In October 2019, further traffic surveys were undertaken to inform the local junction modelling Transport Assessment (<b>REP1-044</b>) Figure 5-3 shows the location of the 2019 survey sites. To check the validity of the modelled flows against the 2019 traffic data, a comparison based on TAG criteria was made between the 2019 local data and the 2015 NATS model. Overall, given the strategic nature of the A47 NATS model, the 2015 base model showed a good correlation compared to the 2019 data on the majority of the local roads around the scheme area as well as on the A47. In summary, analysis shows that the base model provides a suitable basis for forecasting and its use for the scheme business case and environmental appraisals.</p>
1.3.1	BDC	Can Natural England (NE), NCC and BDC please comment on the approach taken by the Applicant in its HRA Report [AS-007] and confirm whether it is satisfactory?	The approach taken by the applicant in its HRA Report appears to have followed accepted guidance and is satisfactory. (Advice on ecological matters provided to Broadland District Council by Norfolk County Council).	<p>The Applicant has noted this comment.</p> <p>The Report to Inform Habitats Regulations Assessment has been updated in response to the ExQ1 (Questions 1.3.4, 1.3.5 and 1.3.6) (<b>REP1-061</b>) and has been submitted at Deadline 2.</p>

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.3.1	NCC		The approach taken by the applicant in its HRA Report appears to have followed accepted guidance and is satisfactory.	See comment above
1.3.1	NE		Natural England is satisfied that the HRA is comprehensive. We agree with the conclusions of the HRA that the qualifying features of the identified sites are located at sufficient distance from the development site to ensure they will not be adversely impacted by the development, particularly with regard to aerial emissions, noise, lighting or hydrological discharges. We agree that a likely significant effect to these sites can be ruled out both alone and in combination with other plans or projects.	The Applicant has noted this comment.  The Report to Inform Habitats Regulations Assessment has been updated in response to the ExQ1 (Questions 1.3.4, 1.3.5 and 1.3.6) ( <b>REP1-061</b> ) and has been submitted at Deadline 2.
1.3.2	NE	Can NE please comment on the approach to the HRA screening for Paston Great Barn Special Area of Conservation and Barbastelle bat features in Table A.4 of the HRA Report [AS-007]?	Natural England is satisfied with the approach adopted for Paston Great Barn SAC in Table 4.4. We concur with the conclusions in the table, namely that there are unlikely to be any impacts on barbastelle bats from the SAC due to the distance between the proposed scheme and the SAC (24.5 km).	The Applicant has noted this comment.
1.3.3	BDC	Changes were made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021 due to the United Kingdom's exit from the European Union. Does this have any implications for the HRA Report [AS-007]?	The changes made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021, include three New Schedules; These new Schedules are unlikely to have implications for the HRA report.  SCHEDULE 1 New Schedule 4A to the Conservation of Habitats and Species Regulations 2017 (Prohibited methods of Capturing and Killing Wild Animals). SCHEDULE 2 New Schedule 2A to the Conservation of Offshore Marine Habitats and Species Regulations 2017 SCHEDULE 3 New Schedule 3A to the Conservation of Offshore Marine Habitats and Species Regulations 2017. Several amendments have been made throughout the Regulations, and Highways England must ensure that the HRA meets the new amendments where relevant. (Advice on ecological matters provided to Broadland District Council by Norfolk County Council).	The Report to Inform Habitats Regulations Assessment has been updated in response to the ExQ1 (Questions 1.3.4, 1.3.5 and 1.3.6) ( <b>REP1-061</b> ) and has been submitted at Deadline 2.
1.3.3	NCC		The changes made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021 include three New Schedules; These new Schedules are unlikely to have implications for the HRA report.  - SCHEDULE 1: New Schedule 4A to the Conservation of Habitats and Species Regulations 2017 (Prohibited methods of Capturing and Killing Wild Animals). - SCHEDULE 2: New Schedule 2A to the Conservation of Offshore Marine Habitats and Species Regulations 2017 - SCHEDULE 3: New Schedule 3A to the Conservation of Offshore Marine Habitats and Species Regulations 2017. Several amendments have been made throughout the Regulations, and Highways England must ensure that the HRA meets the new amendments where relevant.	See comment above
1.3.3	NE		These changes related to ensuring that the Regulations continued to operate effectively following Britain's exit from the European Union. There are no implications for the HRA report.	The Applicant has noted this comment.

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.3.8	BDC	ES Chapter 8: Biodiversity [APP-046], paragraph 8.8.2, lists biodiversity resources which have not been carried forward in / scoped out of the assessment. Are NE, NCC and BDC content with this and the justification for it?	<p>Based on the methodology followed in assessing the biodiversity resources, BDC would be content that the sites listed in this section are unlikely to be directly affected by the duelling.</p> <p>With regard to badgers as a biodiversity resource, BDC would comment that the Badger survey in Appendix 8.6 of 6.2 Environmental Statement Appendices surveyed for badgers adequately but the surveys will require updating as recommended in that report.</p> <p>Badgers are a highly mobile species and "it is recommended that an update survey across the entire survey area is carried out 18 months prior to the first known development start date to update the information collected in this survey. This would allow time for the consideration of further amendments to the development phase or other matters related to planning as required".</p> <p>(Advice on ecological matters provided to Broadland District Council by Norfolk County Council).</p>	<p>Further badger surveys will be undertaken prior to construction as per Commitment B1 in the Register of Environmental Actions and Commitments (REAC), which forms part of the Environmental Management Plan (EMP) (TR010040/APP/7.7 Rev 3), and provides for further surveys:</p> <p><i>Ecological protected Species surveys remain valid for a period of two years after completion. Where a protected species survey was undertaken over this time period and construction works has not yet commenced, the Principal Contractor will appoint a suitably qualified ecologists to review the survey information and undertake a pre-construction site survey to identify the presence of potential protected species on site</i></p> <p>The EMP is secured by Requirement 4 to the draft DCO (TR010040/APP/3.1 Rev 2).</p> <p>The recommendation of 18 months is noted and will be taken into consideration at the detailed design stage.</p>
1.3.8	NCC		<p>Based on the methodology followed in assessing the biodiversity resources, NCC's Natural Environment Team (NET) are content that the sites listed in this section are unlikely to be directly affected by the duelling.</p> <p>With regard to badgers as a biodiversity resource, NCC's NET would comment that the Badger survey in Appendix 8.6 of 6.2 Environmental Statement Appendices surveyed for badgers adequately, but the surveys will require updating as recommended in that report.</p> <p>Badgers are a highly mobile species and "it is recommended that an update survey across the entire survey area is carried out 18 months prior to the first known development start date to update the information collected in this survey. This would allow time for the consideration of further amendments to the development phase or other matters related to planning as required".</p>	See response above
1.3.8	NE		<p>We agree with the resources on the list although the reason for each one being scoped out has not been provided for all resources. It appears that most have been scoped out due to distance from the scheme boundary, and there being no direct or indirect impacts either during construction or post-operational. It would be helpful if a reason for each resource being scoped out/ not being carried forward in the assessment could be provided in tabular format.</p>	The Applicant acknowledges the request. A table will be provided for Deadline 4.



ExQ1	To	Examiner's Question	Response	Applicant's Response
1.3.9	BDC	Are the parties content with the Applicant's approach that some protected species surveys, including for great crested newts, would be undertaken prior to construction (and any protected species licences sought subsequently if necessary), given that the COVID-19 pandemic precluded these from being undertaken prior to the submission of the application?	<p>Any outstanding or deferred protected species surveys should take place as soon as possible now that the eased covid-19 restrictions permit it. We are currently within an acceptable period for most survey types.</p> <p>Updated surveys where under survey has been highlighted, will help to give a full and current assessment of the wildlife present and any additions or amendments to mitigation that might be required to achieve the best scheme possible.</p> <p>(Advice on ecological matters provided to Broadland District Council by Norfolk County Council).</p>	<p>Further surveys will be undertaken prior to construction as per commitment B1 in the Register of Environmental Actions and Commitments (REAC), which forms part of the Environmental Management Plan (EMP) (TR010040/APP/7.7 Rev 3), and provides for further surveys:</p> <p><i>Ecological protected Species surveys remain valid for a period of two years after completion. Where a protected species survey was undertaken over this time period and construction works has not yet commenced, the Principal Contractor will appoint a suitably qualified ecologists to review the survey information and undertake a pre-construction site survey to identify the presence of potential protected species on site</i></p> <p>The EMP is secured by Requirement 4 to the draft DCO (TR010040/APP/3.1 Rev 2).</p>
1.3.9	NCC		<p>It is NCC's NET's opinion that any outstanding or deferred protected species surveys should take place as soon as possible now that the eased covid-19 restrictions permit it. We are currently within an acceptable period for most survey types. Updated surveys where under survey has been highlighted, will help to give a full and current assessment of the wildlife present and any additions or amendments to mitigation that might be required to achieve the best scheme possible.</p>	See response above
1.3.9	NE		<p>There has been/is sufficient time this year to complete any outstanding ecological surveys which were curtailed in 2020, due to covid restrictions. This includes surveys of the remaining ponds for great crested newts. The Applicant can then determine whether there will be any licensing requirements and act accordingly.</p> <p>The additional survey information, assessment and any mitigation measures or licensing requirements, could be submitted as an addendum to the ES, and if necessary, need to be secured through appropriate clauses in the emerging DCO.</p>	<p>Further surveys will be undertaken prior to construction as per commitment B1 in the Register of Environmental Actions and Commitments (REAC) which forms part of the Environmental Management Plan (EMP) (TR010040/APP/7.7 Rev 3) provides for further surveys:</p> <p><i>Ecological protected Species surveys remain valid for a period of two years after completion. Where a protected species survey was undertaken over this time period and construction works has not yet commenced, the Principal Contractor will appoint a suitably qualified ecologists to review the survey information and undertake a pre-construction site survey to identify the presence of potential protected species on site</i></p> <p>The EMP is secured by Requirement 4 to the draft DCO (TR010040/APP/3.1 Rev 2).</p>



ExQ1	To	Examiner's Question	Response	Applicant's Response
1.5.4 / 1.5.5	Cadent Gas		<p>The DCO does not currently include protective provisions in favour of Cadent. Cadent requires that its protective provisions are included in the DCO, as it does with all of the Applicant's projects that affect Cadent's apparatus1 . 2.2 Cadent's preferred form of protective provisions (the Cadent PPs) are attached (Appendix 1). Cadent submits that these should be included within the DCO in order to avoid a serious detriment to Cadent's undertaking. 2.3 Cadent has sought to engage with the Applicant to reach an agreed position on protective provisions across all schemes that it is promoting (subject to any scheme specific requirements), and negotiations are ongoing. Cadent remains committed to reaching an agreed position if possible and will continue to engage with the Applicant. It is hoped that this form of protective provisions can serve as the template between the two parties for future projects. 2.4 There are three areas of disagreement which remain unresolved between the Applicant and Cadent, and which have been the subject of detailed submissions by Cadent and the Applicant in the ongoing M25 Junction 28 Improvements DCO (the M25 J28 DCO) examination. In this regard the Examining Authority's Schedule of Recommended Amendments to the draft M25 J28 DCO (issued towards the end of the examination of the M25 J28 DCO and following full submissions at a number of deadlines by both Cadent and the Applicant) is attached (Appendix 2). This sets out the Examining Authority's position on these matters on the M25 J28 DCO. 2.5 As the ExA will note from Appendix 2, the Examining Authority on the M25 J28 DCO has considered Cadent and the Applicant's position on the Cadent PPs and recommended that the Cadent PPs are issued in Cadent's preferred form. The Cadent PPs enclosed at Appendix 1 are in the same form as those recommended by the Examining Authority on the M25 J28 DCO. 2.6 Cadent reserves the right to respond to the Applicant's submissions.</p>	<p>The Applicant is continuing to discuss these matters with Cadent Gas with a view to agreeing the protective provisions and concluding a Statement of Common Ground.</p>
1.6.1	BDC	ES Chapter 6: Cultural Heritage (APP-044), paragraph 6.5.6, notes that a final archaeological trenching report is to be made available at a later date. Will this be made available during the course of the examination, and if not, what are the implications for this?	Broadland District Council have no comments to make in respect of this issue and defer to the response of Norfolk County Council on this matter.	This comment has been noted by the Applicant
1.6.1	HE		The archaeological trial trenching does not have any implications for designated heritage assets. Consequently, HE considers this a question which should be answered by The Applicant and NCC.	This comment has been noted by the Applicant
1.6.1	NCC		NCC's Historic Environment Team asked the archaeological contractor to make some relatively minor amendments to the report on 05/11/2020. None of the required amendments will have any implications for the scope, nature and extent of the post-consent mitigation that will be required in relation to below-ground archaeology, which has already been discussed with the applicant's archaeological consultant.	The discussions in November 2020 with stakeholders helped form the archaeological assessment and approach. This was reported in the ES Chapter 6: Cultural Heritage (previously <b>REP1-022</b> , resubmitted at Deadline 3 ( <b>TR010040/APP/6.1 Rev 2</b> )).
1.6.4	BDC	ES Chapter 6: Cultural Heritage [APP-044], section 6.7, identifies key designated and non-designated heritage assets which may experience significant effects. Is BDC, NCC and Historic England (HE) in agreement with this list and the overall assessment of effects on these?	There are no significant omissions nor are there any significant disagreement with the overall assessment of effect. Please refer to Local Impact Report for further commentary on Cultural Heritage.	The Applicant has responded to the Local Impact Report produced by Broadland District Council (see <b>TR010040/APP/9.11</b> submitted at Deadline 3).

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.6.4	HE		HE agrees with list of key designated and non- designated heritage assets which may experience significant affects as included in Section 6.7 of the ES. We agree with the assessment methodology and the conclusions regarding the effects on the designated heritage assets. (As noted in our s56 response, HE's advice on designated heritage assets relates only to Grade I listed buildings as there are no scheduled monuments, grade II* listed structures, registered parks and gardens, registered battlefields or conservation areas within the defined study area. HE will defer to BDC for advice on grade II listed buildings).	This comment has been noted by the Applicant
1.6.4	NCC		BDC, NCC and Historic England are in agreement that baseline information on designated and non-designated heritage assets is sufficient. BDC and NCC agree on the assessment of effects on non-designated heritage assets in relation to below-ground archaeology (NCC Environment Service, NCCES, is the sole advisor to BDC in relation to below-ground archaeology). In terms of built heritage Historic England and BDCs conservation officers are responsible assessment of effects for designated and non-designated buildings.	This comment has been noted by the Applicant
1.6.7	HE	ES Chapter 6: Cultural Heritage (APP-044), paragraph 6.9.20, states that a written scheme of investigation would be agreed with HE, NCCES and BDC. Should HE and NCCES be specified as consultees, in addition to the relevant planning authority, within Requirement 9 (Archaeological remains) of the dDCO [APP-016]?	Yes, we consider that Requirement 9 of the dDCO should specify the HE and NCC as consultees on the approval of the Archaeological Written Scheme of Investigation.	The Applicant responded as follows in its submission at Deadline 1 ( <b>REP1-061</b> ).  <i>The Applicant has made the suggested change to requirement 9 and a revised dDCO provided (TR010040/APP/3.1 Rev 1) submitted at Deadline 1.</i>  This amendment was omitted in error from the revised draft DCO submitted at Deadline 1 ( <b>REP1-006</b> ) but is included in the revised draft ( <b>TR010040/APP/3.1 Rev 2</b> ) submitted by the Applicant at Deadline 3.
1.6.7	NCC		As mentioned in NCC's response to 1.6.4, NCC Environment Service, NCCES, is the sole advisor to BDC in relation to below-ground archaeology, from NCC's perspective it makes little practical difference whether consultations come direct or via BDC. For matters related to the DCO, DBC have agreed for us to comment directly rather than via them. Historic England do not need to be a consultee in relation to non-designated heritage assets in the form of below-ground archaeology	This comment has been noted by the Applicant
1.6.8	BDC	Should Requirement 9 (Archaeological remains) of the dDCO [APP-016] make provision for the publication and archiving of any findings following archaeological investigations carried out in accordance with the Written Scheme of Investigation?	BDC has no comments to make in respect of this issue and defer to the response of Norfolk County Council on this matter.	See Applicants response to <b>REP1-061</b>  <i>This is through Requirement 4 of the dDCO, securing the provisions of the EMP (AS-009). The need to report is to be found in Table 6.1 of the EMP. It does not require further provision within Requirement 9.</i>
1.6.8	HE		The requirement for publication and archiving should be set out in the Archaeological Written Scheme of Investigation and secured through its approval and implementation under Requirement 9, sub-paragraphs (1) and (2) of the dDCO. It may be beneficial to have a further sub-paragraph of Requirement 9 specifying the provision for publication and archiving to allow for a staged discharge of the Requirement.  However, as this primarily relates to NCC we will defer to their views on this matter.	See comment above

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.6.8	NCC		NCC's Historic Environment Team agree with this statement. The wording of the final part of the requirement relating to analysis, publication and archiving is similar to that used on many other comparable scheme, and other developments of all types and sizes. The obligation for publication, other forms of dissemination and archiving is a core principle of development-led archaeology.	See comment above
1.6.20	HE	HE's RR [RR-009] refers to a change in the setting of the Grade I listed Church of St Andrew in North Burlingham as a result of the Proposed Development. Please clarify: a) Whether this change, in HE's view, would be a positive or negative one and the reasons why; and b) If negative, the level of harm to the significance of the designated heritage asset.	The Proposed Development would result in a change to the setting of the Grade I listed 'Church of St Andrew' at North Burlingham (List Entry Number 1051522) through the introduction of new infrastructure into the wider landscape context of this designated heritage asset. The Proposed Development would also result in the line of the A47 road being moved to the south placing it further away from the Church of St Andrew. a) Due to the movement of the A47 away from the Church of St Andrew, and with additional mitigation planting in place as proposed, HE considers that the overall impact on this designated heritage asset to be positive (slightly beneficial). b) N/A	This comment has been noted by the Applicant.
1.7.1	BDC	Are the parties satisfied with the Applicant's cumulative effects assessment and the shortlist of projects considered?	BDC are satisfied with the Applicant's the shortlist of projects considered. The Council notes that the Examining Authority has raised issues with regard to the cumulative assessment of climate in its letter dated 22 June 2021. With this noted and to be addressed, BDC are satisfied with the cumulative effects assessment.	A response to the Examining Authority's Rule 17 request in the letter dated 22 <sup>nd</sup> June has been provided at Deadline 2 'Applicant's Response to Rule 17 Request', (TR010040/APP/9.7 (REP2-009)).
1.7.1	HE		HE is satisfied with the Cumulative Impacts Assessment and the other projects which it has considered.	This comment has been noted by the Applicant
1.7.1	NCC		Norfolk County Council has got no views to offer on this and would accept the advice of Natural England.	This comment has been noted by the Applicant
1.7.1	EA		We can confirm that we have no issues that we wish to raise in respect of the CEA for matters within our remit.	This comment has been noted by the Applicant
1.7.1	NE		Natural England is satisfied with both the assessment undertaken and the shortlist of projects.	This comment has been noted by the Applicant
1.8.21	BDC	Art 16(6): Does BDC consider 28 days to be reasonable?	Norfolk County Council are the street authority so BDC consider that this question should be directed towards them.	This comment has been noted by the Applicant
1.8.31	BDC	Art 38(4)(b): Is BDC content with the provisions of this article?	If there are existing hedgerows (and especially 'important' hedgerows (as defined by the Hedgerows Regulations 1997)) that are not required to be removed in order to achieve the scheme's agreed design, then it would be expected that they would be retained. BDC understand that Art 38(4)(b) requires the local authority to agree to any additional removal not directly required for the scheme; with this safeguard in place BDC consider the provisions of the article to be acceptable.	This comment has been noted by the Applicant

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.8.46	HE	R9: Should this requirement make provision for the reporting and publishing of data?	As noted in response to Question 1.6.8, HE considers that this could be beneficial, but we defer to NCC's view on this matter.	See Applicants response to <b>REP1-061</b>  <i>This is through Requirement 4 of the dDCO, securing the provisions of the EMP (AS-009). The need to report is to be found in Table 6.1 of the EMP. It does not require further provision within Requirement 9.</i>
1.8.46	NCC		R9: Should NCC and HE also be consulted on the written scheme of investigation?	See comment above
1.8.47	HE	R9: Should NCC and HE also be consulted on the written scheme of investigation?	Yes, as noted in our response to Question 1.6.7	See comment above
1.8.47	NCC		As mentioned in NCC's response to 1.6.4 and 1.6.7, NCC Environment Service, NCCES, is the sole advisor to BDC in relation to below-ground archaeology, from NCC's perspective it makes little practical difference whether consultations come direct or via BDC. For matters related to the DCO, DBC have agreed for us to comment directly rather than via them. Historic England do not need to be a consultee in relation to non-designated heritage assets in the form of below-ground archaeology	This comment has been noted by the Applicant
1.8.57	BDC	R18: Do the parties consider 10 business days sufficient time to respond to consultation on the discharge of requirements?	10 business days is insufficient to adequately consider and respond. No less than 28 days should be provided.	The Applicant accepts this comment. An updated version of the dDCO (clean and tracked changes) has been submitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev 2</b> ) which includes a 28-day consultation period in requirement 18.
1.8.57	HE		No. HE requests a minimum 21 (non-working) day for consultation on the discharge of requirements.	The Applicant accepts this comment. An updated version of the dDCO (clean and tracked changes) has been submitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev 2</b> ) which includes a 28-day consultation period in requirement 18.
1.8.57	NCC		Given the level of details still to be agreed 10 days is a very short period of time. The Local Lead Flood Authority (LLFA) is currently working at a 21 days response time due to resource availability at present. The LLFA request the response time to be increased to 21 days.	The Applicant accepts this comment. An updated version of the dDCO (clean and tracked changes) has been submitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev 2</b> ) which includes a 28-day consultation period in requirement 18.
1.8.57	EA		We do not consider 10 business days to be a sufficient time for the Environment Agency to respond to a consultation on the discharge of requirements. Consideration of submitted documents may require input from a number of specialist teams within the Environment Agency. Consequently, we would require a minimum of 21 days to enable internal consultation to take place, and to prepare a co-ordinated response.	The Applicant accepts this comment. An updated version of the dDCO (clean and tracked changes) has been submitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev 2</b> ) which includes a 28-day consultation period in requirement 18.
1.8.57	NE		Natural England considers 10 business days to be the bare minimum, and we would prefer more time in which to prepare our considered responses. We suggest either 15 or 20 business days would be more appropriate, and in line with the majority of planning consultations that we receive.	The Applicant accepts this comment. An updated version of the dDCO (clean and tracked changes) has been submitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev 2</b> ) which includes a 28-day consultation period in requirement 18.
1.10.1	BDC	Is BDC satisfied that the viewpoints and photomontage locations selected (as shown on ES Figure 7.4 [APP-057]) are adequately representative of the Proposed Development, noting that the Applicant states that no response was received from the local authority to a further consultation in July 2020 in respect of some changes relating to the diversion of a medium pressure gas pipeline (paragraph 7.4.18 of ES Chapter 7: Landscape and Visual Effects [APP-045])?	Yes, it is considered that the selection of viewpoints and photomontage locations is adequately representative.	This comment has been noted by the Applicant



ExQ1	To	Examiner's Question	Response	Applicant's Response
1.10.2	BDC	Is BDC and NCC satisfied with the Masterplan [APP-118] and the proposed species mix as shown on the final page of the Masterplan?	BDC have no reasons to dispute the spatial arrangement and general design of the planting proposals. BDC would query the use of ivy ( <i>Hedera helix</i> ) and Blackberry ( <i>Rubus fruticosus</i> ); these are potentially quite dominating of young woody planting, and can be problematic in mature hedgerows and plantings. Whilst there is no disputing the important habitat and food sources these species can provide, it might be that they are best introduced as part of management, rather within the initial mix.	The Applicant acknowledges the point. The intention is to have more detailed discussions at the detailed design stage regarding planting. This is included in requirement 5 'Landscaping' to the draft DCO ( <b>TR010040/APP/3.1 Rev 2</b> ).
1.10.2	NCC		NCC suggests this response should come from Broadland DC as LPA and with specific landscape policies in their Local Plan.	This comment has been noted by the Applicant
1.10.3	BDC	Is BDC satisfied with the Applicant's approach to defining landscape character areas as per ES Chapter 7: Landscape and Visual Effects [APP-045] paragraphs 7.7.24 - 7.7.25 and Table 7-3, ES Appendix 7.4 [APP-081] and ES Figure 7.3 [APP-057]?	Yes. A minor point of correction, however, in that the local notable churches have towers, not spires as cited.	This comment has been noted by the Applicant.
1.10.4	BDC	Is BDC satisfied that G2 of the REAC [AS-009] is sufficient to ensure the minimisation of the effects of lighting?	BDC raises no objections in respect of this matter.	This comment has been noted by the Applicant
1.10.8	BDC	Given that the bridges would be prominent features of the Proposed Development, should there be a requirement within the dDCO for their detailed design, in consultation with BDC and / or subject to design review by Highway England's Strategic Design Panel?	BDC would welcome a requirement for the detailed design of the bridges to be in consultation with BDC and/or subject to design review by Highway England's Strategic Design Panel.	See Applicants response to the ExA FWQs ( <b>REP1-061</b> )  <i>Requirement 3 in the draft DCO (<b>TR010040/APP/3.1 Rev 1</b>) 'Detailed design' sets out that the authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and engineering drawings and sections unless otherwise agreed in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its functions.</i>  <i>Should the design of the structures change from that shown the Applicant would have to consult with Broadland District Council.</i>  <i>Highways England's Strategic Design Panel was set up in 2017 and is intended to focus on strategic input rather than scheme specific details targeting where its expertise, insight and guidance will have most positive impact and wider benefit, such as standards, procurement and evaluation. As such, the Strategic Design Panel is not of direct applicability to the Scheme.</i>  Note: The Draft DCO has been resubmitted at Deadline 3 ( <b>TR010040/APP/3.1 Rev2</b> ).

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.11.3	NCC	It is understood that the Proposed Development intersects a Mineral Safeguarding Area for sand and gravel. Does NCC consider that this designation has any implications for the Proposed Development and if so, what are they?	NCC's Minerals and Waste team confirm that the Proposed Development is on a Mineral Safeguarding Area for sand and gravel. The Minerals and Waste team consider that this does have implications for the proposed development because the National Planning Policy Framework (paragraph 206) states that "Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working". The implications for the proposed development are that the scheme must be required to follow the mitigation strategy outlined in the Mineral Impact Assessment (appendix 10.4 of the Environmental Statement) to effectively address the mineral safeguarding impacts.	<p>The REAC, as part of the EMP (<b>TR010040/APP/7.7 Rev 3</b>), includes for the production of a Materials Management Plan (Commitment GS01):</p> <p><i>The MMP shall be developed in accordance with the CL:AIRE Definition of Waste Code of Practice (DoW CoP), Version 2, 2011. This approach offers the most effective method of ensuring materials can be re-used on or off the Proposed Scheme. Suitability for re-use requires chemical and geotechnical assessment to demonstrate that surplus materials do not constitute waste. The MMP will detail the procedures and measures to be implemented to classify, track, store, re-use and dispose of all excavated materials encountered during the construction phase.</i></p> <p>The EMP is secured by Requirement 4 to the draft DCO (<b>TR010040/APP/3.1 Rev 2</b>).</p>
1.12.2	BDC	ES Chapter 11: Noise and Vibration [APP-049], paragraph 11.5.1. states that most construction would take place during weekdays between 0700-1900 hours and on Saturdays between 0700-1300 hours. Paragraph 11.9.2 sets out that any work outside these hours would be subject to a noise and vibration assessment, agreed with the LPA and mitigated where necessary. How would this be achieved and secured?	BDC suggest that S61 of the Control of Pollution Act 1974 be used (Prior consent for work on construction sites). This was the method used satisfactorily on the Broadland Northway (Northern Distributer Road).	<p>See Applicants response to the ExA FWQs (<b>REP1-061</b>)</p> <p><i>This is included within G1 of the Record of Actions and Environmental Considerations section of the Environmental Management Plan (EMP) (<b>TR010040/APP/7.7 Rev 2</b>). Compliance with the EMP will be secured by Requirement 4 in the DCO.</i></p> <p><i>The Contractor will seek agreement with the relevant local authorities through a Control of Pollution Act Section 61 agreement. This is an application for prior consent for work on construction sites and need to include a description of the steps proposed to be taken by the Contractor to minimise noise resulting from the works.</i></p> <p><i>The supporting work behind a Section 61 Agreement normally includes assessment of noise and vibration due to construction. The local authorities then have the power to impose conditions on any consent for these works. 1974).</i></p> <p>Note: The EMP has been resubmitted at Deadline 3 (<b>TR010040/APP/7.7 Rev 3</b>).</p>
1.12.3	BDC	Table 11-11 of ES Chapter 11: Noise and Vibration [APP-049] specifies permanent noise barriers. Please provide further justification on the adequacy of noise barrier No 4, noting that a concern in respect of its effectiveness has been raised in a RR [RR-019].	BDC supports the concerns relating to the noise barrier and sound insulation of the property at this location. LT6 Data Summary appears to be missing from Document APP-106 page 16.	<p>See Applicants response to the ExA FWQs (<b>REP1-061</b>)</p> <p><i>Noise barriers are incorporated within the design of the proposed scheme. These barriers have been specified to avoid significant effects due to changes in road traffic noise that are expected to occur due to the Proposed Scheme. The significance of the potential effects due to changes in road traffic noise has been evaluated in accordance with DMRB LA111: Noise and Vibration, as described in ES Appendix 11.2: Legislation and policy framework (<b>APP-105</b>).</i></p> <p><i>A conclusion on the significance with embedded mitigation in place (including barrier 4) at Hall Cottages is presented in the fourth row of Table 11-14 of ES Chapter 11: Noise</i></p>



ExQ1	To	Examiner's Question	Response	Applicant's Response
				<p><i>and Vibration (APP-049).</i></p> <p>The Applicant has noted the comment regarding missing data and will resubmit ES Chapter 11 Noise and Vibration at Deadline 4.</p>
1.12.5	BDC	ES Chapter 11: Noise and Vibration [APP-049], paragraph 11.9.8, highlights the importance of communication with the public during construction to assist with lessening potential effects of noise. How would this be achieved and where is this secured?	BDC experience suggests that this is an extremely important point.	<p>See Applicants response to the ExA FWQs (<b>REP1-061</b>)</p> <p><i>Commitment G8 in the REAC, within the EMP (TR010040/APP/7.7 Rev 2) sets out:</i></p> <p><i>Communication with local residents will take place during construction to highlight potential periods of disruption. This will be via appropriate and expedient means of communication, and an appointed Community Relations Officer.</i></p> <p><i>The Highways England Customer Contact Centre will be available to deal with queries and complaints from the public. An information line will be staffed and a complaint management system in place, used on other major infrastructure projects, to ensure complaints are investigated, action is taken and the complainant receives a response.</i></p> <p><i>A Community Relations Officer will be appointed who will be responsible for these specific tasks will prepare a community relations strategy to outline how these tasks will be undertaken.</i></p> <p><i>The EMP (second iteration) will include also included a Construction Communication Strategy (Annex B6).</i></p> <p><i>The EMP and the measures within it are secured by Requirement 4 to the Draft DCO (TR010040/APP/3.1 Rev 1)</i></p> <p>Note: The Draft DCO and the EMP have been resubmitted at Deadline 3 (<b>TR010040/APP/3.1 Rev2</b> and <b>TR010040/APP/7.7 Rev 3</b>) respectively.</p>
1.13.1	BDC	Can NCC and BDC comment on the assessment of Population and Human Health and its conclusions?	<p>In 2018 the World Health Organisation published health based Environmental Noise Guidelines for road traffic noise for the whole day (53 dB Lden) and for night time (45 dB Lnight). BDC believes it would be helpful if an assessment could be carried out to determine the effect of the applicant's proposal by comparing noise levels from the existing road with the proposed completed road using the noise units above.</p> <p>BDC note the Moderate Adverse impact on users of Burlingham FP3 due to journey length and journey time increasing. Consideration should be given to whether this could be mitigated through the provision of a crossing at this point of the scheme. Further information provided in Local Impact Report.</p>	<p>Identified sensitive receptors and assessment between existing baseline and future conditions with the Scheme are set out in the ES Chapter 11: Noise and vibration (<b>REP1-028</b>). The assessment was undertaken in accordance with DMRB LA 111. The methodology was outlined in the EIA Scoping Report and in consultation with Norfolk County Council and Broadland District Council.</p> <p>The Applicant has provided a response as to the impact on users of Burlingham FP3 in Appendix A to the Applicants Response to Relevant Representations (<b>REP1-060</b>).</p> <p>The Applicant has responded to the Local Impact Report at Deadline 3 (<b>TR010040/EXAM/9.11</b>).</p>

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.13.1	NCC		<p>As well as ongoing monitoring of possible adverse impact on air quality for the existing local population, we would expect the construction phases to be co-ordinated with the appropriate district councils and local highways teams to minimise, for example, dust, construction vehicle emissions (e.g. from engine idling) and any short term impacts of increased stationary traffic close to any local populations. Attention will also need to be paid to, for example, distribution of particulate matter on the wind and consider any known future planned developments which may be affected longer term.</p> <p>These matters are covered in more detail elsewhere. However, we would want to minimise long term impacts on accessibility to and use of walking, cycling and other active travel routes for the whole local population covering a range of health conditions. We would also want to avoid reduced ability to access, for example, open or wooded space for recreational activity. Additional active travel routes to join up communities are supported and if the overall proposal has the effect of making active travel appear more attractive in terms of, for example, segregated pathways and / or traffic speed and visibility, we would support this. Use of green or wooded space to mitigate traffic noise and maintain or enhance the cooling effects of such environments would be supported.</p>	<p>Commitment AQ1 in the REAC, as part of the EMP (TR010040/APP/7.7 Rev 3) states that:</p> <p><i>Works will be carried out in accordance with the Best Practicable Means (e.g. CIRIA guidance C692), and as described in IAQM Guidance of the assessment of dust from demolition and construction Version 1.14 and Section 79(9) of the Environmental Protection Act 1990, to reduce fumes or emissions which may impact upon air quality. Compliance monitoring including regular onsite and offsite inspections may be required and included in the Construction noise and dust Management Plan which will be created by Principal Contractor.</i></p> <p><i>A record of all dust and air quality complaints will be recorded to identify cause(s) of dust, take appropriate measures to reduce emissions in a timely manner, and record the measures taken.</i></p> <p><i>The record logbook will be made available to a local authority when asked.</i></p> <p><i>The record logbook will log exceptional incidents that cause dust and / or air emissions, on- or offsite, and the action taken to resolve the situation.</i></p> <p>Commitment N1 in the REAC, which is included in the EMP states that:</p> <p><i>The Principal Contractor will develop a Construction Noise and Dust Management Plan (Annex B.5) to manage likely significant environmental effects.</i></p> <p>The EMP and the measures within it are secured by Requirement 4 to the Draft DCO (TR010040/APP/3.1 Rev 2) submitted at Deadline3. Requirement 4 includes for consultation by the undertaker with the relevant planning authority.</p> <p>Identified sensitive receptors, anticipated impacts and appropriate mitigation are set out in the ES chapter 11: Noise and vibration (REP1-028). The assessment was undertaken in accordance with DMRB LA 111.</p> <p>Proposed planting is set out in the Masterplan (REP1-041). This includes green and wooded space in response to identified impacts and requirements of the Scheme.</p>
1.13.7	BDC	ES Chapter 11: Noise and Vibration [APP-049] identifies significant adverse long-term effects on some residential receptors along the B1140 (High Road) and Yarmouth Road which would not be mitigated. In light of this, please explain further the conclusions in Table 12-9 of ES Chapter 12: Population and Human Health [APP-050] that long-term operational effects of noise on human health, due to mitigation, would be neutral?	Please see response to 1.13.1 regarding noise levels	This comment has been noted by the Applicant

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.14.1	BDC	Are the parties satisfied with the Applicant's Transport Assessment [APP-122]? Please provide reasons for any disagreement with any aspect of it.	BDC have no comments on the adequacy of the applicants Transport Assessment and defer to the views of Norfolk County Council has Highway Authority on this issue.	This comment has been noted by the Applicant
1.14.1	NCC		NCC are satisfied with the contents of the Applicant's Transport Assessment. The information presented has indicated that a further dialogue is required with Highways England in respect of Cucumber Lane and we have included this point in our Relevant Representations and Statement of Common Ground.	This comment has been noted by the Applicant.  The Applicant has responded in the Response to Relevant Representations ( <b>REP1-060</b> ) and will be responding to the Local Impact Report at Deadline 3.
1.14.2	BDC	Are the parties satisfied with the Applicant's revised outline Traffic Management Plan [AS-011] (which includes details of construction traffic routing)? Please provide reasons for any concerns with any aspect of it.	BDC have no comments on the revised outline Traffic Management Plan and defer to the views of the Norfolk County Council has Highway Authority on this issue.	This comment has been noted by the Applicant
1.14.2	NCC		<p>As per NCC's response in the relevant representation (paragraph 1.6), there is a need for liaison during the construction period, for disruption mitigation on local network. Most of the major network variables have been identified:</p> <ul style="list-style-type: none"> <li>- Cantley and the Sugar Beet campaign</li> <li>- Walking and cycling links</li> <li>- Seasonal traffic fluctuations</li> <li>- Peak hours commuter times</li> <li>- Bus services, particularly when a rail replacement service is in operation</li> <li>- Emergency 'blue light' access provision.</li> <li>- Use of county network for diversion routes, and vice versa for local closures requiring diversion via the trunk network.</li> </ul> <p>Whilst most construction traffic to site will utilise the trunk road network, it needs to be considered the effects of haul route traffic on the local network during construction:</p> <ul style="list-style-type: none"> <li>• Restrict HGV movements at peak commute times, and holiday periods. This is important, particularly for the Norfolk Broads area north of A47.</li> <li>• Clearly defined 'No construction traffic' signage to avoid unnecessary disturbance/nuisance in residential areas.</li> <li>• Temporary alteration to existing county roads to facilitate abnormal construction loads-passing bays/widening/ – Possible S278 agreements</li> <li>• Accesses to site from county network – access construction detail and advance signage proposals.</li> <li>• NRSWA S59 pre and post project condition surveys of local haul routes, and provision for remedial works if necessary.</li> <li>• Local winter maintenance routes may have to be altered to take into consideration closures of some of the county roads during construction.</li> </ul>	<p>The Applicant's response to the Relevant Representation (<b>REP1-060</b>) was as follows:</p> <p style="text-align: center;"><i>As the majority of the construction activities are offline the Applicant anticipates minimal disruption to the local highway network. Norfolk County Council will be kept informed as to any planned traffic management that may impact on their network such as a full road closure of the A47, which would be necessary to construct the final tie ins at each end of the scheme.</i></p> <p>The Outline Traffic Management Plan (<b>APP-125</b>) provides initial information on the traffic management measures that will be adopted during the construction.</p> <p>Requirement 10 to the Draft DCO (<b>TR010040/APP/3.1 Rev 2</b>) submitted at Deadline3 Traffic Management secures the following:</p> <p style="text-align: center;"><i>1) No part of the authorised development comprising the construction, alteration or improvement of Work No. 1 is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant highway authority on matters related to its function.            (2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).</i></p>
1.14.5	NCC	The RR from NCC [RR-002] raises some queries around the management and maintenance of new assets and responsibilities for verges and trees. Has there been any progress in respect of these matters?	No progress has been made in agreeing the management and maintenance of what highway assets, trees and verges will be the responsibility of NCC, or on the request from the county council that a commuted sum – to allow for future management and maintenance of the assets – be provided on handover.	The Applicant is continuing to discuss these matters with Norfolk County Council with a view to concluding a Statement of Common Ground on this matter.

ExQ1	To	Examiner's Question	Response	Applicant's Response
1.15.1	NCC	Are the parties satisfied with the Applicant's Flood Risk Assessment and drainage proposals, and if not, please provide reasons for this?	The LLFA has been in discussion with the scheme's design team and, on balance, the LLFA has seen much improvement in the FRA through the consultation process. The FRA and drainage proposals comments relate to the LLFA comments included in the NCC response to PINS remain.	The Applicant has consulted with the LLFA reading the FRA and the drainage proposals as set out in Annex A to ES Appendix 13.1 Flood Risk Assessment ( <b>APP-109</b> ) and Annex C to ES Appendix 13.2 Drainage Strategy ( <b>APP-110</b> ).  The Applicant is continuing to discuss these matters with Norfolk County Council with a view to concluding this matter in the Statement of Common Ground.
1.15.1	EA		We can confirm that we are satisfied with the submitted flood risk assessment (FRA).  The FRA confirms that the site falls within Flood Zone 1 (low risk) for fluvial and tidal flooding, for both the current day and future scenarios ( + 100 years), including an appropriate allowance for climate change. In light of this, we have no further comments to make in respect of flood risk.  Regarding drainage issues, we can confirm that we are satisfied with the assessment undertaken and general mitigation measures proposed to date for both the construction and operational phases. The detailed drainage design is still to be confirmed. We would wish to review and approve the detailed proposals to ensure that controlled waters, in particular groundwater resources, are appropriately protected.	This comment has been noted by the Applicant
1.15.10	BDC	RR [RR-053] raises a concern around potential for increased flood risk to Waterlow Cottage as a result of the Proposed Development. Please provide a response to this concern.	We would endorse the comments from the resident and suggest that the applicant makes personal contact with Mr Trawford to explain the significant drainage proposals here including details of its design performance to hopefully demonstrate that it will operate satisfactorily without a positive outfall and not increase the water table and cause issues at the properties at Waterlow. The soakaway scheme does seem to be close to the eastern boundary of the houses.	The Applicant has responded to the Relevant Representation ( <b>RR-053</b> ) submitted by Mr Trawford in its Response to Relevant Representations ( <b>REP1-060</b> ).  The Applicant has made contact with Mr Trawford and is arranging a future meeting to explain the proposals.