

# A47 Blofield to North Burlingham Dualling

**Scheme Number: TR010040**

**Volume 9**

## **9.15 Applicant's Written Summary of Oral Submissions at Hearings**

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

Planning Act 2008

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

September 2021

Deadline 4

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 WRITTEN SUMMARY OF ORAL SUBMISSIONS AT  
HEARINGS**

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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 first Open Floor Hearing (OFH1) for the A47 Blofield to North Burlingham (DCO) application was held virtually on Microsoft Teams on Monday 16 August 2021 at 10.00am
- 1.1.3 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. This document seeks to fully address the representations made by the Interested Party at the hearing.
- 1.1.4 The Applicant has responded to the issues raised by each of the attending party and provided cross-references to the relevant application or examination documents in the text below. The document is supported by the following Annexes:
  - Annex A: Biodiversity Net Gain Calculations
  - Annex B: Climate.

## 2 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT OPEN FLOOR HEARING 1

Ref	Comment / Representation By	Questions / Issues Raised at OFH1	Applicant's Response
1	<p>Mr C Gates on behalf of Burlingham Cottage Gardens and Lingwood and Burlingham Parish Council</p>	<p><u>Lack of a central crossing</u></p> <p>Mr Gates explained that when North Burlingham was bypassed in 1969, the authority acknowledged the importance of maintaining a north/south village access through the Lingwood Lane crossing which Highways England are now proposing to sever. There is no reference to this crossing in the Applicant's application submissions.</p> <p>Mr Gates stated that Highways England have failed to capture the existence of a formally maintained crossing at Lingwood Lane. Mr Gates stated that this crossing is regularly used by the public and he can provide witness statements and photographic evidence from an individual who walks this route daily, if needed.</p> <p>Mr Gates explained that if the Burlingham walkers and cyclists are denied use of this central crossing the proposed crossings were adopted, they would need to compete with heavy goods vehicles to access the overbridge. This would be contrary to Highway's England stated aim to provide safer access to road networks.</p> <p>The ExA noted that there was a 30mph speed limit along this route and asked if this made any difference to Mr Gates' concerns. Mr Gates responded that the proposed crossing would be dangerous as the highway is very narrow at this point.</p>	<p>The Applicant is aware of the crossing point located opposite the Lingwood Lane junction but would suggest that this is more of an informal crossing location rather than a formally maintained facility. This is because no formal crossing facilities are provided for users at this location and, having crossed the A47, access to North Burlingham is gained via use of a part-overgrown informal track in the northern verge and a gap in a boundary fence.</p> <p>Furthermore, no warning signing is provided on the A47 to alert motorists to the presence of a crossing at this location.</p> <p>WCH usage surveys were undertaken at this informal crossing point, referred to as survey site 4 in Figure 12.1 of the ES (<b>APP-069</b>). The surveys were undertaken over 9 consecutive days in May/June 2018 and repeated on Sunday 30 May 2021 and Wednesday 9 June 2021. Both sets of surveys recorded very low usage of this informal crossing point with a maximum of 6 users crossing the A47 on any day, the majority of which were cyclists who dismounted and pushed their cycles across the A47. A full analysis of the 2021 survey results is provided in Appendix A to the Applicant's Response to Relevant Representations (<b>REP1-060</b>).</p> <p>The survey results suggest that the cycle track over the proposed B1140 Overbridge would remove the severance effect of the existing A47 and provide a reasonable and safe alternative for cyclists and pedestrians than crossing at Lingwood Lane. Cyclists and pedestrians will not be required to mix with heavy goods vehicles when accessing the cycle track provided at the B1140 Overbridge as an appropriate separation distance from the carriageway will be provided which reflects the 30mph speed limit on the B1140 at this location.</p>

Ref	Comment / Representation By	Questions / Issues Raised at OFH1	Applicant's Response
2		<p><u>Designated Funds Application</u></p> <p>Mr Gates explained that in a meeting with Gemma Malone in August 2019, the reason provided for not improving the Acle Road link was due to a lack of designated funds that year. In the meeting Ms Malone explained that a further application for designated funds was going to be made in 2020.</p> <p>Mr Gates asked for confirmation that this application had been made or for an explanation if the application has not been made.</p>	<p>In March 2019 when Mr Gates requested a designated funds application for the footpath extension to Acle, it was being considered as part of the scheme design and therefore an application for designated funds was not submitted.</p> <p>It was later deemed that the footpath extension was outside the scheme extents and so would not be included within the scope of the scheme.</p> <p>Since 2019 the Applicant has not had the opportunity to submit a Designated Fund Application. The Applicant is currently investigating if the footpath extension would be a viable application for designated funds. If viable then an application could be developed and submitted for consideration.</p>
3		<p><u>Policy</u></p> <p>Mr Gates stated that the omission of a central Burlingham crossing would be contrary to national policy, Government initiatives and Highways England's assurances. It would also be contrary to common sense. The surrounding parish councils all support a crossing at Burlingham.</p>	<p>The Scheme complies with the NNNPS in that it takes reasonable opportunities to support other transport modes and uses reasonable endeavours to address severance issues. It provides a reasonable package of new and improved infrastructure for pedestrians and cyclists which improves accessibility and is proportionate to user activity in the area. In combination with the existing facilities, the proposed pedestrian and cyclist infrastructure will provide improved and safe connections between Blofield and North Burlingham and between Lingwood and North Burlingham. In addition, the two grade separated crossing points proposed, the Blofield Overbridge and at the B1140 Overbridge, remove the A47 as a barrier to non-motorised users thereby mitigating the environmental and social impacts of the Scheme and correcting an historic problem.</p>

Note: No matters were raised at the Open Floor Hearing 2.

### 3 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 1 – DRAFT DEVELOPMENT CONSENT ORDER

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
1.1	<p>The Applicant advised it would be making amendments to the rights of way provision in three areas.</p> <p>The ExA asked when these amendments would be submitted.</p>	<p>The amendments are:</p> <ul style="list-style-type: none"> <li>- including an additional cycle track between Dell Corner Lane and Main Road along the line of the existing A47;</li> <li>- Acle Road to the south of the new B11140 overbridge – extending the track south of where it meets the footpath, southwards into Acle Road; and</li> <li>- changing the status of the proposed east-west footpath to cycle track status along the entire length.</li> </ul> <p>These amendments do not require any substantive change to the Scheme, they are just additional rights requested by third parties.</p> <p>These amendments would be dealt with by submitting amended plans at Deadline 4.</p>	<p>The Works Plans (<b>TR010040/APP/2.3 Rev 1</b>), the Rights of Way and Access Plans (<b>TR010040/APP/2.4 Rev 3</b>), the General Arrangement Plans (<b>TR010040/APP/2.6 Rev 3</b>), the and the draft DCO (<b>TR010040/APP/3.1 Rev 3</b>) have been updated and submitted at Deadline 4.</p>
1.2	<p>The Applicant advised it would be submitting an application for non-material changes to the DCO application as a result of discussions with Cadent Gas Limited (Cadent) about the need to include a block valve site and an extra length of access track leading to it.</p>	<p>The changes will require a small area of additional land to be taken permanently along the line of the Cadent easement and additional rights to be taken on the long north – south linear access track south of the A47 where the east-west footpath runs.</p> <p>The application would involve amendments to several documents including the Land Plans, Book of Reference and Schedules 5 and 7 of the dDCO.</p> <p>The Applicant does not consider the change to be material one and will set out the reasons for this in the application. The Applicant confirmed it has had regard to PINS' Advice Note 16 on these matters. No new likely significant environmental effects are</p>	<p>A Request for a Non-Material Change to the Application (<b>TR010040/APP/9.16</b>) has been submitted at Deadline 4 explaining the proposed changes. It also includes landowner consent to the changes and confirmation from Cadent that the changes will address their requirements.</p>

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		<p>anticipated arising from the change.</p> <p>The proposed changes are within the redline boundary and the plots affected will be confirmed. There will need to be additional area of pink land (permanent land take) to accommodate the relocated block valve site and additional blue land (rights) to provide the access.</p> <p>The apparatus required is present at the surface and therefore it is appropriate that the changes include new permanent acquisition. Cadent will require access to the apparatus in the medium to long term and so it is also appropriate that the rights of access to the site are permanent.</p> <p>The Applicant confirmed that the landowner of the affected plots, Norfolk County Farms, is already in the Book of Reference (<b>REP3-010</b>) and is aware of and has accepted orally the proposed changes. Written confirmation will be provided as part of the submission.</p>	
<p><b>Agenda Item 2 Articles and Schedules (including Requirements) of the dDCO</b></p>			
2.1	<p><u>Applicant's response to ExA Written Question 1.8.2.</u></p> <p>The response states that the Applicant does not believe that a working hours restriction is appropriate or necessary and that disruption would be significant if the works had to be carried out during normal working hours.</p> <p>The text in reference G1 in Table 3-1 (the "REAC") of the Environmental Management Plan states that construction will take place mainly during the daytime and that works outside of normal construction hours (07:00-09:00 weekdays and 0:700-12:00 on Saturdays) shall be minimised as far as practicable.</p>	<p>The precedent DCOs on which the dDCO is based do not contain provisions which relate to working hours and the Applicant does not think it is appropriate to include any such requirement in this instance.</p>	<p>The Applicant has no further representations to make.</p>



Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>The ExA queried the contradiction between these two documents and asked for an explanation..</p>		
2.2	<p><u>Applicant's response to ExA Written Question 1.8.4</u></p> <p>Should a piling risk assessment be specified and secured as a Requirement within the dDCO (the Applicant states that this is secured by Requirement 4 of the dDCO).</p> <p>Some plans, assessments and strategies etc. are specifically listed in Requirement 4, but others are only specified in the REAC.</p> <p><b>Hearing Action Point 1 - Explain why some plans and strategies are listed under Requirement 4 whereas others, such as a piling risk assessment, are specified within the Record of Environmental Actions and Commitments.</b></p>	<p>The Applicant advised that this was something which could be addressed during one of the others ISHs (2 or 3) later in the week</p>	<p>The plans listed under Requirement 4 are those as listed in Environmental Management Plan (<b>REP3-014</b>) paragraphs 1.1.4 &amp; 1.1.5.</p> <p>The EMP lists a number of plans in outline, which must form the basis for later plans. Some of these plans are application documents and others are contained within the EMP itself.</p> <p>These "outline" documents have been drafted and are listed to give the ExA and ultimately the Secretary of State comfort as to the matters which must be covered in the final plans. These plans are listed in the EMP (paragraphs 1.1.4 &amp; 1.1.5).</p> <p>The piling risk assessment is secured by Requirement 4 because it is contained in the EMP, but it is different in nature to the listed "outline" plans.</p>
2.3	<p><u>Article 10(11)(c) of the dDCO</u></p> <p>This article refers to Eastern Power Networks Plc (<b>EPN</b>), whereas the reference in the other application documents is to UK Power Networks Plc (<b>UKPN</b>).</p> <p><b>Hearing Action Point 2 - Article (A) 10(11)(c) - Confirm Eastern Power Networks is correct</b></p>	<p>The Applicant's understanding is that UKPN splits into three sections depending on geographical operations and that the section for the area of the scheme is EPN.</p> <p>UKPN is listed in the Book of Reference (<b>REP3-010</b>), as the rights are registered to UKPN, but that it may well be that EPN is the operator of that apparatus.</p>	<p>UK Power Networks is the parent company of Eastern Power Networks, South Eastern Power Networks and London Power Networks.</p> <p>However, the licences of these companies haven't been amalgamated into UK Power Networks and are still held by the different regional companies.</p> <p>The "trading name" is UK Power Networks, but the list of DNOs on the Ofgem website confirms that Eastern Power Networks Limited is the licence holder. It is therefore appropriate that they are named in Article 10(11)(c).</p>

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2.4	<p><u>Applicant's response to ExA Written Question 1.8.22</u></p> <p>The ExA asked for justification for the power sought under Article 20 of the dDCO (relating to use of any watercourse, public sewer or drain for the drainage of water in connection with the proposed development) on the basis that Chapter 13 of the Environmental Statement suggests there would be no direct discharges to watercourses during construction or operation and that there are no proposed connections to public sewerage systems.</p> <p><b>Hearing Action Point 3 - Further justify A20 given that there would be no direct discharges to watercourses and no connections to public sewers</b></p>	<p>The Applicant advised it would look at Article 20 in light of its response to ExA Written Question 1.8.22 (<b>REP-061</b>) and would respond in writing.</p>	<p>The draft DCO has been amended to remove these references and submitted at Deadline 4 (<b>TR010040/APP/3.1 Rev 3</b>).</p>
2.5	<p><u>Applicant's response to ExA Written Question 1.8.25</u></p> <p>The ExA asked for justification of the power sought under Article 26 to impose restrictive covenants.</p> <p>Article 26(1) gives power for compulsory acquisition of rights over the order land or to impose restrictive covenants affecting the land as may be required. Article 26(2) sets limitations for this in relation to the land specified in Schedule 5 of the dDCO.</p> <p>Is the power to acquire rights or impose restrictive covenants in 26(1) therefore unlimited in relation to all of the other order land which is not specified in Schedule 5?</p> <p>Have all affected persons been made aware of this power?</p>	<p>Article 26(2) deals with the land where specific rights will be taken (the "rights land") and those rights are set out in Schedule 5.</p> <p>Article 6(1) relates to the "pink" land for permanent acquisition (as set out in the Book of References (<b>REP3-010</b>) and the Land Plans (<b>APP-005</b>)) and would allow the undertaker to deal with any rights and restrictive covenants which may be required for any purpose for which that land may be acquired.</p> <p>It was entirely intentional that Article 6(2) limits the powers of acquisition in relation to rights over the Schedule 5 land (the "blue" land), as the Applicant knows what those rights are likely to be and they are set out in the dDCO (<b>REP3-004</b>).</p> <p>Article 6(1) allows the Applicant to obtain rights or impose restrictive covenants over the land which it is acquiring permanently, where it might need to impose restrictive covenants on a right which is</p>	<p>Article 26(1) refers to the acquisition of rights and the imposition of restrictive covenants over the Order land, however in effect this provision only applies to the "pink" permanent acquisition land.</p> <p>Article 26(1) provides that the rights or restrictive covenants must "be required for any purpose for which that land may be acquired under article 23 (compulsory acquisition of land)". However the power of compulsory acquisition in Article 23(1) is subject to paragraph (2) which provides that this is subject to both Article 26(2) and 33(8).</p> <p>Article 26(2) makes it clear that the undertaker's powers in relation to the "blue" rights land are limited to the power to acquire the rights set out in Schedule 5..</p> <p>Similarly, Article 33(8) provides that "The</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p><b>Hearing Action Point 4 - A26(1) would give the power for compulsory acquisition of rights over the Order land or to impose restrictive covenants affecting the land. A26(2) sets limitations for this in respect of land specified in Schedule 5. Justify the unlimited power over the rest of the Order land not specified in Schedule 5</b></p> <p><b>Hearing Action Point 5 - A28(10) – add comma between 'agents' and 'contractors' and change 'order land' to 'Order land'</b></p>	<p>being retained in that land in order for the development to proceed.</p> <p>A further response will be provided in writing at Deadline 4.</p>	<p>undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i)" (i.e. the "green" temporary possession land).</p> <p>Accordingly, the power in article 26(1) is limited to the acquisition of rights and restrictive covenants in the "pink" permanent acquisition land.</p> <p>Article 28 has been amended in the dDCO (TR010040/APP/3.1 Rev 3) submitted at Deadline 4.</p>
2.6	<p><u>Article 33(8) of the dDCO</u></p> <p>This article provides that the undertaker may not compulsorily acquire the land referred to in paragraph (1)(a)(i) of Article 33 except that the undertaker is not precluded from (a) acquiring new rights over any part of the land also specified in column 1 of Schedule 5 and (b) acquiring any part of the subsoil or of airspace over that land under Article 31.</p> <p>Is there is any land which is to be used temporarily where Article 33(8) would allow for acquisition of the subsoil or airspace over it, and if so, would the landowners be aware of that potential power and have they been consulted accordingly?</p> <p><b>Hearing Action Point 6 - A33(8)(b) – justify this power over all land to be subject to temporary possession</b></p> <p><b>Hearing Action Point 7 - A37 – remove blank part of page 29 so A37(3) sits below A37(2)</b></p>	<p>Schedules 5 and 7 of the dDCO (REP3-004) divide up the land where the undertaker can take temporary possession and where the undertaker can take rights.</p> <p>Paragraph 8 of Article 33 is saying that where there is land to be used temporarily then the undertaker cannot acquire it permanently, but that this does not prevent the undertaker from acquiring rights in it.</p> <p>The Applicant will respond in writing as to whether there are any works that would require the acquisition of subsoil or airspace over/under land.</p>	<p>In terms of the need for this provision:</p> <p>Paragraph (8) is based on the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, although the wording was slightly different; and</p> <p>The wording in this dDCO has previously been included in a number of Orders including the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 and The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016.</p> <p>The dDCO has been amended and submitted at Deadline 4 to make clear that the Applicant cannot acquire the freehold of the subsoil or the airspace of the rights land and temporary possession land and that the exception to this is where rights are specified in Schedule 5.</p> <p>A further amendment makes it clear that Article 31 (acquisition of subsoil or airspace only) also relates to the acquisition of those rights.</p>
2.7	<p><u>Time limits for temporary possession</u></p> <p>Does the dDCO limit the length of time for which</p>	<p>Time limits are by reference to when the works are completed (ie a short time after this).</p>	<p>A numerical time limit is not imposed on possession under Article 33, however Article</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>the undertaker may hold temporary possession of land, and if not, may that impact on human rights.</p>	<p>Further information to be provided in writing</p>	<p>33(3) ensures that the possession is for a limited duration:</p> <p><i>(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article-</i></p> <p><i>(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7 (land of which temporary possession may be taken); or</i></p> <p><i>(b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act (d) or made a declaration under section 4 of the 1981 Act(e) in relation to that land.</i></p> <p>This is well-used and precedented wording and balances the need for the scheme to have the land (and to have sufficient time to put the land back into the state in which it was when temporary possession was taken) against the right of the owner to have the land back.</p>
<p>2.8</p>	<p><u>Applicant's response to ExA Written Question 1.8.33</u></p> <p>Justification for inclusion of Article 45 (Appeals relating to the Control of Pollution Act 1974) as there are already rights to appeal under the</p>	<p>The Article brings the appeal mechanism into the hands of the Secretary of State and sets out time limits which are there to assist with expeditious completion of the scheme.</p>	<p>Article 45 has been deleted from the dDCO and an amended version submitted at Deadline 4 (clean and tracked changes).</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>Control of Pollution Act 1974.</p> <p><b>Hearing Action Point 8- A45 – further justify this power given that the Control of Pollution Act 1974 makes provisions for appeals</b></p>		
2.9	<p><u>Detrunking</u></p> <p>NCC has made representations and has not made any agreement to taking on the roads to be detrunked under the DCO.</p> <p>Reassurance is sought from the Applicant on the exact extent of the assets to be detrunked, what the assets comprise and the condition of those assets.</p> <p>NCC requires any such assets to be transferred in a good condition and would be seeking a commuted sum for maintenance.</p> <p>NCC may wish to make further representations</p>	<p>The extent of the proposed detrunking is shown on the Detrunking Plans (<b>APP-013</b>).</p> <p>Discussions are ongoing with NCC and received a request has recently been received for a 'Schedule of Condition' of the roads to be detrunked. The relevant documentation is being prepared for discussions with NCC.</p> <p>Discussions will continue once the further documentation requested has been provided to NCC, it will be possible to identify the differences between the parties, and whether agreement can be reached.</p>	<p>The Applicant has no further representations to make.</p>
2.10	<p><b>Hearing Action Point 9 - Schedule 1 – correct spacing issues in 'Work No. 2' and 'Work No. 22' and add a full stop in 'Work No26A'</b></p>		<p>Work No. 2 and 22 have the correct spacing in the Word document, and the issue may be that the Schedule is "justified" against both right and left margins. It is noted that a short hyphen appeared next to Work No. 2. This has been replaced with the required long hyphen which may resolve the issue.</p>
2.11	<p><u>Applicant's response to ExA Written Question 1.8.58</u></p> <p>Justification for "further development" listed under (a)-(e) of Schedule 1 of the dDCO, including with regard to viaducts, pumping stations, cofferdams, outfalls, culverts and works to alter watercourses.</p> <p><b>Hearing Action Point 10 - Schedule 1 (a) to (e) – justify inclusion of pumping stations,</b></p>	<p>The engineering team have considered which of these may be required, and which could be deleted (as they would definitely not be required, for example there are no viaducts within the Scheme).</p> <p>Works which have not been deleted may be required temporarily. An example of this would be that a cofferdam could possibly be required in construction of the soakaways as part of the scheme.</p>	<p>Schedule 1 (a) to (e) have been amended in the dDCO (<b>TR010040/APP/3.1 Rev 3</b>) to remove the references to viaducts, pumping stations, outfalls and works to alter watercourses.</p> <p>Cofferdams and culverts may be required in order to construct the Scheme so have been retained in the Schedule.</p>

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	<b>cofferdams, outfalls and culvert</b>	A response will be provided giving an example of why all these might be needed.	
2.12	<p><u>Approval of the detailed design</u></p> <p>The ExA asked for confirmation that there is no necessity for approval of the detailed design by anyone (including the Secretary of State), as per Requirement 3 as drafted.</p> <p><u>Applicant's response to ExA Written Question 1.10.8</u></p> <p>Should there be a Requirement for the detailed design of the bridges, in consultation with Broadland District Council.</p> <p>Where, on the plans referred to in Requirement 3 (Works Plans and Engineering Drawings and Sections) are the bridges are shown.</p> <p><b>Hearing Action Point 11 - Requirement (R) 3 – clarify where design features, such as bridges, are shown on the works plans or engineering drawings The Applicant Deadline 4 and sections and consider whether the general arrangement plans should be specified.</b></p> <p><b>Hearing Action Point 12 - R (5)(2) – consider if reference here to 'Requirement 5' is necessary</b></p>	<p>The application documents set out the parameters of the proposed development and so approval would only be required if there was to be a deviation from this. This approach is fairly standard in DCOs.</p> <p>The detail provided for the designs for the bridges, is included within the General Arrangement Plans (<b>REP3-003</b>).</p> <p>The Applicant confirmed it would move the drawings showing the bridges to form part of the Engineering Drawings and Sections (<b>APP-008</b>) as these are certified documents.</p>	<p>Structures drawings, and sections of the bridges, pursuant to 5(2)(o) and 6(2) of the APFP Regulations were included in the General Arrangement Drawings (<b>REP3-003</b>) in error and are properly part of the Engineering Drawings and Sections.</p> <p>The structures drawings and sections of the bridges have now been included as part of the Engineering Drawings and Sections submitted at Deadline 4 submission (<b>TR010040/APP/2.5 Rev 1</b>) and they will therefore form certified drawings.</p> <p>The reference to "Requirement 5" at the end of Requirement 5(2) is not necessary and has been deleted.</p>
2.13	<p><u>Requirement 6</u></p> <p>The Environment Agency (<b>EA</b>) have been added as a consultee in Requirement 6(1) in relation to contaminated land and groundwater.</p> <p>The EA, in its Deadline 2 submission, queried whether, where it refers to the undertaker in Requirement 6(2), this should instead refer to "all parties" (i.e. include those to be consulted</p>	<p>Requirement 6(2) does not relate to the risk element referred to in 6(1) – it could be that the Scheme can proceed without carrying out remediation, and it would only be if the remediation were required in order to carry out the works that it would be necessary.</p> <p>Requirement 6(2) needs a decision maker and that it is to be the undertaker. It would make the</p>	<p>The Applicant will continue to liaise with the Environment Agency and will respond at Deadline 5.</p>

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	<p>under Requirement 6(1)).</p> <p><b>Hearing Action Point 13 - R (6)(2) – should 'all parties' be specified rather than just the undertaker as per para 1.6 of Environment Agency (EA) submission [REP2-013] – liaise with EA over this</b></p>	<p>process more difficult if the decision were required to be agreed by multiple parties. If the undertaker determines that remediation is required then the written scheme for this must then be submitted to and approved in writing by the Secretary of State following consultation.</p> <p>The determination on whether remediation is necessary would itself be a determination by a public body and so is challengeable.</p>	
2.14	<p><u>Impacts to controlled waters</u></p> <p>The EA also raised a query in relation to preventing any impacts on controlled waters. The Applicant had responded but might want to also confirm with the EA that the approach is agreed</p>	<p>The Applicant to confirm the approach with the EA.</p>	<p>The Applicant will continue to liaise with the Environment Agency and will respond at Deadline 5.</p>
2.15	<p><u>Applicant's response to ExA Written Question 1.8.44</u></p> <p>Should Requirement 8 make provision for long-term management and maintenance of surface and foul water drainage systems?</p> <p>The Applicant's response states that the drainage will be maintained in accordance with the Applicant's standard practices. Without knowledge of the Applicant's standard practices and without a Requirement in place, how can there be certainty that the maintenance and management is secured?</p> <p><b>Hearing Action Point 14 - R8 – clarify how long-term management and maintenance would be secured</b></p>	<p>There is no foul water drainage beyond the construction stage – the operational stage will only include surface water drainage.</p> <p>A response will be provided in writing at Deadline 4.</p>	<p>Long-term management and maintenance will be secured under Requirements 4 and 8 to the dDCO (<b>TR010040/APP/3.1 Rev 3</b>).</p> <p>The REAC has been updated to include a further commitment W12 (<b>TR010040/APP/7.7 Rev 4</b>).</p> <p>The EMP will be updated in the third iteration (Operation).</p>
2.16	<p><u>Requirement 8</u></p> <p>The EA have requested to be a consultee for Requirement 8 and they have been included in</p>	<p>A response will be provided in writing at Deadline 4</p>	<p>The dDCO has been amended to add the EA as consultee in Requirement 8(2) and submitted at Deadline 4 (<b>TR010040/APP/3.1</b>)</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>Requirement 8(1) in the last iteration of the dDCO.</p> <p>Should the EA also be specified as a consultee for Requirement 8(2)?</p> <p><b>Hearing Action Point 14 - R8(2) – add the EA as a consultee</b></p>		<p>Rev 3).</p>
2.17	<p><u>Applicant's response to ExA Written Question 1.8.47</u></p> <p>Should NCC and Historic England also be consulted on the written scheme of investigation under Requirement 9?</p> <p>The Applicant's response states that they do not need to be added into Requirement 9 as they are already specified in the REAC. Why therefore had the Applicant added in the Historic Buildings and Monument Commission (Historic England) into Requirement 9 but not NCC?</p>	<p>As NCC is the archaeological advisor to BDC, then the Applicant will consult BDC as LPA.</p> <p><i>NCC confirmed that as they are the sole advisor to BDC in relation to below ground archaeology, that it makes little practical difference whether just BDC or both BDC and NCC are named.</i></p> <p><i>BDC confirmed that NCC would be its statutory consultee here.</i></p>	<p>The Applicant has no further representations to make.</p>
2.18	<p><u>Applicant's response to ExA Written Question 1.8.46</u></p> <p>Should Requirement 9 make provision for the reporting and publishing of data (noting the Applicant's response that this is included in Table 6.1 of the EMP, line CH1-6).</p> <p><b>Hearing Action Point 15 - R9 - make provision for the reporting and publishing of data</b></p>	<p>"CH1-6" refers to Cultural Heritage and that the relevant data will be included in the written scheme of investigation which is to be produced as set out in CH1 of Table 6.1 of the EMP (<b>REP3-014</b>).</p> <p>The wording in the EMP will be reviewed to check that it is explicit enough in relation to reporting/publishing the data.</p>	<p>The Environmental Management Plan has been updated and resubmitted at Deadline 4 (<b>TR010040/APP/7.7 Rev 4</b>) to make the provision of reporting and publishing clear within the REAC (Commitment CH1).</p>
2.19	<p><b>Hearing Action Point 16 - R10 – refer to outline Traffic Management Plan</b></p> <p><b>Hearing Action Point 17 - R12 – amend 'Timetable3'</b></p> <p><b>Hearing Action Point 18 - Schedule 3 Parts 1-3 – does Point G need adding as this appears</b></p>		<p>The dDCO has been amended and submitted at Deadline 4 (<b>TR010040/APP/3.1 Rev 3</b>) so that:</p> <ul style="list-style-type: none"> <li>- Requirement 10 includes a Requirement for the traffic management plan to reflect the outline traffic management plan.</li> </ul>



Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p><b>on sheet 2 of the classification of roads plans – check consistency between plans and dDCO</b></p> <p><b>Hearing Action Point 19 - Schedule 3 Part 8 – add rows / columns and add (1) and (3) rather than (1 and (3</b></p> <p><b>Hearing Action Point 20 - Schedule 5 – add rows and columns</b></p>		<ul style="list-style-type: none"> <li>- The number "3" has been deleted from Requirement 12(1).</li> <li>- Tables in Schedule 3 Part 8 and Schedules 5 and 7 contain visible gridline for tables.</li> </ul> <p>With regard to Point E to G on sheets 2 and 3 of the Classification of Roads Plans (<b>APP-015</b>), this section of Trunk Road was omitted from, but has been added to Schedule 3 Part 1 of the dDCO (<b>TR010040/APP/3.1 Rev 3</b>) submitted at Deadline 4.</p>
2.20	<p><u>Article 18</u></p> <p>The Applicant has changed the timescale in Article 18 (relating to consultation with consultees) to allow consultees 28 days to respond rather than 10 business days to respond.</p> <p>BDC and NCC confirmed that they agreed with 28 days.</p>		The Applicant has no further representations to make.
2.21	<p><u>Requirement 8</u></p> <p>NCC asked to be named as a consultee in Requirement 8 in relation to its functions as LLFA.</p> <p>NCC asked to be named as a consultee in the EMP in relation to its functions as LLFA in relation to the review of the water monitoring and management plan</p>	<p>It is sufficient that Requirement 8 requires consultation with the LPA, which will need to consult with the LLFA.</p> <p>Note: This matter was discussed further at ISH 3 and a change to Requirement 8 was agreed. The dDCO has been amended (<b>TR010040/APP/3.1 Rev 3</b>) and submitted at Deadline 4 (see Item 7.4 below).</p>	The Applicant has no further representations to make.
2.22	<p><u>Traffic Regulation Plans sheets 1 (Yarmouth Road) and 6 (north on the B11140)</u></p> <p>These both identify 30mph zones and tie in points.</p>	<p>The tie in points are references to physical works that might be carried out, not to speed limits per se.</p> <p>Under the [Road Traffic Regulation Act 1984], a 30mph limit will automatically apply where there is street lighting on a road.</p>	The Applicant has no further representations to make.

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>Do the tie in points need references adding?</p> <p>Where in the DCO the 30mph limit is set out for these areas?</p> <p>Where other plans include a 30mph zone then this is specified in the DCO, but this is not the case for these areas on these sheets.</p>	<p>The Traffic Regulation Plans (<b>APP-014</b>) need to be read in conjunction with the General Arrangement Plans (<b>REP3-003</b>) which show where street lighting is to be provided within the Scheme.</p> <p>If the two sets of plans are overlaid, then where there is a 30mph limit and street lighting there will not be any reference to this speed limit in the DCO (as it is covered by other legislation). However where there is a 30mph limit and no street lighting, then the speed limit is included within the DCO.</p>	
2.23	<p><u>Points F9 and F10 on the Rights of Way Plans</u></p> <p>Should these be referenced as FP9 and FP10.</p>	<p>The designation "FP" denotes a footpath and "F" denotes a "footway".</p> <p>What is being provided between F9 and F10 is a footway (what would normally be referred to as a "pavement", next to a carriageway), rather than a freestanding public right of way for pedestrians only. Therefore F9 to F10 should be footway, as it is next to carriageway, and not a footpath.</p> <p>This is shown in the key on Sheet 6 of the Right of Way and Access Plans (<b>REP3-002</b>) (by the SU (stopping up) F (footway) and FP (footpath) designations).</p>	<p>The Applicant has no further representations to make.</p>
2.24	<p><u>Applicant's response to ExA Written Question 1.8.68</u></p> <p>Schedule 10 has been amended in the dDCO but that not all the documents referred to in the written question are included.</p> <p>Why had the masterplan been removed?</p> <p>Should the drainage strategy, flood risk assessment and outline landscape and ecological management plan be listed?</p> <p>Should the HRA be included?</p> <p>As there have been a number of revisions to the</p>	<p>The Flood Risk Assessment (<b>APP-109</b>) and the Drainage Strategy (<b>APP-110</b>) are within the Environmental Statement (Appendices 13.2 and 13.3 respectively).</p> <p>The Outline Landscape and Ecological Management Plan is within the EMP (<b>REP3-014</b>).</p> <p>The ES and EMP are already included within the list of documents to be certified at Schedule 10 of the dDCO (<b>REP3-004</b>).</p> <p>The Masterplan (<b>REP1-041</b>) may have been removed in error from Schedule 10.</p>	<p>The Masterplan (<b>REP1-041</b>) has been added to the list of documents to be certified.</p> <p>The HRA has been included it in Schedule 10 of the amended dDCO submitted at Deadline 4 Rev 3).</p> <p>With regard to the certification of the amended Environmental Statement, Schedule 10 of the draft DCO has been divided into two Parts with the individual ES Documents/revisions listed in Part 1 and all other documents in Part 2.</p> <p>Schedule 10 has been updated in the</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
	<p>Environmental Statement, the document reference in Schedule 10 needs updating. It would be preferable if the correct revisions of ES documents are referred to in the dDCO at every deadline.</p> <p>Does the explanatory note set out all the categories of document to certified or should it be amended in light of the list in Schedule 10.</p> <p><b>Hearing Action Point 21 - Schedule 10 – reinstate 'Masterplan', change 6/3 to 6.3, update revisions and consider how to show this for Environmental Statement documents, consider whether Explanatory Note needs updating to reflect list of certified documents</b></p>	<p>Consideration will be given to inclusion of the HRA in Schedule 10.</p> <p>The Applicant would review how other DCOs have dealt with references to revisions to the Environmental Statement and respond accordingly.</p> <p>The explanatory note will be reviewed against the list of documents in Schedule 10.</p>	<p>amended dDCO submitted at Deadline 4 (TR010040/APP/3.1 Rev 3).</p> <p>The Applicant confirms that the Explanatory Note has been amended to include a reference to the Report to Inform Habitats Regulations Assessment, but it was otherwise complete.</p>
<b>Agenda Item 3 Schedule 9 Protective Provisions</b>			
3.1	<p>The Applicant to set out the current position with Protective Provisions</p>	<p>There are five parties affected:</p> <ul style="list-style-type: none"> <li>• Openreach Limited has confirmed it is happy with the draft Protective Provisions in the dDCO (REP3-004);</li> <li>• Discussions are ongoing with Anglian Water Services Ltd. The Applicant is reviewing Anglian Water's preferred set of Protective Provisions and will provide a response to them shortly. The two parties are apart on a very few issues. The Applicant will need to see how Anglian Water responds as to whether there are points of issue;</li> <li>• Discussions are ongoing with Cadent Gas Ltd. The Applicant has reviewed Cadent's preferred form of Protective Provisions and provided comments. There are a number of issues between the parties and the</li> </ul>	<p>The Statutory Undertakers Progress Schedule has been updated and submitted at Deadline 4 (TR010040/EXAM/9.5 Rev 2).</p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
		<p>Applicant intends to include its version of the Protective Provisions at Deadline 4 so that Cadent can indicate whether they disagree with them;</p> <ul style="list-style-type: none"> <li>• Virgin Media Limited has sent the Applicant some documents, but not in the form of Protective Provisions. This appears to be a works contract/agreement of the sort that may be issued if Virgin Media was approached by someone asking to carry out works. The Applicant has gone back to Virgin Media highlighting the draft Protective Provisions in Part 2 of Schedule 9 of the dDCO (<b>REP3-004</b>) to see if these can be agreed;</li> <li>• Vodafone Limited has engaged a solicitor and has just provided comments in the last few days.</li> </ul>	
3.2	<p><u>British Gas Plc</u>            Inclusion in the Book of Reference.</p>	<p>Cadent Gas Ltd has advised that all the rights in the Book of Reference which are in the name of British Gas are rights that relate to Cadent. The rights have been transferred, however the title needs to be updated at HM Land Registry.</p> <p>British Gas is therefore the correct party for the purposes of the Book of Reference, but the rights are for the benefit of Cadent assets.</p> <p>A note will be added in the Book of Reference to indicate that the rights are for the benefit of Cadent but are to remain in the name of British Gas until the transfer is registered by HM Land Registry.</p>	<p>The Book of Reference has been updated as below in the appropriate places and an updated version (<b>TR010040/APP/4.3 Rev 4</b>) submitted at Deadline 4.</p> <p><b>British Gas plc</b>            Millstream            Maidenhead Road            Windsor            SL4 5GD            United Kingdom</p> <p><i>(in respect of rights and restrictive covenants as contained within a Deed dated 24 July 1964 and in respect of Rights as contained within a Deed dated 3 April 2014)</i></p> <p><i>(These rights are for the benefit of Cadent Gas Limited but will remain in the name of British Gas PLC until the transfer is completed by HM Land Registry)</i></p> <p><i>(Co. Reg. No: 05266924)</i></p>

Ref	Questions / Issues Raised at ISH1 and Hearing Action Points	Summary of Applicant's Response at ISH 1 (dDCO)	Applicant's Written Response
3.3	Should British Gas Plc be in the section 127(8) schedule on the basis they are named in the Book of Reference.	A response will be provided in writing.	British Gas Plc should be in the Schedule. Cadent Gas Ltd may have the benefit of the rights, but they are registered to British Gas. There should therefore be a note in the Schedule that they are held "for the benefit of Cadent".
<b>Agenda Item 4. Consents, licences and other agreements</b>			
4.1	Are there any licences or consents in the Consents and Licences Position Statement which need to be in place before the DCO is determined.	The Applicant confirmed the answer is no.	The Applicant has no further representations to make.
4.2	The Environment Agency's submission at Deadline 2 resulted in some changes to the Consents and Licences Position Statement in relation to dewatering. The ExA asked for an explanation of the changes and if the Environment Agency was satisfied with them.	The Applicant confirmed it would take this point forward with the Environment Agency.	In their response at Deadline 2 ( <b>REP2-013</b> ) the Environment Agency commented that (paragraph 2.5):  <i>Appendix A in Revision 1 now also includes reference to the permitting requirements associated with dewatering activities. While we are supportive of the addition, we would highlight that the dewatering exemptions noted here are only applicable if the works will take less than 6 months. For works over a longer time period, an abstraction licence will be required for any dewatering at rates over 20 m3/d. We note that the anticipated construction period for the proposed scheme is approximately 22 months. We can discuss dewatering requirements further with the Applicant at the detailed stage, and in respect of the EMP.</i>

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			The Applicant will continue to liaise with the Environment Agency and will respond at Deadline 5.
<b>Agenda Item 5. Statements of Common Ground</b>			
5.1	Why is the Statement of Common Ground ( <b>SoCG</b> ) with Norwich Cycling Campaign no longer being progressed?	<p>The Norwich Cycling Campaign had approached the Applicant to request a SoCG, however the Applicant has been trying to set up a meeting with the Campaign to discuss this but has not been able to engage with them.</p> <p>The Campaign have submitted a Relevant Representation and the Applicant has responded to this (<b>REP1-060</b>).</p>	The Applicant has no further representations to make.
5.2	<p>A summary of the SoCGs was requested.</p> <p>It would be helpful to the ExA to know the current position on what is in dispute, when the Applicant thinks it might reach agreement on these points or if the Applicant thinks it may not reach agreement.</p> <p>The ExA requested an update on the SoCG with NCC and BDC</p>	<p>The Applicant advised that as it gets to a point where there are more points agreed and fewer points not agreed, then it can bring forward the points of disagreement to highlight them but that it is important to keep a record of where and when points have been agreed.</p> <p>The Statement of Commonality (<b>REP3-016</b>) is a summary of the current position in relation to the SoCGs</p> <p>The Applicant, BDC and NCC confirmed that there is ongoing dialogue in relation to the SoCGs</p>	The Applicant has no further representations to make.

## 4 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING – COMPULSORY ACQUISITION HEARING 1

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
<b>Agenda Item 2: Applicant's Case for Compulsory Acquisition and Temporary Possession</b>			
2.1	<p>The ExA asked the Applicant to justify the case for compulsory purchase and temporary possession, specifically explaining how the proposal addresses the planning and policy tests under the planning act 2008 and the Department for Communities Labour and Local Government Guidance entitled 'Planning Act 2008 Procedures for the compulsory Acquisition of Land' referred to as the 'DCLG Guidance'.</p> <p>The Applicant should also:</p> <ul style="list-style-type: none"> <li>- set out how the Human Rights issues are addressed and make reference to the structure and content of the BoR, SoR and the Funding Statement.</li> <li>- set out the case for the scheme.</li> </ul>	<p>The legal tests are set out in the Planning Act 2008 under Section ('S') 122 and 123. The Secretary of State (SoS) must be satisfied that the land is required for the development or required to facilitate that which is incidental to the development or the land is replacement land which is to be given in exchange for the Order Land under S131 or S132 of the act as specified in S122(1) of the Planning Act 2008. S122(3) specifies that for compulsory acquisition of land, the SoS / PINS, must be satisfied that there is a compelling case in the public interest for the inclusion of the powers of compulsory acquisition in the DCO.</p> <p>S123 of the act is that compulsory acquisition (CA) can be authorised if they are satisfied that the DCO application includes a request for compulsory acquisition to be authorised. There are other subsets of S123, but it is S123(a) that the Applicant has applied in this case, that is through the BoR. The purpose of the BoR is to form the request for compulsory acquisition within the DCO application.</p> <p>Articles 23 and 26 of the dDCO deal with the compulsory acquisition of land. Specifically Article 23 allows the undertaker to compulsorily acquire land and Article 26 relates to the compulsory acquisition of rights and the imposition of restrictive covenants. There are more detailed articles which deal with private rights over land, subsoil and airspace, rights under and over streets.</p> <p>The CA guidance (the DCLG guidance) states the</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		<p>Applicant will need to demonstrate that the proposed interference with the rights of those who have an interest in the land is for a legitimate purpose and that it is necessary and proportionate. This is the same approach taken to interfere with human rights and property rights under Human Rights Act 1998. In terms of the compliance with the test much of this is set out in the Statement of Reasons (<b>REP1-012</b>), the Case for the Scheme (<b>REP1-042</b>) and the National Networks National Policy Statement Accordance Table (<b>APP-121</b>).</p> <p>In terms of compliance with the tests, the land subject to potential compulsory acquisition is the minimum necessary to construct, operate, maintain and mitigate the Scheme which the Applicant says is proportionate to the Scheme's objectives. Those objectives are to support economic growth, reduce congestion related delays, improve journey time reliability and increase the overall capacity of the A47. This final objective is specifically in compliance with the local plan policy that seeks to improve the capacity of the A47 linked to the economic objectives of the local plan. Delivering these objectives will help to deliver sustainable economic growth to support employment and residential development opportunities. This makes up a key part of future potential development within the local authority's area.</p> <p>The Scheme is designed to make the network safer which will improve road safety for all to the standard of a modern major A-road. In the supporting documents the Applicant outlined that the road has been subject to a number of safety issues, the A47 is ranked second nationally for fatalities on A-roads and the accident severity ratio is above average, which the Applicant believes supports the necessity</p>	



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		<p>for the scheme.</p> <p>The Scheme will result in a more free flowing network to increase the resilience of the junctions in coping with incidents such as collisions, breakdowns, maintenance and extreme weather and the approved A47 will be more reliable to improve journey times and increase capacity. The Scheme has also been designed to protect the environment by minimising adverse impacts and where possible improving the adverse environmental effects of transport. This will be done by reducing the impact on the natural and built environment by the new road and any associated works.</p> <p>The final objective is to provide an integrated network to ensure the proposal considers local communities and access to the network which will provide a safer commute for communities, cyclists, pedestrians, equestrians and for vulnerable road users. All of this will be done to achieve value for money at a budget of £89.5 million. In one of the written questions relating to the Funding Statement (<b>APP-020</b>) the Applicant was asked about the need to break down the figure into smaller subsequent amounts. Nonetheless, the response given remains the same that individual items in the budget will vary, but the Applicant is not in a position to provide a more detailed breakdown of the funding than the figure provided on the explanation that the funding comes from the wider REIS II program.</p> <p>These objectives of the Scheme support the case that the compulsory acquisition of land is a compelling case in the public interest, which without the provision of the dualling the objectives would not be met. The objectives coincide with the national policy in the National Networks National</p>	

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		<p>Policy Statement (NNNPS), specifically considering para 2.2 of the NNNPS that there is a critical need to improve the national networks to address various congestion and crowding of the railways to provide safe, expeditious resilient networks that better support social and economic activity and to provide a transport network which is capable of supporting economic growth. The policy also goes on to say that improvements may also be required to address the impacts of the national networks and quality of life taking into consideration the environmental factors. The Applicant believes that taken together everything outlined goes towards the delivery of the national policy objective and local authority policy and the objectives already stated which makes the compelling case for the inclusion of powers for compulsory acquisition of land under the order.</p> <p>For the land requested, the Applicant has already stated that it is the minimum necessary for the scheme. In the event that less land is required in a particular area following the detailed design stage, then the Applicant would only seek to acquire the part of the land required and in all events the Applicant will seek to minimise the effect on land owners. There are some parcels of land subject to temporary use, whether that it a temporary use of a temporary right, that is for construction activities which has been set out in response to ExA Written Question 1.5.6 (<b>REP1-061</b>). This is intended for the storage of topsoil, possible stockpiles of imported materials and temporary drainage.</p>	
2.2	<p>The ExA asked the Applicant to present and justify the case for CA and TP addressing the following matters:</p> <p>b) Human rights and Public Sector Equality Duty considerations;</p>	<p>With regard to human rights and the public sector equally duty, the Applicant is concerned with A1 P1 rights under Article 1 of the First Protocol. This protects the right to the peaceful enjoyment of possessions. This means that no person can be</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
	<p>c) The structure and content of the Book of Reference;</p> <p>d) The structure and content of the Statement of Reasons; and</p> <p>e) The structure and content of the Funding Statement.</p>	<p>deprived of their right to possessions except in the public interest. This is not an absolute right, it can be interfered with if the arguments and the reasons are proportionate which links back to the guidance and the statutory tests with regard to legitimate purpose which must be necessary and proportionate. Article 6 entitles those who are affected by compulsory acquisition to a fair and public hearing, while Article 8 protects the right of the individual to a private and family life regarding their home and correspondence.</p> <p>The public sector equality duty under Section 149 of the Equality Act 2010 which requires a public authority. in this case the Examiner, acting for the Planning Inspectorate, to have due regard to the need to eliminate discrimination, prevent undue harassment, victimisation and any other conduct that is prohibited by or under the act to advance the equality of opportunity and foster good relations between persons who share a relevant protected characteristic. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex or sexual orientation. The detailed consideration of interference of human rights and the discharge of the public sector equality duty is set out in the Equality Impact Assessment (EqIA) (<b>REP1-052</b>). In summary, these human rights are not absolute if the interference is in the public interest, proportionate and it is possible to do something which would impact upon the rights held by the particular individual. Therefore, the argument advanced for compulsory acquisition apply to the interference with any Article 6 or Article 8 rights and these rights would crop up by the compulsory acquisition of the rights.</p> <p>There is a significant cross over between the</p>	

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		<p>argument supporting the inclusion of CA powers and the interference of those human rights. Meanwhile, the public sector equality duty is discharged through the equality impact assessment. The conclusion of the assessment is that there are no risks to equality issues or protected characteristics as set out in the Equality Act 2010.</p> <p>The EqiA (<b>REP1-052</b>) is particularly detailed and was undertaken using the equality, diversity and inclusion tool which includes four steps. These include research on analysis of who may be affected by the project, a screening process to predict the likelihood of effects on protected characteristics set out, the use of the equality, diversity and inclusion edit tool to understand if there are any high density areas of protected characteristic groups and the full analysis of these impacts. The conclusion is that the Scheme imposed no interference with the protected characteristics.</p> <p>In terms of the Book of Reference (<b>REP3-010</b>), Statement of Reasons (<b>REP1-012</b>) and the Funding Statement (<b>APP-020</b>): when taken together (the Book of Reference being the document that sets out the land owners affected by the DCO, the Statement of Reasons the more detailed argument supporting the case for the Scheme and the Funding Statement sets out the funding for the Scheme) in their structure and content, they follow a standard format that Highways England uses across its DCO projects. These have previously been accepted by the SoS and have been rolled forward onto this project. If there are any concerns on the structure and content the Applicant would do what they can to meet the concerns at Deadline 4.</p>	

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2.3	<p>The ExA asked the Applicant to provide an overview of the potential application for a change and the particular plots of land that may be affected.</p> <p>Does the equipment in the piece of land need to be replaced?</p> <p>If the equipment is being moved why does Cadent need access?</p> <p>Why does the blue land which is the acquisition of rights need to be the compulsory acquisition of all the land?</p> <p>Will there be a physical track leading north-south over the green land and onto the blue?</p>	<p>The potential change will be on Sheet 5 of the Land Plans (<b>APP-005</b>).</p> <p>Plot 5/2 is shown on the plans as a square of land. Cadent have informed the Applicant that this equipment needs to be moved at the intersection of the east-west and north-south gas main, within the blue line. The area of Plot 5/2 needs to be replaced in the area to the south within the blue land.</p> <p>The amendment the Applicant is proposing will relocate Plot 5/2 to within the east-west Cadent strip. An access track will need to be provided through Plot 5/1a, leading down through the pink land, to the bottom of the new pink rectangle within the order land.</p> <p>Access by Cadent is currently obtained via the A47 south to Plot 5/2. With the Scheme Plot 5/2 will lie underneath the new main line of the A47. Access to the relocated site will be taken from the east-west agricultural access track (along the southern boundary of the A47) south to the replacement block valve facility. There already is an access (farmers) track leading to the proposed block valve site. Cadent would like the track to have basic surfacing (but not tarmac).</p> <p>What is shown as blue land (north south) is for the installation of the underground gas main. At the block valve site there will be a surface facility at the intersection of the two gas mains. Access is required to this location at the point the two mains come together at the surface.</p> <p>It is usual for land for such facilities, for example substations, to be acquired permanently and although this isn't a substation it is similar in nature in that it is an above ground facility in which additional rights are needed to cover the surface of</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		<p>the land.</p> <p>As the access are being provided for Cadent the facility meets Cadents' requirements. This requires the Applicant to ensure that the track is large enough for vehicles to gain access. This analysis work is currently being undertaken in order for revised plans to be produced. Once the revised Land Plan and Rights of Way Plan has been submitted it is anticipated that it will add greater clarity to the request.</p>	
2.4	<p>Is the Applicant confident that all affected parties are captured in the most recent BoR?</p> <p>What steps that the Applicant has gone through to assure this?</p> <p>Can the Applicant confirm that everyone in the BoR that may need to be contacted has been, including the landowner of the potential change request?</p>	<p>The Applicant confirmed that all parties were captured in the Book of Reference (<b>REP3-010</b>).</p> <p>There has been a detailed process to engage with local landowners. The Applicant confirmed that everyone had been contacted.</p>	<p>The Applicant has no further representations to make.</p>
2.5	<p>Can the Applicant explain how all reasonable alternatives to CA, including modifications to the scheme, have been explored.</p>	<p>The options were set out in the Statement of Reasons (<b>REP1-012</b>), the Case for the Scheme (<b>REP1-042</b>) (page 10 onwards) and in the Applicant's Response to Examiners First Written Questions (<b>REP1-060</b>). Together these documents set out the work undertaken to examine alternatives, which has been ongoing since 2014,. Further information is also provided in the Scheme Design Report (<b>REP1-046</b>).</p>	<p>The Applicant has no further representations to make.</p>
2.6	<p>In the Case for the Scheme (the options considered) and in ES Chapter 3 (consideration of alternatives) please point to where CA matters specifically have been considered?</p> <p>In finalising the selected scheme, was it tailored</p>	<p>There is no specific section within the documents that considers alternatives on a plot by plot basis. Once the options have been considered for potential routes and type of project to be undertaken, this leads into the necessary land take.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
	<p>to factor in compulsory acquisition?</p>	<p>Information on route selection and options is contained in the Scheme Design Report (<b>REP1-046</b>), which flows from the options in the Case for the Scheme (<b>REP1-042</b>).</p> <p>In the Statement of Reasons (<b>REP1-012</b>) there is an analysis of the plots, and consideration of the effects on compulsory acquisition.</p> <p>The consideration of other proposed routes in terms of effect on compulsory acquisition is determined at a very early stage in project development</p> <p>Consideration of the individual compulsory acquisition of plots is not possible at this stage because the scheme design is not at sufficient detail. Once the potential route and preliminary design is determined consideration is given to the individual plots.</p>	
2.7	<p>In terms of the selected route how did the choosing of the route take into account or the reduction of CA of land? How would the scheme as is proposed have the least amount of CA compared to other ways that it could have been designed.</p> <p>It is the minimum required to deliver the scheme, but did the Applicant consider amending the scheme? How the scheme was designed, did it take into consideration the amount of CA sought/that which would not be needed?</p> <p><b>Hearing Action Point 1 - Evidence whether land take / compulsory acquisition (CA) was a factor in the route selection</b></p>	<p>This has been proven through the fact that there is a good case to compulsorily acquire all of the land is being sought which is the minimum needed for the Scheme.</p> <p>In developing the design there are a number of considerations that are taken into account and landtake / CA is one of them. It is not possible to identify in the documentation a specific reference to the early stage assessment were that CA was a factor in the design, although it was one of the considerations including costs, environment, engineering and CA.</p> <p>It is the case that the parcels of land identified meet all of the statutory tests and guidance as being proportionate, necessary and for a legitimate purpose to demonstrate a compelling case in the public interest for acquisition.</p>	<p>The Scheme Assessment Report (2017) sets out the option selection assessment.</p> <p><a href="https://highwaysengland.citizenspace.com/he/a47-blofield-to-north-burlingham-dualling/results/a47blofieldtonorthburlingham47sarimps2-ame-bb-zz-do-j00061.pdf">https://highwaysengland.citizenspace.com/he/a47-blofield-to-north-burlingham-dualling/results/a47blofieldtonorthburlingham47sarimps2-ame-bb-zz-do-j00061.pdf</a></p> <p>This assessment included consideration of land take as noted in paragraph 10.7.3.</p>

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2.8	<p><u>Applicant's response to ExA Written Question 1.5.3</u></p> <p>The funding statement provides an overall figure which isn't broken down to identify CA costs.</p> <p>Paragraph 17 of the DCLG guidance outlines that any application for a development consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded and the statement should provide as much details as possible regarding the resource implications of acquiring the land and implementing the project for which the land is required. This suggests that both project and CA funding information should be provided separately.</p> <p>The funding statement does not identify the separate costs (i.e. the CA costs from the project costs) or explain in detail how a figure for compulsory acquisition was finalised.</p> <p>Paragraph 9 of the DCLG guidance states 'the Applicant must have a clear idea of how to use the land for which is proposes to acquire and they should also be able to demonstrate a reasonable prospect of funds for acquisition becoming available otherwise it will be difficult to show conclusively that the CA of land meets the two conditions in Section 122. Therefore, the question rests on if CA and project costs are not broken down and there is no indication of how the CA costs were finalised then it is unclear how there has been compliance with the DCLG guidance in S122 of Planning Act 2008.</p> <p>Is the Applicant able to breakdown the costs?</p>	<p>A written response will be provided at Deadline 4.</p>	<p>Paragraph 2.1.1 of the Funding Statement (<b>APP-020</b>) states that the most likely estimate of the cost of the Scheme is £89.5 million. The land cost estimate is integrated in the Scheme estimate and is based upon the latest available information detailing the full cost of acquiring the necessary land and rights, and of compensating landowners in accordance with the compensation code. The estimate reflects the cost of purchasing land by agreement following the exercise of compulsory powers and of compensating landowners from whom no land is taken but are affected by diminution in the value of their property by the subsequent use of the road once complete. The estimate includes all heads of claim including, where appropriate, market value of land taken, severance and injurious affection to retained land and compensation for disturbance (including reasonable fees) plus statutory loss payments. Highways England surveyors' fees are also included in this estimate. The estimate is reviewed on a six-monthly basis, and these reviews provide the best/worst/most likely position to ensure that the anticipated costs remain within allocated budget. It should be noted that the estimate provides the valuer's opinion of the likely full land cost, but that it is only an estimate at this stage, and it must be borne in mind that it is based on current available information and can only be a matter of opinion. Estimates for compensation and land acquisition costs have been informed by land referencing activities, through professional surveyors from the Valuation Office Agency (VOA) used regularly by Highways England for surveying and valuation purposes, and from</p>



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	<p><b>Hearing Action Point 2 - Address the lack of separation of project costs and CA costs in the Funding Statement or provide these costs separately</b></p>		<p>information received from consultation and engagement with parties who have interest in the land. Highways England is satisfied that the costs estimated for land acquisition is sufficient. Highways England provided details of how the Scheme would be funded in Section 3 of the Funding Statement (APP-020). Paragraphs 3.1.2 to 3.1.5 refers to the government's commitment to fully fund the Scheme as part of the Road Investment Strategies both 1 (2015-2020) and 2 (2020 – 2025).</p>
<p>2.9</p>	<p><u>Applicant's response to ExA Written Question 1.5.7</u></p> <p>The ExA confirmed that Written Question 1.5.7 refers to the Statement of Reasons section 7.3 which states that there is a compelling case in the public interest for CA.</p> <p>The ExA asked the Applicant to address 'What assessment had made on the affected persons and their private loss that would result from CA powers, how it had been demonstrated in the application that the public benefits outweighed any residual adverse effects including the private loss suffered by individual owners and occupiers and to demonstrate how such conclusion had been reached and how the balancing exercise between public benefits and private losses had been carried out?'</p> <p>Neither the Applicant's response to the ExA Written Question or the application documents fully address those questions (this also has implications for ExA Written Question 1.5.8 on human rights)</p> <p>Can the Applicant explain where this assessment is captured, for example to what</p>	<p>As per the response to 1.5.7, this is covered in the Statement of Reasons (<b>REP1-012</b>). The public benefit is set out in that document and it is those public benefits that must be weighed against the interference with private rights.</p> <p>The Applicant believes the extent of the loss is set out in the Land Plans (<b>APP-005</b>), with regard to each individual plot that are considered in the Statement of Reasons (<b>REP1-012</b>). It is on that basis that the loss of the private right is to be weighed against the significant public benefits.</p> <p>The Relevant Representations set out the private loss of individuals with regard to their specific plot. The Relevant Representations have been addressed (<b>REP1-060</b>). There is very little private land that is being taken, and where Relevant Representations have been submitted this enables the Examiner to undertake the balancing exercise.</p> <p>There is also the right to compensation which takes into account the loss. However, the Applicant takes the abstract point that it will have a greater impact on an individual if more land is taken, and if it constitutes a greater proportion of a particular land holding.</p>	<p>The Statement of Reasons (<b>REP1-012</b>) sets out the public benefits in detail.</p> <p>The impact on individuals' rights is assessed through the degree of land take as set out in the Land Plans (<b>APP-005</b>); and through consideration of the Relevant Representations made by landowners. Those Relevant Representations have been responded to by the Applicant (<b>REP1-060</b>).</p> <p>The balancing of those benefits against any loss of private rights is a matter of judgement. It is the Applicant's very firm view, as set out in the Statement of Reasons (<b>REP1-012</b>), that there is compelling case in the public interest for the compulsory acquisition of land.</p>

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	<p>extent the compulsory acquisition will have an effect on persons private loss and how might human rights be affected and where is the balancing exercise (i.e. may some compulsory acquisition affect some parties more than others and to what extent will it affect them)?</p> <p>The ExA understands the public benefits which have been set out, however, the ExA would like to see to what extent has each plot and landowner been affected, in regard to human rights and private rights, with the extent to their loss. How can the ExA balance the public benefits against the loss if the ExA is not sure as to what extent the loss impacts on those persons?</p> <p><b>Hearing Action Point 3 - Further justify response to first written question ExQ1.5.7 or provide the information requested</b></p>	<p>With respect to specific plots, the responses to the Relevant Representations, the impact on those individuals and their human rights with regard to interference is proportionate and a compelling case has been presented because of the significant benefits evidenced.</p> <p>Landowners and their land holdings have been taken into consideration and have been engaged through the Book of Reference (<b>REP3-010</b>). While the Relevant Representations represent the opportunity for individuals to put forward their case. Responses have been provided (<b>REP1-060</b>).</p> <p>Anything that would require the level of personal data which has been suggested may raise data protection issues from information being placed in the public domain. So far as the team is aware there is no knowledge of this level of work having been undertaken in the past for similar schemes.</p> <p>The DCO process allows each landowner to put their cases as part of the Relevant Representations and the Applicant has provided a response (<b>REP1-060</b>).</p>	
2.10	<p><u>Applicant's response ExA Written Question 1.5.12</u></p> <p>Can the Applicant clarify the answer on potential relevant claims under the Land Compensation Act 1973, Compulsory Purchase Act 1975 and S152 of the Planning Act 2008.</p> <p>The Applicant answered 'no' in regard to the Compulsory Purchase Act 1965 and S152 of the Planning Act. Please clarify the response on the Land Compensation Act 1973.</p> <p><b>Hearing Action Point 4 - Clarify response to ExQ1.5.12 in respect of the Land</b></p>	<p>The response was no in regard to the Planning Act and the Compulsory Purchase Act 1975 which is set out in the final paragraph of the response.</p> <p>With regard to compensation under the Land Compensation Act 1973 the answer sets out the circumstances in which an individual can make a claim. The Applicant is not in a position to do at this stage, to confirm whether any party would or would not have a claim, nor would the Applicant ever be in that position. It is for the claimant to bring a claim.</p> <p>There is a process set down in statute and it is not for the Applicant to specify whether any particular</p>	<p>Section 1(1) Land Compensation Act 1973 creates a right to claim for compensation where the value of property has depreciated by physical factors caused by the use of public works.</p> <p>Section 1(3) includes highways as public works.</p> <p>Therefore it is the physical factors (noise etc.), that result from the new or altered road (the public works for the LCA) that form the basis of any potential claim.</p>

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	<p><b>Compensation Act 1973, noting that the response indicates that a claim may not be possible given that physical factors would need to arise from the use of the new or altered road rather than the use of roads where no alteration has taken place</b></p>	<p>landowner would have a case in the future.</p>	
<p>2.11</p>	<p>Explain who are category three people?            The ExA's understanding was that a category three person is anyone who could potentially make a claim through being affected by the proposed development.            The ExA queried whether there are any category 3 parties which haven't been identified?</p>	<p>The Applicant agreed with the Examiners analysis and referred to the response to ExA Written Question 1.5.12 (<b>REP1-061</b>).            It is not possible to say whether any category 3 parties haven't been identified.            No-one has made a claim to date and any claim made under Part 1 of the LCA 1973 would be for them to consider with their legal advisers. Any claim would be duly considered by the undertaker.            Unfortunately no further clarity can be provided.</p>	<p>The Applicant has no further representations to make.</p>
<p>2.12</p>	<p>The ExA queried how long would landowners be subject to temporary possession, has this been specified in the dDCO and does the length of TP have an any impact on human rights issues or the degree of effect on relevant persons?            The proposed development would comprise the construction period of 22 months, and a further period of temporary possession of one year after the 22 months, i.e the undertaker would be on the land for 34 months for temporary possession.</p>	<p>This point arose in the ISH1 on the dDCO.            Article 33(3) would provide a time limit by which temporary possession has to be given up. This is a year beginning on the date where part of the authorised works which are listed next to the temporary possession plot, under Schedule 7, are completed. The reason why the time limit isn't set out is to allow the removal of anything which is on the land and allow the undertaker to remediate the land (i.e. to put the land back into the state in which it was received) before it is handed back to the owner.            The land could be taken before construction commences for preliminary works, so the time limit would work in broad terms in this effect as well.            In regard to human rights it is a balance between the benefits of the Scheme, and the need to take</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		the land to realise those benefits, and the effect of the temporary possession on the individuals. The Applicant believes the human rights balancing test has been met taking into consideration the benefits to be realised and the effect on the persons whose land is to be taken.	
2.13	<u>Applicant's response ExA Written Question 1.5.9</u> Was there a word that wasn't meant to be included in the response which needs to be substituted (bottom line of the first paragraph).	It is difficult to determine what word was meant by 'DICAIDS'. However, a word would need to be there otherwise the sentence would not make sense. It may well be as simple as the word 'issues'. 'Dicaids isn't a term known to the Applicant.	Dicaids are a species of bird – a flowerpecker in the family Dicaeidae. The word is clearly an error and the word "issues" was intended.
<b>Agenda Item 3: Site-specific Issues for the Applicant</b>			
3.1	<u>Land Plans – Sheet 2</u> The ExA wanted to ensure aspects of the land plans were correct, specifically Plot 2/10 on the top left hand corner on the inset as there is also a plot 2/10 in the centre of the plans. Are these part of the same plot?	The Applicant confirmed they were part of the same plot.	The Applicant has no further representations to make.
3.2	<u>Land Plans – Sheet 4</u> Inset G - there is a reference to 4/7C and there is also reference to 4/7C further down the page. <b>Hearing Action Point 5 - Correct reference to '4/7c' on Land Plans, Sheet 4, Inset G</b>	The Applicant confirmed that the annotation on Inset G needed to be removed.	The annotation on inset G (Sheet 4) of the Land Plans ( <b>APP-005</b> ) has been revised and an amended version submitted at Deadline 4.
3.3	The ExA asked whether the CA schedule submitted at Deadline 3 relates to TP and CA or simply CA?	The Schedule it relates to both CA and temporary possession.	The Applicant has no further representations to make.
3.4	The ExA queried that there are two tables in the CA Schedule document, a compulsory acquisition schedule table and a compulsory acquisition/temporary possession objections schedule – what does each table represent?	The second table on page 29 of the Schedule( <b>REP3-018</b> ) is a subset of the first table which shows where an objection has been registered. This is why the numbers in the second table aren't sequential.	Obj No. has been changed to Ref No. in the Compulsory Acquisition Schedule ( <b>REP3-018</b> ) and it has been resubmitted at Deadline 4.

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	<p>Do the columns in the table referred to an objection number or whether this was not specifically an objection but instead a number referring to a specific person (the table refers to 'J number' second table, although it is said these are objections, are they all specifically objecting to TP and CA?</p> <p>Is it worth having another column to state whether any of the parties raised a CA/TP objection to make it clear? Also, for example, Ryan Woodward made a submission at Deadline 1, what is the reason that he is not in either of these tables?</p> <p><b>Hearing Action Point 6 - CA Schedule (REP2-008):</b></p> <p><b>consider whether 'Obj No.' in first table is the correct title of column • provide clarity in second table as to whether Affected Persons (APs) listed have raised a specific concern in respect of CA / temporary possession (TP)</b></p> <p><b>ensure second table captures all relevant APs (including [REP1-078] and [RR-064])</b></p>	<p>The term 'OBJ' is not a reference to an objection – it was simply a reference number and can be removed. The second table is a list of objections (as requested in ExA Written Question 1.5.1 (REP1-061)).</p> <p>Parties in the table aren't all specifically objecting to CA, but are were affected parties who made a Relevant Representation. There is an omission in respect of Category 2 parties and these need to be added to the CA Schedule. These parties are included in the Book of Reference (REP3-010) but weren't included in the CA Schedule (REP3-018). An updated Schedule including Category 2 owners will be provided at Deadline 4.</p> <p>The CA Schedule tables will also be updated to include an additional column to state whether the interested parties had raised an objection to CA/TP powers.</p>	
3.5	<p>The CA Schedule shows the current state of negotiations with landowners, can the Applicant clarify what 'agreed in principle negotiations ongoing' means?</p> <p>Provide a general overview and comment on those cases in the table where the status is not described as 'agreed in principle' – for instance, are negotiations ongoing with these affected persons?</p> <p>Are there any areas of land that will need to be sought through CA?</p>	<p>It means that there are initial HoTs that have been sent and discussions are ongoing with parties on the detail.</p> <p>The Applicant confirmed negotiations were going well in that the majority of landowners have engaged in discussions. The applicant has held Teams meetings during the Covid period, agreements are being formalised, and Heads of Terms have been issued on numerous pieces of land in relation to affected parties. These negotiations will progress throughout the Examination.</p>	The Applicant has no further representations to make.

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		<p>The Applicant confirmed it was attempting to acquire all land by agreement in accordance with the Compensation Code. The Applicant is hoping that the majority of the land sought will be agreed through private land agreements rather than through Compulsory Acquisition. However, there may be a few parcels where the Applicant can't attain agreement or where there may be issues on valuations which might prevent separate private agreements.</p> <p>The Applicant also stated that several agreements were progressing. As such, the Applicant is currently entering into legal with Mr Andrews, who is the part freehold owner of Blofield Parish Council Allotment and the Applicant is about to enter into a legal agreement with the Homes who are a joint owner of the allotments and some land to the west that is required for gas diversion works and temporary works around the property. There are a few farmer agents where HoT's have been sent for engagement to discuss value. When the Applicant states 'principles' it means that the party knows that the road is coming and they are happy with the situation. It is simply a matter to agree valuations. They are overall proceeding well with the landowners content with the current state of negotiations.</p>	
3.6	<p>The ExA queried when the Applicant expected negotiations to be finalised for land agreements?</p> <p>The ExA queried that there were 121 people on the list of which some were Category 3 persons?</p> <p>The ExA also asked about outstanding meetings and queried whether there would be any significant issues to reaching agreement?</p>	<p>Two of twelve agreements relating to compulsory acquisition of permanent land have been finalised and progress is being made on the others. The time period for final agreements will depend on the final positions for valuations.</p> <p>As for outstanding meetings, these have progressed since the latest update to the Schedule (<b>TR010040/EXAM/9.4 Rev 3</b>). Initial letters have been sent to create engagement with landowners</p>	The Applicant has no further representations to make.

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		<p>and the Applicant has contacted the agents acting for the landowners with initial valuations and HoT's to instigate negotiations. Some landowners haven't yet responded, but the Applicant has been in discussions via email to ensure the team were engaging as much as possible.</p> <p>No significant issues to reaching agreements are currently foreseen. Norfolk County Farms for example the majority land owner for the Scheme (owning most of the land to the south of the current A47) have agreed all the details and are content with the accommodation works for which a final agreement is close to being finalised.</p> <p>Norfolk County Farms are owned by Norfolk County Council, as landowner.</p>	
3.7	<p>The ExA queried where CA and TP would occur over land where there is access to properties, for instance, where TP or CA is across the front of properties and the Blofield allotments, how would access to the properties be maintained if all rights would be extinguished under Article 28 of the dDCO?</p> <p>For example, on Sheet 2 of the Land Plans there are four properties on Waterlow Road that are surrounded by pink land. CA has been included in the stretch of road to the front of their properties, so this is the CA of land and rights, how do they access their properties?</p> <p>Would the restriction prevent vehicular access to properties?</p>	<p>Waterlow is highway so in this case the acquisition of the land and the rights won't affect the highway rights. The undertaker would intervene in relation to the highway rights to temporarily restrict them. There are provisions (controls) in the Order which ensure individuals continue to gain access to their properties.</p> <p>Article 16 provides for a temporary restriction of traffic where it would be possible under the provision for the undertaker to temporarily restrict the use of the street. However, paragraph (3) provides that reasonable access must be maintained for pedestrians to gain access to properties from the streets. If this happens this broadly reflects the position under the Road Traffic Regulation Act in which if a temporary traffic regulation order is made to close a road, the party is entitled to undertake works for the period of the highway works but they do have to provide reasonable access to pedestrians to get to and from</p>	<p>The Applicant has no further representations to make.</p>

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		<p>their properties.</p> <p>With regard to vehicles, the power would allow the undertaker to restrict the use of vehicles on roads which was of the same nature the nature of what any traffic authorities can undertake on their roads to allow works to be carried out. For example, if road surfacing works need to be carried out a temporary road traffic regulation order would be obtained to carry out the works for a period of time. After that or during the works it may not be possible to drive on the surface, but as soon as the works are complete the access can be used again.</p>	
3.8	<p>As the Randlesome family made a Relevant Representation and submitted information at Deadline 1 regarding access, the ExA asked if this had this been looked into this further?</p> <p>Specifically, the Randlesome family commented that access to the property is not shown in the correctly - on Sheet 2 of the Land Plans, 2/3b is shown as access to the property and an adjacent plot at the western end of plot 2/3a. The access point which is present at plot 2/3a and also at plot 2/3b is not shown.</p> <p><b>Hearing Action Point 7 - Update Book of Reference in respect of land interests for Plot 1/7a (Anna Randlesome and Ryan Woodward)</b></p>	<p>The entrance on the left-hand side of Plot 2/3a has been constructed since the drawing was finalised and submitted. The Applicant was aware of the access from site visits. It was confirmed during the hearing that the access doesn't have any material impact on what has been proposed by the Scheme.</p>	<p>The Book of Reference has been amended and submitted at Deadline 4 (<b>TR010040/APP/4.3 Rev 4</b>).</p>
3.9	<p>There is a concern that if access to High Noon Lane is blocked off where the existing A47 is located it would create a dead-end cul-de-sac. Representations have been made about gating the road, if a gate was provided where would the gate be located?</p> <p><b>Hearing Action Point 8 - Provide details of</b></p>	<p>The Applicant confirmed the concerns had been raised by the Randlesome family and Mr Crane, who owns plot 1/5 on the adjacent field. It has now been agreed that a gate will be incorporated at that location across the private road.</p>	<p>The General Arrangement Plans (<b>TR010040/APP/2.6 Rev 3</b>) have been updated and resubmitted at Deadline 4 to include a vehicle gate across the private access road, to the west of the property access in Plot 1/7a.</p>



Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
	<b>any gate proposed for High Noon Lane</b>		
<b>Agenda Item 4: Site-specific Representations by the APs</b>			
4.1	<p>Mr Randlesome outlined that OBJ 13 stated that a meeting would be held in spring 2021 They hadn't received any information on compulsory purchase for three years.</p> <p>This related to temporary possession of plots 2/3, 2/3a, 2/3b and 2/3c as well as the compulsory purchase of plot 1/6.</p> <p>The ExA queried why Mr Randlesome hadn't received any more information over the three-year period?</p> <p><b>Hearing Action Point 9 - Liaise with John Randlesome over CA / TP matters</b></p>	<p>The Applicant would be in contact with Mr Randlesome to arrange a meeting at the earliest opportunity to agree valuations for the acquisition of land and progress their positions towards an amicable agreement.</p>	<p>The District Valuer met with Mr and Mrs Randlesome on 1<sup>st</sup> September to discuss their concerns.</p>
4.2	<p>The ExA invited Ms A Randlesome and Mr R Woodward to make representation in regard to their position.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>- their interest was not listed in the CA Schedule as they believe they should be listed as a category 2 owner. Under the CA Schedule object no 60 and 61 refers to category 2 interests for the same access and section of road, they were omitted from the BoR which affects plots: 1/5, 1/6, 1/7, 1/7a, 2/3, 2/4 and 2/6.</li> <li>- they had a right of access over the western end of the shared driveway (private road) over plot 1/7a which was not included in the BoR or CA Schedule. This provides highway access to their property and Sunny Acres.</li> <li>- they wanted to ensure they retained the rights of access, to prevent the rights</li> </ul>	<p>The omission was an oversight and that the necessary amendments would be made to include their interest in the Book of Reference and the Compulsory Acquisition Schedule.</p>	<p>See response to Hearing Action Point 7 above (section 3.8).</p> <p>The Book of Reference (<b>TR010040/APP/4.3 Rev 4</b>) and the CA Schedule (<b>TR010040/EXAM/9.4</b>) have been resubmitted at Deadline 4.</p>

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
	being extinguished and to maintain access during construction.		
4.3	The ExA queried whether the Applicant could assure Ms Randlesome and Mr Woodward that the access would be maintained permanently after the completion of works?	The Applicant confirmed that any temporary possession would not extinguish the right.	The Applicant has no further representations to make.
4.4	Norfolk County Council (NCC) were invited to make any representations.	<i>NCC Response - Negotiations are ongoing with Norfolk County Council as the landowner. There is no objective to the acquisition, though NCC want to see, through the negotiations, with regard to valuations and the timing of the acquisition, that the tenants are protected. However, matters are progressing smoothly.</i>	The Applicant has no further representations to make.
4.5	The ExA asked whether any party had representations to make?  Mr Knight queried whether the vehicular access to his property (the White House at the east end of the B1140 south to Cantley) would be temporarily restricted under the order. It is a matter of great concern that they would lose vehicle access  <b>Hearing Action Point 10 - Liaise with Tim Knight over maintaining vehicle access and agree Heads of Terms to confirm arrangements</b>	The Applicant confirmed that access would be maintained throughout the construction period at all times. This would be included in the Construction Phase Plan produced by the Contractor and in the Heads of Terms with the Knights.	The Applicant has no further representations to make.
<b>Agenda Item 5: Statutory Undertakers</b>			
5.1	The Book of Reference includes a number of statutory undertakers with interests in land, have any others been identified since the most recent version of the document was issued?	No further statutory undertakers have been identified.	The Applicant has no further representations to make.
5.2	Is there any further update on Protective Provisions that wasn't covered in the ISH1	The Applicant confirmed there were no further updates on Protective Provisions above that stated	The Applicant has no further representations to make.

Ref	Questions / Issues Raised at ISH and Hearing Action Points	Summary of Applicant's Response at ISH - CAH1	Applicant's Written Response
		in the ISH1.	
5.3	<p>In the Statutory Undertakers Progress Schedule, (in the second table) British Gas Plc are listed, but it is stated that there is no right to be extinguished nor any apparatus to be removed. What is the reason their inclusion in the table if this is the case?</p> <p>. If British Gas have no right to be extinguished or any relevant apparatus to be removed why are they included in the table?</p> <p><b>Hearing Action Point 11 - Statutory Undertakers Schedule – clarify British Gas PLC situation in s138 schedule</b></p>	<p>There are a number of easements which are registered to British Gas, but Cadent have confirmed that they belong to them. Nonetheless, British Gas have plots within the order land. British Gas have rights on the title documentation. The Applicant has been informed that there is no actual apparatus, however there are subsisting legal rights in the land from when apparatus was present.</p>	<p>British Gas are registered as the legal owner of the rights at the Land Registry, however Cadent has stated that they have the benefit of the rights and that British Gas has no apparatus in the area. The Applicant understands that the transfer of the rights has occurred via a statutory transfer, but legal (registered) title has not caught up with the transfer. The Applicant has therefore noted that Cadent has the benefit of the rights.</p>
<b>Agenda Item 6: Crown Land</b>			
6.1	<p>Can the Applicant provide an update in respect of negotiations over Crown Land?</p> <p>Does the Applicant foresee any impediments to reaching agreement for Crown consent or have there been any concerns raised during meetings?</p>	<p>Meetings are ongoing with the government legal department to attain consent. They have acknowledged that as the Scheme is now in Examination it is urgent to grant the consent which the Applicant is pursuing. The consent is expected to be obtained shortly.</p>	<p>The Applicant has no further representations to make.</p>
6.2	<p>Plot 1/5 in the BoR indicates that the interest resides with the SoS for the environment, transport and the regions. Is this correct?</p> <p>Hearing Action Point 12 - Clarify whether 'Department for the Environment, Transport and the Regions' is the correct Crown Authority in respect of interests in Plot 1/5</p> <p><b>Hearing Action Point 10 - Provide update in respect of all CA / TP / Crown Land negotiations</b></p>	<p>Consent is required from the SoS for Transport.</p> <p>The references in the Book of Reference were possibly as a result of the statutory transfer of title not having been updated at the Land Registry.</p> <p>The Book of Reference will be reviewed and resubmitted at Deadline 4.</p>	<p>The Book of Reference has been amended and submitted at Deadline 4 (<b>TR010040/APP/4.3 Rev 4</b>).</p> <p>See response to Item 6.1 above re Crown Land.</p>

## 5 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 2 – ENVIRONMENTAL MATTERS

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
<b>Agenda Item 2: Air Quality</b>			
2.1	<p><u>Air quality</u></p> <p>The ExA asked the Applicant to explain the difference between Environmental Management Plan (EMP) Rev 2 (<b>REP1-048</b>) and Rev 3 (<b>REP3-014</b>) as the tracked changed versions of Rev 1 and Rev 2 appeared to include the same tracked changes.</p> <p><b>Hearing Action Point 1 - Clarify why Environmental Management Plan Rev 2 and Rev 3 show same track changes and confirm Rev 3 clean version reflects track changed version</b></p>	<p>A response will be made in writing to clarify the changes to the EMP between Rev 1 and Rev 2.</p> <p>None of the changes between Rev 2 and Rev 3 of the EMP related to air quality issues.</p>	<p>The EMP Rev 3 (<b>REP1-049</b>) includes the tracked changes made in EMP Rev 2 (<b>REP3-015</b>) as well as the additional changes made at Deadline 3. The clean version (<b>REP3-014</b>) is correct.</p> <p>The EMP has been updated and resubmitted at Deadline 4 (<b>TR010040/APP/7.7 Rev 4</b>) in response to other comments.</p>
2.2	<p><u>Dust control and management matters</u></p> <p>The ExA noted that Environmental Statement (ES) Chapter 5 (<b>APP-043</b>) concludes there is potential for a high dust risk (para 5.8.26). To address this, the Applicant proposes to use best practice recommendations to reduce dust and as a result, the scheme is highly unlikely to trigger air quality issues.</p> <p>The ExA asked BDC to confirm if the Applicant's response was sufficient. BDC confirmed that the response was sufficient. It should be possible using the recommended methods to ensure that dust is not an over-riding issue. BDC is happy to wait for further detail on the actual measures proposed.</p>	<p>The Construction Dust Risk Assessment in ES Chapter 5, Air Quality (<b>APP-043</b>) concluded that the scheme is a high-risk site. The methodology contained in the Design Manual for Roads and Bridges (DMRB) LA105 has been used and the measures required for a high-risk site applied. If those measures are put in place, there should be no risk to the receptors.</p> <p>The proposed mitigation measures are set out in the EMP (<b>REP3-014</b>) on page 18.</p> <p>Once the actual construction activities are known, detailed measures will then be included in the next iteration of the EMP.</p> <p>As previously noted at ISH1 on Tuesday, the current EMP (<b>REP3-014</b>) is an outline document which sets out the principles of the mitigation to be applied. Further details of the specific mitigation</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
		measures to be used will be provided in second iteration of the EMP.	
2.3	<p>The ExA asked if there were any other comments on dust control?</p> <p>Mr Knight, (The White House) stated that this was an area of concern for him. White House is east of the B1140 bridge development. As the land is sandy and The White House Mr Knight will be down-wind of the scheme, he is concerned about what line of recourse he has and what is the pathway for resolution, if it becomes difficult to live here because of problems from dust.</p> <p>ExA asked if Mr Knight was satisfied that the next iteration of EMP will include measures to avoid and control dust. Mr Knight confirmed that he was satisfied with the Applicant's response.</p>	<p>There are two mechanisms of recourse for a local resident that could be pursued: either through liaison with the contractor on site or through a standard complaint to the Environmental Health team at the local authority.</p> <p>With the mitigation measures proposed, dust from the scheme would not be a problem for Mr Knight in the first place.</p>	The Applicant has no further representations to make.
2.4	<p><u>Construction vehicle numbers and effects</u></p> <p>The ExA noted that the Applicant's DMRB LA105 guidance says that the scoping criteria used to establish effects of construction vehicles does not require assessment of construction vehicles if the proposed scheme is under 2 years in duration. This means that even if the annual average daily traffic increases significantly, there no need for further assessment if the construction period is under 2 years?</p>	In DMRB guidance LA105, the assessment of construction vehicles is only triggered if the duration of construction is expected to be over 2 years. If the programme changed so that construction was going to be over than 2 years, the Applicant would look at screening construction vehicles at that point.	The Applicant has no further representations to make.
2.5	<p>The ExA asked if BDC were satisfied with the Applicant's response?</p> <p>BDC confirmed they were satisfied, noting that the cumulative effect of all the developments which could occur is difficult to predict. There are for example wind farms with onshore cable</p>	A cumulative assessment had been undertaken and it concluded there were likely to be no significant effects from construction vehicles.	The Applicant has no further representations to make.

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
	<p>routes, either from Kings Lynn or Great Yarmouth and therefore, this area will be quite busy for next few years if all developments occur at the same time.</p> <p>The ExA asked if the Applicant has undertaken an assessment of the cumulative effects of development? BDC previously noted that it has no objection to the Applicant's cumulative effect assessment.</p> <p>BDC confirmed that it is an additional factor that may play into the construction of this development, however BDC is content with the proposed approach as contained in DMRB in LA105.</p>		
<b>Agenda Item 3 – Biodiversity, ecology and the natural environment</b>			
3.1	<p><u>Biodiversity Net Gain</u></p> <p>The ExA noted that in response to ExA Written Question 1.3.11, the Applicant responded that Biodiversity Net Gain (BNG) was assessed using the Department of Environment, Food and Rural Affairs (DEFRA) metric 2.0 and that this project will result in a net change greater than 40%. Is this an increase in biodiversity of 40%?</p> <p>The ExA noted that the DEFRA metric 3.0 had recently been published and asked why the development had not been assessed against that? The ExA also noted that the BNG calculations had not been provided.</p> <p><b>Hearing Action Point 2 - Provide Biodiversity Net Gain Defra Metric 2.0 data and clarify why Defra Metric 3.0 is not to be used</b></p>	<p>The BNG calculations for the Scheme were made using the DEFRA metric 2.0 and the result was a 40% increase in biodiversity. The metric 2.0 is used to assess all the Applicant's schemes and the calculations are updated every 3 months.</p> <p>The Applicant has decided that it will not be adopting the metric 3.0 at the current time. The Applicant will confirm in writing why this approach has been taken.</p> <p>The Applicant will also submit the BNG calculations it has carried out for the Scheme at Deadline 4.</p>	<p>The biodiversity metric 3.0 was released early July 2021.</p> <p>The guidance from Defra/Natural England is that any scheme currently being assessed under the 2.0 metric, is continued to be assessed under said metric. The Applicant has aligned with this approach, to ensure significant work on existing metric calculators for all schemes is not unnecessarily caused at this time.</p> <p>The Biodiversity Net Gain Calculations have been provided as Annex B to this document. It should be noted that these calculations are at a 'point' in time' and will evolve as the detailed design progresses.</p>
3.2	<p>The ExA noted that the Masterplan (REP1-041) had been updated from V1 to V2.</p> <p>Where the fencing is to south of the access</p>	<p>The Applicant explained that the change to the Masterplan was made following a response from a landowner, Norfolk County Farms. The Applicant</p>	<p>A summary of changes at each Deadline has been included in the respective plans.</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
	<p>track, the previous version showed species rich grassland and this is now shown as agricultural land. Could the Applicant explain why this change has been made?</p> <p>The ExA also noted that the fencing in the Masterplan doesn't reflect the General Arrangement Plans (REP3-003).</p> <p><b>Hearing Action Point 3 - For the purposes of clarity, identify all changes made to the Masterplan and other plans in a schedule</b></p>	<p>agreed to return this land to agricultural use to maximise the amount of agricultural land being retained.</p>	
3.3	<p><u>Effects on bats</u></p> <p>The ExA noted that the ES predicts a moderate adverse residual impact on bats.</p> <p>The ExA asked in the ExAs Written Question 1.3.15 if all the potential options for mitigation had been explored by the Applicant.</p> <p>The ExA asked the Applicant to explain the thinking behind the proposed mitigation measures and the likely effectiveness of mature tree planting? The ExA also asked whether this measure had been used elsewhere as mitigation on the Applicant's other projects and whether any monitoring had been done to show how effective this measure was?</p> <p>The ExA noted that mention was made by the Applicant of a pilot scheme including raised netting. When are the results of this scheme likely to be available and can they be used to inform the current examination?</p> <p><b>Hearing Action Point 4 - Clarify effectiveness of bat hops through any monitoring on other schemes and provide an update on raised netting pilot scheme for bat mitigation</b></p>	<p>The Applicant explained that the location of the proposed mitigation measures was informed by survey work. Tall trees were proposed at a location where bats were seen crossing. The Applicant will confirm in writing if this measure is used elsewhere on other schemes and how effective this measure is.</p>	<p>The effectiveness of the measure has not been assessed on other Highways England schemes. The absence of monitoring evidence is a recognised consideration within the assessment and reported in ES Chapter 8 Biodiversity (<b>REP1-024</b>). The residual effect is still considered significant.</p> <p>The monitoring for the pilot scheme is ongoing and is considered unlikely to be complete prior to the end of the examination. Should the data become available, the Applicant will provide to the ExA.</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
3.4	<p>The ExA noted that during construction, there will be a loss of 1 bat roost and the disturbance of other roosts (Table 8-6 in ES Chapter 8 (REP1-024)). Could the Applicant confirm if a European Protected Species (EPS) licence will be required for any of these works?</p> <p>Can the Applicant explain how the effects on bat roosts will be mitigated and if these measures are in the EMP (REP3-014) and the Register of Environmental Actions and Commitments (REAC)?</p> <p>If a licence is required, it should it be included in the consents and licences document.</p> <p><b>Hearing Action Point 5 - Confirm if a European Protected Species Licence is required for any activity affecting bat roosts</b></p> <p><b>Hearing Action Point 6 - Explain how effects on bat roosts would be mitigated</b></p>	<p>The Applicant did not consider that there was any loss of bat roosts but would confirm it in writing.</p> <p>More detail as to how the impacts on bat roosts will be mitigated would also be provided in writing. If any bat roosts are to be lost, alternative artificial roost boxes will be erected near the roost that requires removal. The existing roost would be closed by a licenced bat expert. The proposed mitigation is contained in Table 8-7 of ES Chapter 8 (REP1-024). These measures are listed under B5 in the REAC (REP3-014).</p> <p>No EPS licences are currently proposed to be sought as part of the Scheme. The Applicant's current understanding is that no EPS licences are required.</p> <p>The Applicant will confirm in writing .</p> <ul style="list-style-type: none"> <li>- how the impacts of the scheme on bat roosts will be mitigated;</li> <li>- if an EPS licence is required for any of the impacts on bat roosts in the Scheme, and if not, why an EPS licence is not required</li> </ul>	<p>In total, four trees (T1, T5, T53, T67) (see REP1-036) and five buildings that are within the 50m buffer zone of the proposed scheme were determined to contain confirmed bat roosts:</p> <p>Of the four trees found to have known roosts one (with a day roost) has been identified within 10m of the proposed soakaway. It is not yet known if this tree will be required for removal and this will be considered at greater detail in the detailed design stage.</p> <p>The other three of the four trees found to have known roosts, are all outside of the proposed road construction, and therefore can be retained.</p> <p>As a worst-case scenario, the ES Chapter 8 Biodiversity (REP1-024) considered the tree within 10m as a loss to identify significant effects.</p> <p>In the most recent surveys five buildings that are within the 50m buffer zone of the proposed scheme were determined to contain confirmed bat roosts: three buildings at Poplar Farm, The Lindens and Hall Cottage Previous surveys also identified known roosts at Oaklands and the White House. No known roosts in buildings or structures will be affected.</p> <p>A European Protected Species (EPS) licence is not required for any known roosts in buildings/ structures or trees, where avoidance and minimisation measures can prevent harm to a roost or disturbance of roosting bats during construction.</p> <p>As a first principle, the Contractor will seek to avoid disturbance to the tree identified within</p>



Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
			<p>10m. This will be explored in the detailed design stage and a licence will be applied for prior to activities if required.</p> <p>ES Chapter 8 Biodiversity (<b>REP1-024</b>) noted that without mitigation, disturbance of tree roosts during construction, as well as disturbance of known bat roosts in Poplar Farm, the Lindens, Hall Cottage, Oaklands and the White House from noise and light are a likely temporary impact. The loss of one tree roost during construction without mitigation is a likely permanent impact (if, as noted above, T1 requires removal).</p> <p>Mitigation will be put in place in accordance with the mitigation hierarchy of avoidance first, followed by mitigation if avoidance is not possible, followed compensation if mitigation is not possible.</p> <p>Every effort will be made to restrict activities in close proximity to the known roosts to the least sensitive time for bats. If tree roosts must be destroyed, this will be done under the terms of a Natural England (NE) licence, and trees will be soft felled under the supervision of a licenced bat worker under a detailed precautionary method statement to comply with licence terms and conditions. Even if a NE licence is not required for any activities, works near potential bat roosts that may disturb them will be carried out under the supervision of a licenced bat worker.</p> <p>All mitigation activities, whether licensable or not, will be reported as set out in the REAC and EMP (<b>REP3-014</b>).</p> <p>The EMP has been updated and resubmitted at Deadline 4 (<b>TR010040/APP/7.7 Rev 4</b>) in</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
3.5	<p><u>Adequacy of protected species surveys, including for Great Crested Newt</u></p> <p>The ExA asked the Applicant to confirm which surveys were not fully completed due to the Covid-19 pandemic and to explain why there was no intention to complete these surveys in the course of the examination. Natural England (NE) and BDC have advised that the surveys can be completed now that the restrictions have lifted.</p> <p><i>The ExA asked NCC to confirm that NCC accepts that the window of opportunity to undertake the GCN surveys has now past and surveys will have to take place next year. NCC were to respond in writing</i></p> <p><i>The ExA asked BDC to comment. BDC would take advice from NCC and would liaise with NCC on their written response.</i></p> <p><b>Hearing Action Point 7 - Provide view of Applicant's rationale for protected species survey timing for great crested newts</b></p>	<p>GCN surveys had been carried out but could not all be completed last year (2020) due to the pandemic. The Applicant was unable to complete the surveys in 2021 because GCN surveys are limited to April, May and June and there were still restrictions in place at that time.</p> <p>The Applicant believes that the current data is sufficient to inform the ES (see Appendix 8.8 Great Crested Newt Survey Report (<b>APP-093</b>)). The data obtained in the surveys that were undertaken, which considered a spread of ponds across the site, tallied up with previous data and all the results were negative. In the Applicant's opinion, this provided a sufficiently robust baseline for the ES.</p> <p>A thorough survey of all ponds will be carried out at Stage 5 next year – e.g. presence/absence surveys, followed by population assessment and pond surveys. Should any results come back positive, there will be time to submit a licence application to Natural England.</p>	<p>response to other comments.</p> <p>The surveys for great crested newts (GCN) are seasonally constrained. These surveys can only take place in a short window between mid-April and mid-June when GCN are breeding in the pond. Surveys of all accessible ponds will be undertaken prior to construction as stated in the EMP (<b>REP3-014</b>). The surveys will be completed in spring 2022, approximately 6 months prior to the intended start of works. This gives enough time to submit a licence application to Natural England if presence of GCN is confirmed.</p> <p>The EMP has been updated and resubmitted at Deadline 4 (<b>TR010040/APP/7.7 Rev 4</b>) in response to other comments.</p>
3.6	<p><u>Lingwood Community Woodland mitigation matters</u></p> <p>The ExA noted in Written Question 1.3.13 that the effects on Lingwood Community Woodland (LCW) included adverse effects during construction and residual effects once planting mature trees and asked the Applicant to highlight where new planting would be on the Masterplan and how it would connect to LCW.</p> <p>A major adverse effect on LCW is identified in the ES. Is the woodland mitigation proposed to mitigate effect on all woodland in the Scheme or</p>	<p>The Applicant noted that there is a small amount of woodland (approximately 0.25 hectares) to be lost where the linear woodland meets the new road. This loss is not considered to be significant as it will not affect the integrity of LCW or its ability to meet the criteria for its local status as a community woodland. The woodland to be lost is where the pipeline will be constructed through LCW. In its place, there will be hedgerow planted to ensure connectivity to LCW.</p> <p>Planting on opposite side of the new road is not intended to mitigate the effects on LCW as the</p>	<p>As set out in ES Chapter 8 (Biodiversity) (<b>REP1-024</b>), the impact on Lingwood Community Woodland was assessed in accordance with DMRB and adverse impacts identified. In accordance with DMRB and CIEEM guidelines, the design has followed the mitigation hierarchy where compensation is considered after avoidance and compensation.</p> <p>Proposed planting has been considered in combination with a wide range of factors and interrelating environmental considerations including; land take, heritage, landscape and</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
	<p>is it proposed to mitigate the impact on this specific woodland? Can the Applicant explain how the mitigation mitigates the effect on LCW?</p> <p>How can planting on the opposite side of the new road mitigate the effects on LCW?</p> <p>The ExA also asked NCC and BDC to comment. NCC confirmed it would respond in writing. BDC confirmed it would liaise with NCC in their written response.</p> <p><b>Hearing Action Point 8 - Further explain and justify effectiveness of proposed new woodland planting as mitigation for loss of woodland associated with Lingwood Community Woodland</b></p>	<p>woodland to the north of the A47 is not currently connected to the land to the south.</p> <p>Woodland loss has been mitigated within the Scheme extents. The Applicant will explain further in writing how the woodland loss at LCW specifically has been mitigated.</p>	<p>landscape and visual impacts. The overall planting design is presented in the Masterplan (<b>REP1-041</b>) and a net positive gain of woodland has been achieved (detailed below).</p> <p>It should be noted that there is no statutory requirement to mitigate for impact on the non-statutory status of this site recorded as a community woodland. The scheme is not considered to have an impact on the status of this site as a community woodland. It is considered that the biodiversity impacts are mitigated for and that the proposed design achieves an overall enhancement.</p> <p>Woodland loss: approx. 1.22ha (site wide)          Broadleaf woodland to be planted: approx. 3.2ha (site wide)          Overall Biodiversity Net Gain of 45% improvement.</p>
3.7	<p>The ExA asked if the existing gas pipeline runs below LCW at the moment? If LCW was previously planted over the existing gas pipeline, why can't woodland be planted instead of hedgerow when the gas pipeline is relocated?</p> <p>The ExA asked NCC if it had any concerns about planting hedgerow instead of woodland where the gas pipeline is relocated? NCC confirmed their relevant specialist would be consulted and a response in writing provided.</p>	<p>The existing gas pipeline approximately follows the line of the proposed mainline so it needs to be relocated to the south. Cadent have placed planting restrictions on the land several metres either side of the pipeline which means the Applicant can only plant hedgerows on this land. The Applicant will explain this approach further in writing. Why this restriction is in place is a question for Cadent. The purpose of the restriction is likely to be to protect the apparatus from damage by tree roots.</p> <p>It is usual when underground assets are installed (such as underground water assets and gas cables) to have an easement strip with restrictions on planting required by statutory undertakers. This type of restriction is more of a standard requirement rather than guidance. It is difficult for the Applicant to comment on why LCW was previously planted over the existing pipeline and whether the</p>	<p>The Addition Submission (<b>AS-018</b>) submitted by Cadent included their Specification for Safe Working in the Vicinity of Cadent Assets – Requirements for Third Parties (SSW-22).</p> <p>Figure 1, on the last page, sets out the Tree Planting Guidance.</p> <p>This guidance will be adopted for planting in the vicinity of Cadent apparatus.</p>

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		<p>apparatus has been damaged. The Applicant does have this information and is not for the Applicant to conjecture.</p>	
3.8	<p><u>Landscape and Ecology Management Plan provisions</u></p> <p>The ExA noted that as the Scheme includes new areas of woodland, grassland, large specimen trees, hedgerows and mitigation for adverse effects, the ExA asked the Applicant to provide an ecological management plan. As this plan was not provided, the ExA made request again but the Applicant has not yet provided this. Without detailed information on the long-term management of these features what weight can the ExA give to the long-term effectiveness of the proposed mitigation ?</p> <p>For example, where the Applicant is proposing to replace important hedgerows which are already nature or large trees, how does the Applicant propose to successfully achieve this and what is the likely effectiveness of the proposal in the long term?</p> <p>The ExA asked NCC to confirm if it was satisfied for the proposed ecological management to be dealt with in this way. NCC confirmed their relevant experts would be consulted.</p>	<p>The Applicant explained that it had set out an Outline Landscape and Ecological Management Plan in the EMP (<b>REP3-014</b>), which is a distillation of the mitigation identified in the ES as part of the EIA process. The planting mitigation put forward is contained in the REAC and this includes actions to ensure that vegetation is maintained and reaches maturity. For example, there is a commitment to planting hedgerow which states that the vegetation must come up to maturity. The Applicant has its own standard on maintaining vegetation on its land which will be followed.</p> <p>The impacts on vegetation are outlined in the ES Chapter 7 (<b>APP-044</b>) and Chapter 8 (<b>REP1-024</b>) and appropriate mitigation identified. The EMP (<b>REP3-014</b>) outlines what mitigation needs to be achieved, and who is responsible for delivering this commitment. Further detail about the maintenance of vegetation will be provided in the second iteration of the EMP. This approach has been adopted on a number of other DCO schemes put forward by the Applicant.</p>	<p>The Applicant has no further representations to make.</p>
3.9	<p><u>Habitats Regulation Assessment (HRA) and clarification relating to mitigation</u></p> <p>In ExA Written Question 1.3.5, the ExA asked if mitigation measures were relied on to avoid likely significant effects (LSE) and if so, if it would mean an appropriate assessment would be required.</p> <p>Can the Applicant</p>	<p>Mitigation measures were included in the HRA report in response to the Applicant's own guidance (DMRB LA115). In order to avoid any confusion, the HRA Report has now updated to clarify that in the Applicant's assessment of LSE, it did not rely on mitigation, including any best practice construction measures</p>	<p>The Applicant has no further representations to make.</p>

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	<ul style="list-style-type: none"> <li>- explain the changes that were made to the HRA between Rev 1 (AS-007) and Rev 2 (REP2-004), and</li> <li>- provide justification as to why mitigation wasn't required to avoid LSE and therefore an appropriate assessment was not required?</li> </ul>		
3.10	<p>The ExA noted that paragraph 4.1.10 of the HRA Report (REP2-004) (on page 31) appeared to be an overall concluding paragraph for the whole HRA report but this was not clear from the formatting.</p>	<p>The Applicant confirmed that paragraph 4.1.10 is a summary of the whole report and advised that this was a formatting error. The Applicant confirmed it would amend the report to include a heading before this paragraph.</p>	<p>A revised version of the HRA (Rev 3) has been submitted at Deadline 4</p>
3.11	<p>The ExA noted that there were also some discrepancies in Figure 2 of the HRA report. The Applicant previously responded to say that this had been amended but the ExA was unable to see any difference in the revised Figure 2.</p> <p><b>Hearing Action Point 9 - Updates to Habitats Regulations Assessment [REP2-004] in respect of conclusion and Figure 2</b></p>	<p>The Applicant confirmed it would respond in writing.</p>	<p>Figure 2 has been corrected to present correct information and is included in the revised version of the HRA (Rev 3) submitted at Deadline 4.</p>
<b>Agenda Item 4 Climate Change</b>			
4.1	<p><u>Cumulative effects matters</u></p> <p>The ExA noted that the ES Chapter 14 at Paragraph 14.8.10, section 2 stated that the proposed development might affect the government's ability to meet its carbon budget after 2037 and up to 2087 as current budgets do not include allowances for an increase in road emissions.</p> <p>However, in response to the ExA's Written Question the Applicant draws the conclusion that the proposed development would constitute less than 0.001% of the total budget in each of</p>	<p>The Applicant confirmed that the ES Chapter 14 (<b>REP2-022</b>) covers carbon emissions for the period of 2037-2087. However, as carbon budgets for this period have not been set, there is no carbon budget which the scheme could be measured against after 2037. The assessment in ES Chapter 14 (<b>REP2-022</b>) has followed the approach set out in the National Networks National Policy Statement (NNNPS). Beyond 2037, future analysis would be required when further information is available. The Applicant and the Department for Transport are pursuing a strategy to decarbonise and it is expected that there will be no increase in road</p>	<p>Where the Applicant uses the following terms in responses regarding Agenda item 4 Climate Change their meaning is as follows:</p> <ul style="list-style-type: none"> <li>• Direct emissions - direct emissions to the atmosphere from relevant activities (e.g. tailpipe emissions from road users or construction vehicles).</li> <li>• Indirect emissions - indirect emissions resulting from the purchase of electricity (e.g. for infrastructure operation) and/or any relevant downstream activities by third parties within the supply chain (e.g.</li> </ul>

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	<p>the 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> carbon budgets and therefore would not impact on the ability of the UK government to meet its carbon budgets. This seems to be contradictory - does ES chapter 14 need to be updated?</p> <p>The ExA invited Dr Boswell of Climate Emergency, Planning and Policy to speak. Mr Boswell noted that the period in question is a 60-year appraisal which covers 2025 up to 2050 and then 35 years after 2050 to 2087. As Tables 14-8 and 14-9 in ES Chapter 14 (<b>REP2-002</b>) currently show large emission counts, how is the scheme going to be net-zero after 2050?</p> <p>The ExA asked for clarification on how to deal with carbon emission beyond 2037. As a result of the quashing of the A38 DCO, which has similarities with this scheme, could the Applicant also provide an update on its implications for this scheme?</p> <p><b>Hearing Action Point 10 - Provide an assessment in respect of climate change for the lifetime of the Proposed Development (i.e. beyond 2037) or further justify reasons for not providing this</b></p> <p><b>Hearing Action Point 11 - Clarify the meaning of ES Chapter 14 paragraph 14.8.10(2) and how this fits with the penultimate paragraph of the Applicant's answer to ExQ1.4.1</b></p> <p><b>Hearing Action Point 12 - Clarify why other major road projects in the area or those in the Government's Road Investment Strategy 2 (RIS2) have not been considered in any cumulative effects assessment in respect of climate change</b></p> <p><b>Hearing Action Point 13 - Comment on the A38 Derby Junctions DCO challenge and the</b></p>	<p>emissions.</p> <p>In relation to the apparent contradiction noted by the ExA, the Applicant stated in the ES that there was potential for the scheme to affect the government's ability to meet its carbon budget (the test set out in the NNNPS). However, whether or not it would affect this then needs to be determined. When the percentage increase in carbon emissions that would be caused by the scheme is taken as a proportion of the government's overall carbon budget, it is approximately 0.001% and therefore will not affect government's ability to meet its carbon budgets. The Applicant noted that it would clarify this writing.</p> <p>In the period after the 6<sup>th</sup> carbon budget, the High Court made it very clear in its recent decision on the challenge to RIS2 that the targets referred to in the NNNPS are the carbon budgets only. There is no other mechanism for assessing the government's ability to meet its carbon budget.</p> <p>The contribution from the RIS1 and RIS2 projects to the 5<sup>th</sup> carbon budget is less than 0.002%. There are different pathways to meeting the carbon budgets and the nature of the carbon budget means that there will be increases in carbon in some areas and there will be a need to drive down emissions in other areas to meet the required targets. The government can make policy adjustments and deploy a wide range of levers to keep the UK on track to net zero.</p> <p>As RIS2, of which this scheme is a part, has already been concluded to be <i>de minimus</i> in its impact on the government's ability to meet its carbon budget, it is logical that this scheme would not have an effect on this either.</p> <p>In his submissions, Dr Boswell refers to the A38</p>	<p>embedded carbon from the manufacturing of construction products such as concrete).</p> <ul style="list-style-type: none"> <li>• Cumulative effects of the Scheme - The consideration of the GHG emissions impact of the Scheme with other relevant committed developments included within the traffic model for the Scheme.</li> <li>• Likely significant effect - An increase in carbon emissions resulting from a proposed scheme that is so significant that the Scheme would have a material impact on the ability of Government to meet its carbon reduction targets (as per paragraphs 5.17 and 5.18 of the NNNPS).</li> </ul> <p>ES Chapter 14 Table 14-9 (<b>REP2-022</b>) provides an assessment of carbon emissions for the 60-year appraisal of the Proposed Development. This shows an increase in emissions of 159,102 tCO<sub>2</sub>e between the do-minimum and do-something assessments.</p> <p>It should be noted that this assessment is conservative. Given current policy commitments, described below, it is considered to be an overestimate as the uptake of new electric vehicles in future years would be expected to be higher than the proportions used in the national projections included in Defra's Emissions Factor Toolkit (v10) used for the scheme assessment. Within the Emissions Factor Toolkit account is not taken for the increase of electric vehicles beyond 2030.</p> <p>Furthermore, the recent publication of both the DfT's Transport Decarbonisation Plan and</p>

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	<p><b>RIS2 challenge and implications for the Proposed Development</b></p>	<p>Derby junction DCO decision that was quashed. The Secretary of State (SoS) has issued a statement of matters requesting additional submissions to enable further review of the cumulative carbon emissions from different projects. The Applicant will provide a more detailed response on the implications of this decision for the current scheme.</p> <p>In the ministerial statement dated 22 July 2021, it was confirmed that the advice in the NN NPS remains the relevant framework for assessing DCOs. The NN NPS makes it clear that as a single road scheme is unlikely have a significant effect and, as noted above, RIS2 was previously held to have a <i>de minimus</i> effect on the government's ability to meet its carbon budgets.</p>	<p>Highways England's net zero plan are likely to further reduce carbon emissions.</p> <p>The DfT's Transport Decarbonisation Plan was published in July 2021. The plan outlines a number of commitments by the Government to remove all emissions from road transport to achieve net zero target by 2050. Commitments that will have a direct impact on road user emissions from the Scheme will include:</p> <ul style="list-style-type: none"> <li>• An end to the sale of new petrol and diesel cars and vans by 2030</li> <li>• All new cars and vans to zero emissions at the tailpipe by 2035</li> <li>• All new L-category vehicles to be fully zero emissions at the tailpipe by 2035</li> <li>• The end of the sale of all non-zero emissions HGVs by 2040</li> </ul> <p>In addition, the Government is providing support for at least 4,000 zero emission buses and has committed to holding a consultation on a date to end the sale of new non-zero emissions motorbikes.</p> <p>On 20th July 2021, Highways England published its own 2030/2040/2050 net zero highways plan:  <a href="https://highwaysengland.co.uk/netzerohighways/">https://highwaysengland.co.uk/netzerohighways/</a></p> <p>This plan includes commitments to ensure that Highways England's corporate emissions become net zero by 2030, its maintenance and construction activities will become net zero by 2040 and road user emissions on the strategic road network will become net zero by 2050.</p> <p>The Applicant recognises that they have a key</p>

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			<p>role in the development and maintenance of a strategic road network that will facilitate the journey to net zero emissions. Highways England's roadmap to net zero by 2050 sets out commitments to develop a blueprint for EV charging and energy storage by 2023 and to report to Government on global HGV technology trials and set out proposals for trials in the UK in 2022.</p> <p>The Net zero highways 2030/2040/2050 plan recognises that:</p> <p>"Roads will be a vital part of zero carbon travel</p> <ul style="list-style-type: none"> <li>• Most journeys are made by road</li> <li>• Road travel will decarbonise fast, but there is more to do</li> <li>• A net zero Britain will still travel by road in 2050</li> <li>• Investment in Britain's roads supports a thriving net zero economy"</li> </ul> <p>"This plan is based on strong science and evidence. It aligns with:</p> <ul style="list-style-type: none"> <li>• The 1.5°C reduction goal of the Paris Agreement</li> <li>• The UK's commitment to be a net zero economy by 2050</li> <li>• Government's Decarbonising Transport: A Better, Greener Britain (2021) and Industrial Decarbonisation Strategy</li> <li>• The Committee on Climate Change's sixth carbon budget"</li> </ul> <p>In accordance with the NNNPS, an assessment of the likely significant effect of greenhouse gas emissions from the Scheme</p>



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			<p>should be undertaken in the context of published Government carbon budgets. Under the Climate Change Act 2008, UK carbon budgets are set by Government in response to recommendations from the UK Climate Change Committee. The latest Committee recommendations informed the development of the 6th Carbon Budget. In advising successive UK governments on carbon budget matters, the Climate Change Committee takes into account a range of considerations including progress made in respect of previous and current carbon budgets. As the seventh, eighth, ninth and subsequent carbon budgets have not yet been prepared, it is not possible to assess the Scheme against these. However, noting the fact that 97% of emissions during the period of unpublished carbon budgets (from 2037) will come from tail-end emissions and having regard to the DfT's Transport Decarbonisation Plan and Highways England's net zero plan, there is no basis on which to conclude that the Scheme, which will not have a material effect on government's ability to meet its published carbon budgets, could have a material effect on the ability to meet future carbon budgets.</p> <p>ES Chapter 14 (<b>REP2-022</b>), paragraph 14.8.10 (2) states that the increase in emissions resulting from the Scheme may affect the government's ability to achieve its carbon reduction target over the period until 2037. The Applicant confirms that this statement reflected the fact that the Scheme will generate a net increase in GHG emissions and that the significance of this needs to be assessed. It is confirmed that the assessment should be undertaken against the national carbon</p>

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			<p>budgets, per NNNPS paragraphs 5.17 and 5.18. At up to 0.001% or less of the published carbon budgets (to 2037), it is concluded that the grant of a DCO for the Scheme will not have a material impact on the ability of the UK Government to meet its carbon budgets .</p> <p>The Applicant's comments on the Derby Junctions DCO application and the RIS2 judgment are provided in Annex B to this document.</p>
4.2	<p>Dr Boswell wanted to put on record that CEPP does not agree with the NNNPS method of comparing emissions from a single road scheme with the entire UK road scheme carbon budget.</p> <p>Considering the IPCC report that was published last week, any additional increase in carbon emissions is very concerning. The mechanism for assessing carbon budgets is no longer up to date with academic opinion. However, the NNNPS is not going to be reviewed until 2023. Transport Action Network are looking to bring about an earlier review of the NNNPS.</p> <p>On the RIS 2 decision, the judge made it very clear that the courts are not in a position to make decisions about scientific evidence, rather the court must stick to procedural and legal issues. Evidence from scientists did come up in paragraph 158 of the judgement. Scientific evidence is still out there and has not been dismissed by this judgement. In terms of cumulative emissions, science still contests the NNNPS.</p> <p>In addition, the EIA Regulations demand more of the application than has been provided by the Applicant, and compliance with the EIA</p>	<p>The Applicant responded to confirm that the relevant policy is that set out in the NNNPS, which will be applied by the Secretary of State in his decision. The Applicant will respond to the recent court judgements in a detailed written submission.</p> <p>The Applicant will provide further information on the RIS2 judgment and on Wisley, another relevant scheme.</p>	<p>The Applicant has provided a detailed response to the implications for the Scheme of the recent RIS2 challenge decision (including a link to the decision) and the quashing of the A38 Derby junctions DCO in Annex B to this document</p>

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	Regulations is required by the NNNPS.		
4.3	<p>The ExA asked how cumulative climate change effects have been assessed and why the cumulative effects assessment has not included other A47 road projects or other projects in RIS2?</p>	<p>The cumulative effects of the Scheme with other existing and/or approved projects is inherent within the methodology followed in the Environmental Statement through the inclusion of the Scheme and other locally committed developments within the traffic model (see ES Chapter 15 Cumulative Effects (<b>APP-053</b>), and the Transport Assessment(<b>REP1-044</b>). No other A47 schemes or RIS2 projects lie within the study area for the transport model, which followed the methodology set out in DMRB LA 114.</p> <p>Consideration of UK Carbon Budgets, used to put emissions from the Scheme into context, are inherently cumulative as they consider emissions across all sectors of the economy. In accordance with paragraphs 5.17 and 5.18 of the NNNPS, an increase in carbon emissions resulting from the Scheme would have that are so significant that the Scheme would have a material impact on the ability of Government to meet its carbon reduction targets (as per paragraphs 5.17 and 5.18 of the NNNPS).</p>	<p>As explained at the Examination, cumulative emissions are taken into consideration both during the calculation of construction emissions and through the traffic model used as the basis for calculating road user emissions. Accordingly, Highways England do not consider that GHG emissions on account of this scheme alone, including on a cumulative basis, are likely to have any significant effect on climate or the UK's ability to comply with its carbon budgets.</p> <p>As a result, the increase in GHG emissions associated with the Scheme is not a reason to refuse development consent. The increase would have no material impact on the ability of Government to meet its carbon reduction targets and so the proposed development does not give rise to any conflict with paragraph 5.18 of the NNNPS.</p>
4.4	<p>Dr Boswell, noted that while the Applicant states that emissions are inherently cumulatively, the Applicant is confusing different types of emission.</p> <p>In the EIA scoping report [APP-116] at para 4.11, it states that no matters are scoped out of the assessment. The comments from the inspectorate when it reviewed the EIA scoping report was that the Applicant should give consideration to other schemes occurring on the A47.</p> <p>The RIS2 case concerns an investment decision. It wasn't about environmental matters,</p>	<p>The Applicant noted that all the emission through different phases have been accounted for as well as emissions from different schemes. The Applicant can look at other A47 schemes from a construction point of view.</p> <p>The Applicant added that the suggestion that it should carry out a carbon emissions assessment based on the other A47 schemes is not appropriate and is not in line with the approach to cumulative assessment that is set out in the NNNPS.</p> <p>The Applicant does not agree with Dr Boswell's suggestions regarding the EIA Regulations' and</p>	<p>The relevant legal framework is that set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). In particular, paragraph 5 of Schedule 4 of the EIA Regulations provides that the environmental statement must, among other matters, include a description of:</p> <p><i>“(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of</i></p>

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	<p>it was about whether in setting the investments decision, the SoS had taken into account carbon emissions and whether the decision complied with the Paris agreement. This examination concerns a single scheme and the EIA Regulations requires that individual schemes are assessed in line with other schemes.</p> <p>RIS2 was never environmentally assessed no Strategic Environmental Assessment (SEA) was undertaken. The EIA process is what applies at individual scheme level.</p> <p>The ExA asked Mr Boswell if at individual scheme level, he accepted that the scheme is unlikely to impact on the government's ability to meet its carbon budget?</p> <p>Dr Boswell noted that he has assessed the road scheme in isolation and then in cumulation with other road schemes. Dr Boswell does not disagree with 0.001% calculation but he disagrees with the number fed into that calculation. He can't say if the numbers in the tables in ES Chapter 14 (REP2-002) are correct. However, if the scheme is 0.001% of the whole UK carbon budget that doesn't mean that the government will meet its climate obligations. This one scheme in a hundred. When you consider other road schemes, this scheme is not de minimus. The logical way is to assess the local carbon budget.</p> <p>In 2025, with the 4th carbon budget, you get much larger figures and you need to do a scientific based assessment.</p> <p>The ExA asked if the NNNPS does not suggest we use carbon budgets?</p> <p>Dr Boswell responded that there is other data</p>	<p>will respond to that point in writing.</p> <p>The objective of the carbon budgets is to ... there will be increases in carbon emissions from some areas and the budgets enable UK governments to accommodate these by reducing emissions in other areas so as to achieve the 2050 net zero target</p>	<p><i>natural resources;</i></p> <p><i>(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;"</i></p> <p>The relevant policy framework is that set out in the NNNPS, which states at 5.17 that "Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive" and "It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets". 5.18 states "...any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets".</p> <p>Advice on the assessment of cumulative effects of NSIPs is provided in PINS Advice note seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects (August 2019). This notes that</p> <p>"1.4 The need to consider cumulative effects in planning and decision making is set out in planning policy, in particular the National Policy Statements (NPSs)"</p> <p>"2.1 The scale and nature of NSIPs will typically dictate a broad spatial and temporal</p>

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	<p>that the EIA Regulations require.</p> <p>The ExA commented that he has read Dr Boswell's and the Applicant's representations and will take those and any written representations into account. The Applicant is going to submit further information by Deadline 4 and Dr Boswell will have the opportunity to respond in writing.</p>		<p><i>zone of influence (ZOI). The scale and complexity of an NSIP may result in a complex CEA process that takes into account a dynamic baseline environment that goes beyond a static assessment of the current situation. There may be considerable variation in the approach to the identification and assessment of 'other existing development and/or approved development' as part of the CEA process."</i></p> <p><i>"2.2... Applicants should make use of the EIA scoping process to provide information on the CEA and ensure that it is appropriately focussed and proportionate."</i></p> <p>The EIA Regulations do not provide for a stand-alone regime. Rather, they define a process the intent of which is to ensure that, for developments that are EIA developments, decision-makers do not determine applications without first considering "environmental information", which comprises "the environmental statement..., including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development and of any associated development". [EIA Regulations 2017, Regulation 2]</p> <p>The Applicant addresses below those comments made by Dr Boswell in his submissions that have relevance to the decision-making process for the Scheme. No comment on any opinion should not be taken as agreement with it – simply that it is not material to the DCO process.</p>

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			<p>The following points are presented in response to the Summary set out in the CEEP Written Representation dated July 20th 2021: summary:</p> <ol style="list-style-type: none"> <li>1. The methodology followed for assessing the carbon emissions from the Scheme is that set out in DMRB LA 114 Climate – Sustainability and Environment Appraisal, which sets out the requirements for assessing and reporting the effects of climate on highways (climate change resilience and adaptation), and the effect on climate of greenhouse gases from construction, operation and maintenance projects. This makes clear (paragraphs 3.18 – 3.20) that the relevant level at which the Scheme should be assessed for significance for greenhouse gas emissions is that of the UK carbon budgets. The legal and policy framework relevant to the Scheme does not support the approach to cumulative assessment advocated by CEEP.</li> <li>2. Local carbon budgets are not relevant or appropriate measures against which the significance of the Scheme should be assessed in the EIA process for the DCO application. This is further explained in Annex B to this document in the context of the implications of the RIS 2 case for the scheme.</li> <li>3. Contrary to CEEP's opinion, the Scheme will not undermine attempts to decarbonise transport (see also Annex B to this document). The CEEP representations precede the publication by Highways England of its Net zero highways 2030/2040/2050 plan, which sets out a</li> </ol>

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			<p>roadmap to net zero in 2050, when the Committee on Climate Change forecasts that traffic levels will be higher than today in 2050 taking account of the ambitious actions in its Sixth Carbon Budget. As explained in the roadmap, Highways England "...have set an ambition for all of our customers to be travelling using net zero transport by 2050 in line with the UK Climate Change Act. Many of the actions that will deliver this ambition are out of our direct control, but that does not mean we cannot play our part. Our priorities are to help roll out solutions to decarbonise HGVs, and support the uptake of electric cars and vans. We will also continue our work integrating the SRN with other transport modes, whilst working to improve the efficiency of the network." As explained in other application documents, including Chapter 1 of the Environmental Statement (<b>REP1-016</b>) the Scheme forms a part of the work to improve the efficiency of the network.</p> <ol style="list-style-type: none"> <li>4. There is no missing data. The assessment that has been presented follows the methodology required by DMRB LA 114 and the Applicant has submitted all the information required to enable an assessment of the likely significant effects of the Scheme on climate.</li> <li>5. The Applicant has made and submitted an assessment of the Scheme against the 6th Carbon Budget.</li> <li>6. There is no requirement under the EIR Regulations for the assessment of likely significant effects of the Scheme on climate to assess significance against local or</li> </ol>

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			<p>regional carbon budgets. PINS Advice Note seventeen advises applicants to ensure that all relevant policy, legislation and guidance has been applied. The Applicant has done so. See also Annex B to this document.</p> <p>7. Land use emissions were scoped out of the ES as they were not predicted to give rise to likely significant environmental effect. No information has emerged during the Examination to suggest otherwise.</p> <p>8. Cumulative emissions are taken into consideration in the assessment of the Scheme both during the calculation of construction emissions and through the traffic model used as the basis for calculating road user emissions.</p> <p>9. The concerns expressed are not relevant to the determination of the DCO application for the Scheme</p> <p>10. 10 Neither the terms of the Highways England Licence (April 2015) or the EIA Requirements require that a cumulative assessment of the type described by Dr Boswell in point 9 of the Summary (see above) be undertaken as part of the EIA process for the Scheme. Highways England is required, in exercising its functions and complying with its legal duties and other obligations, "<i>in a manner which it considers best calculated to achieve specified aims</i>", one of which is "4.2(g) <i>Minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding network</i>". The cumulative environmental impacts of its activities across its network is one of the</p>



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			<p>factors that the Licence advises Highways England "<i>should consider</i>" in complying with 4.2(g) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to the environment. This and other factors are listed at paragraph 3.2.25 of the Transport Assessment (<b>REP1-044</b>). The Applicant has appropriately considered the cumulative effects of the Scheme in the context of the DCO application, in accordance with clear national policy advice.</p> <p>11. The High Court did not accept that no national level cumulative assessment had been undertaken of the schemes under RIS2 –see Annex B to this document. In any event policy advice in NNNPS paragraph 5.18 is clear that the assessment of significance of the Scheme in terms of greenhouse gas emissions is in the context of the carbon budgets and not the other RIS2 projects.</p> <p>12. The status and scope of the NNNPS was confirmed by the Ministerial Statement of 21 July 2021.</p> <p>UK government policy advice in NNNPS at paragraphs 5.17 and 5.18 that the likely significance of climate effects of national networks nationally significant infrastructure projects should be considered at the national level in the context of the carbon budgets is consistent with the EIA Regulations (which have the status of EU derived law following EU exit day). In determining the DCO application the Secretary of State will consider the significance of GHG emissions in the context of the carbon budgets in accordance with</p>

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			<p>NNNPS paragraph 5.18.</p> <p>The information that the Applicant has provided in the ES and subsequently meets the requirements of Regulation 14 and Schedule 4 of the EIA Regulations. It is "appropriately focused and proportionate".</p> <p>The magnitude at which the likely significance of GHG emissions is assessed is the national level, as required by national policy.</p>
<b>Agenda Item 5: Cultural heritage</b>			
5.1	<p>The ExA asked about the difference between ES Chapter 6 Rev 1 (<b>REP1-022</b>) and Rev 2 (<b>REP3-012</b>).</p>	<p>The Applicant has made a number of changes to ES Chapter 6 Rev 1 (<b>REP1-022</b>) such as correcting typos and amending a reference to the old post office on one of the tables. The Applicant will confirm the changes in Rev 2 and submit a revised version.</p>	<p>A revised version (Rev 3) of ES Chapter 6 Cultural Heritage (previously <b>REP 3-012</b>) has been submitted at Deadline</p>
5.2	<p><u>Effects on designated and non-designated heritage assets</u></p> <p>The ExA noted that in para 1.6.9 of ES Chapter 6 (<b>REP3-012</b>) there is an inconsistency between the south east and southwest corner of North Burlingham Park. The Applicant confirmed it was the southwest but it looks like it should be the southeast corner in figure 6.5. Can the Applicant confirm?</p> <p><i>The ExA asked if that was BDC's view?</i></p> <p><i>BDC noted that there is some disparity over what is the historic park in the south east corner as this area has undergone significant change in the past.</i></p> <p>The ExA noted that in paragraph 6.4.12 of ES Chapter 6, it is noted that there are permanent construction impacts on a grade II listed barn and two churches as the new road is an</p>	<p>The Applicant confirmed it should be the south east corner and the paragraph will be corrected.</p> <p>The Applicant explained that the construction impact mentioned in paragraph 6.8.12, is a potential impact and mitigation measures are not taken into account in that assessment. Later on when the final effect is assessed, this will have taken mitigation into account.</p> <p>The effect is described as permanent because it starts at the construction stage and results in permanent effect. It could also be considered as part of the operational effects.</p> <p>The impact is a magnitude of change which will then be ameliorated by mitigation. The effect is assessed after mitigation.</p> <p>The standard approach is to look at what the potential impact could be in a worst-case scenario,</p>	<p>A revised version (Rev 3) of ES Chapter 6 Cultural Heritage (previously <b>REP 3-012</b>) with amended text has been submitted at Deadline 4.</p>

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	<p>urbanising element. Can the Applicant explain how, if there is a permanent construction impact, how can the operation impact be reported to be beneficial later on?</p> <p>If it is classed as a permanent adverse effect, is it not a temporary effect if it can be mitigated? If the impact would not last, surely it would cease to be a permanent effect?</p> <p><b>Hearing Action Point 14 - Updates to ES Chapter 6 in respect of: correct reference to the southeast corner of North Burlingham Park; addition of Church of St Andrew, Church of St Peter, Owls Barn and House at Owls Barn listed buildings to Table 6-2; addition Applicant Deadline 4 of Owls Barn and House at Owls Barn listed buildings to Table 6-3; and reference to Lingwood Lodge</b></p>	<p>then to look at mitigation.</p>	
5.3	<p>The ExA also noted that paragraph 6.8.17 of ES Chapter 6 (<b>REP3-012</b>) on operational impacts does not mention the listed churches of St Andrew and St Peter.</p> <p>In para 6.9.3, it states that planting hedgerows would reduce the effect on two church and the barns – does reducing the effect mean taking the effect from neutral to being a benefit?</p>	<p>Paragraph 6.8.17 on operational impacts does not mention the church of St Andrew and St Peter because there was no impact from the scheme to mention (the impact was neutral).</p> <p>In paragraph 6.9.3, because the road is moving further away from the listed churches, the effect would have been neutral without mitigating measures. However, with the mitigation of hedgerows, the effect is positive. To clarify, it is just one beneficial impact on the church of St Andrew. The impact on St Peter's is no effect.</p> <p>The Applicant is not intending to promote the beneficial effect on the Church of St Andrew, as benefit of the scheme. Following the DMRB guidance, the assessment merely concluded that the effect was more beneficial than harmful.</p> <p>The impact on the house at Owls Barn is of negligible significance. The assessment in ES</p>	<p>The Applicant has no further representations to make.</p>

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		Chapter 6 Cultural Heritage ( <b>REP 3-012</b> ) takes it from minor to no effect.	
5.4	The ExA noted that paragraph 6.9.3 refers to Lingwood Lodge but this asset doesn't appear to be mentioned anywhere else in Chapter 6. Is it referred to in that paragraph in error?	<p>The Applicant confirmed that Lingwood Lodge is mainly referred to in the Chapter 6 appendix, where all the assessments are contained including negligible and neutral effects.</p> <p>At Lingwood Lodge, mitigation reduces the impact to neutral. The reference to Lingwood Lodge in paragraph 6.9.3 can be removed.</p>	A revised version (Rev 3) of ES Chapter 6 Cultural Heritage (previously <b>REP 3-012</b> ) has been submitted at Deadline
5.5	<p>The ExA asked BDC about paragraph 26 of the Local Impact Report (LIR) (<b>REP1-066</b>) where BDC state the permanent impact on the listed churches and Owl's Barn is negligible to slight adverse. BDC confirmed that, in its view, the impact on the setting of these buildings was negligible and would not affect its significance.</p> <p>The ExA noted that the Applicant mentioned a beneficial effect on 2 listed churches because the road has shifted away and because of planting – BDC identified this as a slight adverse effect. BDC stated it recognised the potential for the impact to be beneficial because of landscaping, but any impact is negligible. It is not a significant impact.</p> <p>The ExA noted that in the NNNPS, even slight harm could fall into the category of less than substantial harm. The ExA asked if BDC agreed with the Applicant's assessment of no harm to any of the listed buildings in terms of their significance or setting. BDC explained that it is difficult to quantify as on one hand, the dualling of the road has an urbanising impact which causes slight harm, but on balance there are other benefits which might outweigh that harm.</p> <p>The ExA noted that it was unclear as to whether</p>	<p>The Applicant noted that BDC's response was different to the consultation responses the Applicant previously received from BDC. The Applicant understood that BDC had agreed with the Applicant's assessment of a potential adverse effect on the Church of St Andrew's that is balanced by beneficial effects.</p> <p>The Applicant can discuss this in more detail with BDC.</p>	Further consultation has been undertaken with BDC and both parties agree that, the overall residual effect on the Church of St Andrew (listed building number 1051522) is beneficial, the setting of the church remains preserved and consequently there is no harm as per the NPPF and NNNPS.

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	<p>BDC see any harm to the Church of St Andrews. The ExA asked BDC to confirm the view given BDC's response to ExA Written Question 1.6.4, where BDC stated it was in agreement with the Applicant's overall assessment of effects. BDC explained that there was a degree of harm to St Andrews at the low end of the scale. BDC recognised that the mitigation is positive, however, it is a question of balance and the degree of harm is very low.</p> <p>The ExA asked about Owl's Barn and the house at Owl's Barn. BDC explained that there was a degree of harm there but because there was already an impact from existing dual carriageway, the impact was neutral in respect of those two buildings.</p> <p>The ExA asked BDC how the effects on the Church of St Andrews balanced out for him? Would the overall public benefits of the scheme outweigh the low level of harm to sign off this heritage asset? BDC confirmed that the benefits would outweigh the harm in this case. Looking at overall setting, there are other means of appreciating the building.</p> <p>BDC confirmed that in its view, taking everything into account, the benefits of the scheme outweigh the harm that has been identified.</p>		
5.6	<p>The ExA noted that Table 6.2 and 6.3 report significant effects on heritage assets. The effects are shown to be slight adverse for non-designated heritage assets</p> <p>Why are the listed buildings not included in Table 6.2 (i.e. the two listed churches, Owl's barn and the house at Owl's barn)? Why does the Applicant not report adverse effects to 4</p>	<p>The Applicant explained it could address the point by amending the title of the table to refer to residual effects.</p> <p>The listed buildings can be added to the Tables to show that the impacts are reduced after mitigation.</p> <p>Table 6.2 sets out construction effects and Table 6.3 sets out operational effects. The same list should be used for potential effects and residual</p>	<p>A revised version (Rev 3) of ES Chapter 6 Cultural Heritage (previously <b>REP 3-012</b>) has been submitted at Deadline</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
	<p>listed buildings in this table?</p> <p>Also, Table 6.2 and 6.3 should have the same heritage assets in them. It's not clear from the table what the construction effects would be.</p>	<p>effects. The Applicant will amend this to make it clearer.</p>	
5.7	<p>The ExA noted that para 6.10.4 states that Table 5 of Appendix 6.1 contains all impacts before mitigation. However, in paragraph 6.10.5, it states that for non-significant adverse effects refer to Table 5. Can the Applicant clarify?</p> <p>The ExA added that all non-designated heritage assets should be reported in the main body of Chapter 6 (<b>REP3-012</b>).</p>	<p>The Applicant confirmed that Table 5 contains all effects before mitigation. Paragraph 6.10.5 will be amended.</p> <p>Chapter 6 doesn't contain a table for all impacts after mitigation as there is no requirement to report on non-significant effects.</p> <p>The Applicant confirmed it would ensure all the listed buildings are included in the main body of Chapter 6.</p>	<p>A revised version (Rev 3) of ES Chapter 6 Cultural Heritage (previously <b>REP 3-012</b>) has been submitted at Deadline 4.</p>
5.8	<p><u>Effects on archaeology and adequacy of surveys</u></p> <p>The ExA asked in relation to Written Question 1.6.17 how the recording of archaeological finds would reduce the significance of effects from moderate-large to neutral? Would the removal of buried archaeology not have some effect on significance even if recording took place?</p> <p>The NNNPS states that the documentary record is not as valuable as retaining the heritage asset itself. How can there be a neutral effect if there is potential for some archaeology to be destroyed?</p> <p>The ExA also asked NCC to comment on the Applicant's approach to archaeology. NCC confirmed that the standard trial trenches had been undertaken and NCC are happy with the results of that. NCC are also in agreement with the Applicant about the areas to be targeted for below ground archaeology.</p>	<p>The Applicant confirmed that there was a possibility for some unknown archaeology being destroyed or lost. This is accounted for in the EMP (REAC commitment CH1) (<b>REP3-014</b>) - Preservation by record or protection of archaeological remains.</p> <p>Details will be discussed and agreed with NCC as per Requirement 9 of the DCO (<b>REP3-004</b>) and the Applicant will react to changing archaeological results. The entirety of the project area has some potential for archaeological mitigation. In previous surveys, it was evident that some areas are safely archaeologically sterile (e.g. where there was previous buildings) and the proposed approach is based on the character of archaeology found so far.</p> <p>The results of previous investigations are good enough to characterise likely archaeology. While they don't provide guarantee, the approach will be to look out for unexpected archaeological remains. Construction integrated recording rather than watching briefs will be adopted. With this approach,</p>	<p>The Applicant has no further representations to make.</p>

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	<p>If there are unexpected remains, the approach to take will be covered in a detailed WSI. With mitigation, the effect on the remains would be neutral. The proposed mitigation is sufficient in relation to the nature of the remains in question.</p>	<p>archaeologists sign off the site to provide control and monitoring. The programme does allow for expansion to archaeological scope and in the event there is a significant find, the Applicant will consider preservation in situ.</p>	
<b>Agenda Item 6: Geology and soils</b>			
6.1	<p><u>Agricultural Land Classification survey and how secured</u></p> <p>The ExA noted that Written Question 1.9.1 related to agricultural land. The Applicant's response to this stated that measures were secured under GS3 of the REAC in the EMP (<b>REP3-014</b>). Does the agricultural land classification survey form part of the soil management plan or would this be a standalone document?</p>	<p>The Applicant confirmed that the survey would inform the soil management plan.</p>	<p>The Applicant has no further representations to make.</p>
6.2	<p>The ExA asked about GS3 in the REAC (<b>REP3-014</b>) – where it says actions to be completed prior to construction, in the second to last column – for agricultural land class survey should it refer to pre-constructions?</p> <p>Also, can the Applicant explain what "as far as practicable" means in GS3 in relation to returning the soil to its baseline condition? This suggests it may not be returned to its baseline condition. If not, is that accounted for in the ES?</p> <p><b>Hearing Action Point 15 - Identify Agricultural Land Classification Survey to occur pre-construction in GS3 of the Record of Environmental Actions and Commitments within the Environmental Management Plan (EMP)</b></p>	<p>The reference in GS3 of the REAC will be amended to refer to pre-construction surveys.</p> <p>The phrase "as far as practicable" is a real-world reference that means the Applicant will be returning the to a suitable condition following an industry standard. The Applicant can re-work the wording of GS3 to make sure the proposal accords with what has been assessed in the ES Chapter 9 Geology and Soils (<b>APP-047</b>).</p>	<p>The EMP has been updated to reflect GS3 at the preconstruction stage.</p> <p>The text has been amended as follows:</p> <p><i>"Where necessary for protection from earthworks and construction activities, agricultural soils will be stripped, stored and replaced to no worse than the baseline condition. The Agricultural Land Classification survey will establish the baseline condition and will be completed prior to construction."</i></p> <p>This is consistent with the assessment undertaken as part of the EIA.</p> <p>An updated version of the EMP (<b>TR010040/APP/7.7 Rev 4</b>) has been submitted at Deadline 4</p>

Ref	Questions / Issues Raised at ISH2	Summary of Applicant's Response at ISH2	Applicant's Written Response
6.3	<p><u>Reinstatement of agricultural land and soil measures</u></p> <p>The ExA asked where in the EMP and REAC (<b>REP3-014</b>) does it secure monitoring and remediation. The Applicant previously responded to say it was included in GS3 but it is not included here.</p>	<p>The Applicant confirmed that the soil management plan will include monitoring, GS1 in the REAC (third paragraph) secures monitoring. The Applicant's response should have referred to GS1 instead of GS3.</p>	<p>The Applicant has no further representations to make.</p>
<b>Agenda Items 7 (Review of Issues and Actions arising) and 8 (Any other matters)</b>			
7.1	<p>The ExA noted that the NPPF was revised on 20 July 2021 and asked the Applicant to address any changes in the next submission.</p> <p><b>Hearing Action Point 16 - Comment on the recently updated National Planning Policy Framework in respect of the Proposed Development</b></p>	<p>The Applicant confirmed it would address the latest changes to the NPPF in its next submission.</p>	<p>It is acknowledged that the revisions to the NPPF (2021)s place greater emphasis on beauty. The revised policy also demonstrates a focus on place-making, the environment, sustainable development and the importance of design codes.</p> <p>There are no major implications caused by the NPPF revisions for the Scheme and therefore there are no changes proposed. With regards to design, the Scheme already adheres to national and local policy and associated standards and it reflects.</p> <p>Newly incorporated paragraph 131 of the NPPF states that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments. As the Scheme will form part of the Strategic Road Network these measures would not apply. However landscaping has been carefully considered as well as the landscape and visual impacts of tree planting, The Scheme already proposes a landscaping scheme including tree planting where appropriate (see the Masterplan (<b>REP1-041</b>)). Any additional landscaping required can be</p>



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			<p>added at the detailed design stage.</p> <p>Overall, the Scheme will adhere to the .revisions made within the NPPF 2021</p>
7.2	<p>The ExA noted that in the Guide to the Application (<b>REP3-017</b>), the front page of most recent guide suggests that this document is revision 3 whereas page 12 suggests this document is revision 2. Can the Applicant clarify?</p> <p><b>Hearing Action Point 17 - Correct the front page of the Guide to the Application to reflect correct revision number</b></p>	<p>The Applicant confirmed it would amend the guide to show the correct revision number.</p>	<p>The Guide to the Application (<b>REP3-017</b>) has been updated and resubmitted at Deadline 4 (Rev 3).</p>
7.3	<p>The ExA asked the Applicant to correct the existing errors in ES Chapter 2 (<b>REP1-018</b>) (paragraph numbering at 5.2.1 and page numbering)</p> <p><b>Hearing Action Point 18 - Address incorrect paragraph numbering after 2.5.6 of ES Chapter 2</b></p>	<p>The Applicant confirmed it would make the requested changes.</p>	<p>ES Chapter 2 (previously <b>REP1-018</b>) has been amended (Rev 2) and submitted at Deadline 4.</p>

## 6 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 3– ENVIRONMENTAL MATTERS (2)

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
<b>Agenda Item 2 - Landscape and visual effects</b>			
2.1	<p><u>Clarification of residual effects</u></p> <p>The Applicant's response to ExA Written Question 1.1.15, provided a summary table showing significant residual effects on landscape at Appendix E as part of the Applicant's response to ExQ1 submitted at Deadline 1. [REP1-061]</p> <p>However, paragraph 7.12.7 of Environmental Statement (ES) Chapter 7 concludes there are no significant residual effects on landscape and visual amenity. Can the Applicant explain why the information in the summary table in Appendix E is different? Is Appendix E showing incorrect information?</p> <p>Appendix E is supposed to include the residual effects from ES Chapters 6, 7, 8, 9, 11, 12, 13 and 15. However, the tables for Chapters 13 and 15 do not appear to be included in Appendix E.</p> <p>Please submit the tables for Chapters 13 and 15 or address why the tables have not been included?</p> <p><b>Hearing Action Point 1 - Provide revised summary table of residual significant effects (Appendix E of [REP1- 061]) relating to ES Chapters 7, 13 and 15</b></p>	<p>The summary table for ES Chapter 7 contained in Appendix E of the Applicant's response to the ExA Written Question shows construction effects, rather than the residual operational effects on the Scheme.</p>	<p>No significant operational residual effects for landscape and visual were identified by the assessment set out in ES Chapter 7 (<b>APP-045</b>) and therefore Landscape and Visual should not have been included in Appendix E (<b>REP1-061</b>).</p> <p>Similarly for the assessments covering Road Drainage and Water Environment (ES Chapter 13 (<b>REP1-032</b>)) and Cumulative Effects (ES Chapter 15 (<b>APP-053</b>)) no significant residual effects were identified. These topics were therefore not included in the Appendix and were included in the introductory text in error.</p>
2.2	<p><u>Artificial lighting matters</u></p> <p>The lighting assessment concluded that there would be a major or moderate adverse impact</p>	<p>Lighting is predominantly a safety matter. The effects of artificial lighting are represented in ES Chapter 7. The Lighting Assessment contained in Appendix 7.8 (<b>APP-085</b>) was undertaken to determine the effects</p>	<p>The Yarmouth Road junction requires Departures from Standard (DfS) due to the geometry of the junction.</p>

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	<p>on Yarmouth road from artificial lighting. Paragraph 7.11.9 of ES Chapter 7 refers to sky glow and the Local Neighbourhood Plan states that there should be no new streetlights in this area. Can the Applicant justify the provision of artificial lighting around Yarmouth Road?</p> <p>Paragraph 4.8.1 of the Scheme Design Report mentions that lighting is required as road safety mitigation but this is not mentioned anywhere else. Explain the reasons behind the lighting proposed, and what the effects are on the lighting environment including residential receptors.</p> <p><b>Hearing Action Point 2 - Provide further justification for number of lighting columns proposed around the Yarmouth Road junction (and over the proposed B1140 overbridge) evidencing the need for these due to implied road safety requirements</b></p>	<p>of artificial lighting associated with the scheme. Chapter 7 (<b>APP-045</b>) considers the assessment in relation to landscape and visual sensitivities in the vicinity.</p> <p>The lighting around Yarmouth Road is required to address a safety issue around the junction. Artificial lighting is required here to improve visibility and to ensure that the junction is compliant with safety standards in the DMRB. If there is a way of improving safety without artificial lighting that will be considered at the detailed design stage. Mitigation is required where there is a departure from standards to ensure that the junction is safe. The dangers of reducing lighting at this junction and why it needs to be provided in this location will be confirmed.</p>	<p>Mitigation for these DfS propose to provide lighting to improve the visibility of the junction to road users at night.</p> <p>A compliant design, without the DfS, would require additional land take into the properties along Yarmouth Road and also to Blofield Allotments to the south, therefore this has been minimised.</p> <p>The provision and assessment of lighting in the ES Chapter 7 (<b>APP-045</b>) and the Lighting Assessment contained in Appendix 7.8 (<b>APP-085</b>) assume the worst-case scenario and if alternative solutions can be found to improve the visibility of the junction without the need for lighting the lighting may be removed during detailed design.</p> <p>Lighting at the B1140 has been proposed to replicate the existing lighting arrangement. A road safety assessment supports the need for lighting on the main carriageway.</p> <p>The provision and assessment of the fully lit junction in the ES Chapter 7 (<b>APP-045</b>) and the Lighting Assessment contained in Appendix 7.8 (<b>APP-085</b>) assume the worst-case scenario. This will be reassessed at detailed design.</p>
2.3	<p><u>Design of structures</u></p> <p>The ExA asked BDC if it had reviewed the General Arrangement Plans where the bridge design is shown and whether that is sufficient to alleviate BDC's concerns about detailed design in relation to Requirement 3 of the DCO?</p> <p>BDC had not reviewed the plans in detail and would respond in writing.</p>	<p>A response will be provided in writing to confirm if the General Arrangement Plans (<b>REP3-003</b>) need to be referenced in Requirement 3 of the dDCO (<b>REP3-004</b>).</p>	<p>The omission of the general arrangement drawings from Requirement 3 is intentional. It is not usual for Requirement 3 of a DCO to include reference to General Arrangement Plans. Usually reference is made only to engineering drawings (following A19 Testos, A19 Downhill, A1 Birtley). In the dDCO submitted at Deadline 4 (<b>TR010040/APP/3.1 Rev 3</b>), the reference has been included to both the Works Plans (<b>TR010040/APP/2.3</b></p>

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	<p>The ExA noted that the bridges are not been shown on the Works Plans or the Engineering Drawings. Can the Applicant explain why the General Arrangement Plans are not specified under Requirement 3 of the DCO as they provide more detail than the Works Plans and the Engineering Drawings?</p>		<p><b>Rev 1</b>) and Engineering Drawings and Sections (<b>TR010040/APP/2.3 Rev 1</b>) in accordance with the A14 DCO.</p> <p>The structures general arrangement drawings have also been moved from the General Arrangement Plans (<b>TR010040/APP/2.6 Rev 3</b>) to the Engineering Drawings and Sections (<b>TR010040/APP/2.5 Rev 1</b>) and both resubmitted at Deadline 4.</p>
2.4	<p><u>Planting mix proposals</u></p> <p>In response to the ExA Written Questions BDC suggested that it is not ideal to plant ivy and brambles at the outset. However, these plants are included in the list of species in the planting mix on the last page of the Environmental Masterplan.</p> <p>Can BDC explain what the concern is?</p> <p>BDC explained that these plants are very vigorous. The issue is more to do with how the planting is managed. These plants provide good cover for wildlife – the question is when they will be introduced. It is not necessary to amend the planting mix. It may be just be a case of referring to a phasing plan on the Environmental Masterplan to indicate when these plants may be introduced.</p> <p><b>Hearing Action Point 3 - Make any necessary changes to the Schedule of Plants within the Masterplan [REP1-041] in respect of timings for the introduction of ivy and brambles</b></p>	<p>The Applicant agreed with the points made by BDC. The species in the planting mix have been informed by ecologists and ivy and brambles are useful for foraging of various species. However there is a need to manage the timing of when they are introduced. The appropriate amendment to the Masterplan (<b>REP1-041</b>) can be made to achieve an outcome that is mutually agreeable with BDC.</p>	<p>Further consultation has been undertaken with NCC and the approach agreed. The Masterplan has been updated accordingly and has been resubmitted at Deadline 4 (<b>TR010040/APP/6.8 Rev 2</b>).</p>
2.5	<p><u>Landscape and Ecological Management Plan (LEMP) provisions</u></p> <p>The ExA noted that the Applicant hasn't provided much detail on long term maintenance</p>	<p>The Applicant confirmed that the outline LEMP in the EMP (<b>REP3-014</b>) sets out those aspirations and commitments for vegetation management and this document is secured by Requirement 4.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
	<p>and management of planting. Can the Applicant explain what impact this has on how the ExA can be certain that the establishment of new vegetation will be successful in the long term?</p> <p>The ExA asked BDC whether what is proposed in the LEMP is sufficient? The Applicant has already stated that it will provide a much greater level of detail in the second iteration of the Environmental Management Plan (EMP). Is BDC happy that the detail will be submitted after the DCO?</p> <p>BDC confirmed that it would be useful to have an outline document providing details of the Applicant's aspirations for vegetation. Detailed vegetation management documents can be lengthy.</p> <p>For example, if a hedgerow is translocated to be same size and form as original, it would be useful to give parameters for the proposed size of the new hedgerows. In relation to trees, it would be useful to confirm if the aspiration is that they will grow to mature size and form or be pollarded and coppiced. BDC are happy for the detail to be provided at a later stage.</p> <p>One of the appendices in the EMP (REP3-014) is an outline LEMP and asked if BDC could review that and comment at Deadline 4.</p> <p><b>Hearing Action Point 4 - Provide a view on the level of detail within the Outline Landscape and Ecological Management Plan at Appendix B.7 of the EMP [REP3-014]</b></p>		
2.6	<p>The ES assessment methodology refers to the Landscape Institute and Guidelines for Landscape and Visual Impact Assessment (Edition 3).</p>	<p>DMRB LA107 formed the basis of the assessment in ES Chapter 7 (<b>APP-045</b>).</p> <p>The DMRB guidance takes account of the Landscape Institute guidelines and cross-refers to them. The</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
	<p>Can the Applicant confirm how this guidance has been taken into account in the assessment as it is not mentioned in Appendix 7.2 of ES Chapter 7 or elsewhere in ES Chapter 7?</p>	<p>defining criteria in the DMRB guidance and the Landscape Institute guidelines is based on the use of professional judgement and proportionality to identify the relativity of significant effects.</p>	
2.7	<p><u>Consistency between Masterplan, General Arrangement Plans and Rights of Way and Access Plans</u></p> <p>Changes had been made to the Environmental Masterplan. Can the Applicant confirm why the changes had been made? There was an inconsistency between the fencing shown on the Environmental Masterplan and the General Arrangement Plans.</p> <p>The ExA also noted that it would be useful if the Applicant could produce a revision note on the revised plans to show what changes have been made to each new revision.</p> <p><b>Hearing Action Point 5 - Ensure consistency between the Masterplan and the General Arrangements Plans with regard to fencing in the vicinity of the east to west footpath route to the south of the Proposed A47</b></p>	<p>The Applicant confirmed that it would add a revision schedule to any new revised plans.</p>	<p>The Applicant has included a summary of the changes at each revision within the introductory text of the document.</p> <p>Both the Masterplan (<b>TR010040/APP/6.8 Rev 2</b>) and the General Arrangement Plans (<b>TR010040/APP/2.6 Rev 3</b>) have been updated and are consistent. These documents have been resubmitted at Deadline 4.</p>
2.8	<p>The ExA asked Norfolk County Council (NCC) if it now had seen the arboricultural report? NCC confirmed they would respond in writing.</p> <p><b>Hearing Action Point 6 - Comment on the Arboricultural Impact Assessment</b></p>	N/A	<p>The Applicant has no further representations to make.</p>
<b>Agenda Item 3 - Material assets and waste</b>			
3.1	<p><u>Clarification of changes to waste figures and any resulting effects</u></p> <p>The ExA asked the most recent document that was submitted in response to the ExA Written Question relating to the degree of unbound</p>	<p>A double counting of materials in the original waste disposal figures for unbound aggregates had been identified. The Contractor subsequently advised on the correct figure, which is significantly less, and that has been updated in the report. This change does</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response																					
	<p>aggregates. The figure has been reduced from 0.5m tonnes to 20,000 tonnes.</p> <p>In paragraph 10.10.5 of ES Chapter 10, which reports waste amounts from excavation, the amount of general soil and stone has doubled. Can the Applicant explain the change and confirm if it affects the outcome of the ES assessment.</p>	<p>not affect the significance of effect that has been assessed in the ES Chapter 10 (<b>REP1-026</b>).</p> <p>The general soil and stone figure is a combination of aggregates, sand and topsoil and this has been increased to 8000m<sup>3</sup> in the revised ES Chapter 10. The change was made because of an error in the way the numbers were grouped, and following discussions with the contractor, the figure for aggregates and topsoil was increased. This does not affect the outcome of the assessment in ES Chapter 10 (<b>REP1-026</b>).</p>																						
<b>Agenda Item 4 - Noise and vibration</b>																								
4.1	<p><u>Clarification of predicted HGV numbers during construction and any implications</u></p> <p>ES Chapter 11, paragraph 11.5.6, the maximum number of lorry trips in any one phase is shown as 150. However, Table 4 of ES Chapter 2 indicates that there could be a crossover between phases which means there is a potential for 450 lorry trips a day (850 movements in total) in month 17. Can the Applicant explain why the worst case has been presented as 150 vehicle movements a day instead of 425? Has the potential for crossover been taken into account in the assessment?</p> <p><b>Hearing Action Point 7 - Clarify whether the number of potential HGV movements in month 17 of the construction phase (up to 425 HGVs / 850 movements) would affect the noise assessment undertaken, and if not, the reason for this</b></p>	<p>Table 4 in ES Chapter 2 (<b>REP1-018</b>) shows the maximum number of lorry trips per day for each phase to represent the effect of construction traffic noise. The table shows 150 trips a day in the worst-case scenario.</p> <p>The likelihood of crossover between vehicles from different phases in the same road is small. Even if there was some crossover between phases, this is unlikely to affect the assessment in the ES Chapter 11 Noise and Vibration (<b>REP1-028</b>).</p> <p>Some of the factors which are considered in the assessment are duration, the likelihood of trips aligning across the phases and the route to be used by the vehicles. It unlikely that the degree of crossover suggested by the ExA would occur as it doesn't anticipate the figures adding up in that way.</p> <p>A more detailed response will be provided in writing.</p>	<p>No amendment to the assessment of noise due to construction traffic is required since the proposed vehicle numbers fall within the threshold of 300 movements defined with ES Chapter 11 (<b>REP1-028</b>). There is no change to the assessment conclusions or mitigation proposals.</p> <p>In further justification provided below is a table showing the estimated max movements per day per month.</p> <table border="1" data-bbox="1541 1078 2074 1428"> <thead> <tr> <th></th> <th>Estimated max movts / day</th> <th>Month</th> </tr> </thead> <tbody> <tr> <td>Mar-22</td> <td>35</td> <td>1</td> </tr> <tr> <td>Apr-22</td> <td>25</td> <td>2</td> </tr> <tr> <td>May-22</td> <td>25</td> <td>3</td> </tr> <tr> <td>Jun-22</td> <td>20</td> <td>4</td> </tr> <tr> <td>Jul-22</td> <td>30</td> <td>5</td> </tr> <tr> <td>Aug-22</td> <td>40</td> <td>6</td> </tr> </tbody> </table>		Estimated max movts / day	Month	Mar-22	35	1	Apr-22	25	2	May-22	25	3	Jun-22	20	4	Jul-22	30	5	Aug-22	40	6
	Estimated max movts / day	Month																						
Mar-22	35	1																						
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Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response		
			Sep-22	125	7
			Oct-22	280	8
			Nov-22	255	9
			Dec-22	280	10
			Jan-23	250	11
			Feb-23	270	12
			Mar-23	180	13
			Apr-23	160	14
			May-23	95	15
			Jun-23	60	16
			Jul-23	170	17
			Aug-23	160	18
			Sep-23	180	19
			Oct-23	60	20
			Nov-23	20	21
			Dec-23	5	22
4.1	<p><u>Effectiveness of mitigation where proposed</u></p> <p>The ExA asked in ExA Written Question 1.12.3 about Table 11 of ES Chapter 11, which concerns the specification for noise barriers.</p> <p>Why is noise barrier 4 only 2m high while other barriers are all 3m high. To what extent would it be effective?</p> <p>The ExA noted that an interested party had expressed concerns about this and BDC supported these concerns.</p> <p>ExA asked BDC if noise barrier 4, was still a concern?</p>	<p>Noise barriers incorporated into the assessment had been specified to avoid changes in noise levels at residential properties due to the proposed scheme. The parameters used in the assessment included distance of the receptor from the road and the road geometry in that location. In the case of barrier 4, significant effects on residential properties through the installation of a 2m barrier could not be avoided in this location.</p> <p>The other variable that is considered in the assessment is the current level of noise. As the properties near barrier 4 are already close to an existing dual carriageway, the traffic speeds are higher which means the baseline noise level is</p>	<p>ES Chapter 11 (<b>REP1-028</b>) states that; a barrier 2m high is sufficient to avoid significant adverse effects due to operational road traffic noise at 1 and 2 Hall Cottages.</p> <p>The benefits of using a different acoustic barrier height at Barrier 4 (a barrier height of 3m rather than a 2m) has since been investigated.</p> <p>A barrier of 3 m height would reduce expected operational road traffic noise levels at the road-facing elevations of these receptors by an additional 3 to 4 dB <math>L_{A10,18hr}</math> at ground floor, and by an additional 3 dB at first floor level.</p>		



Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
	<p>BDC noted that the local residents were concerned that barrier 4 wasn't 3m. If both cottages are in agreement with having a higher barrier, this scheme presents an opportunity to reduce the noise further in this location.</p> <p>The ExA summarised BDC's comment that rather than providing the minimum in mitigation measures, the Applicant could go further? BDC agreed that if calculations showed a material improvement by increasing the barrier to 3m, it would be worth exploring this option.</p> <p><b>Hearing Action Point 8 - Provide information on the difference of effectiveness between a 2m high noise barrier No 4 and a 3m high noise barrier No 4, and if material, potential to provide a higher noise barrier at this location</b></p>	<p>already higher in this location. Consequently, a lower barrier is required to avoid a significant effect in noise on the nearby residential properties. By contrast, in the sections of road where the road is currently a single carriageway, the existing speeds would be lower and therefore the baseline is lower. In these locations, a higher barrier of 3m was required to prevent a significant effect on nearby properties.</p> <p>The benefits of different barrier parameters at barrier 4 will be investigated and a response provided in writing. The Applicant added that the visual effect of the barrier would have to be weighed against any noise benefits.</p>	<p>When assessing this alternative barrier proposals in accordance with DMRB LA111, the impact magnitude in the short-term with the Proposed Scheme is altered from Minor Adverse to Moderate Beneficial, and the impact magnitude over the short-term with the Proposed Scheme is altered from Negligible Adverse to Minor Beneficial. In this circumstance, no significant effects due to the change in operational road traffic noise would occur. This is the same conclusion as presented in Table 11-14 within ES Chapter 11 (REP1-028). However, this would align with NNNPS aim 2 to mitigate and minimise other adverse impacts where project noise levels are above the LOAEL.</p>
4.2	<p>The ExA noted that the Applicant had referred to proposed resurfacing to reduce noise that was due to take place but this proposal is not included in the EMP. What weight can be given to mitigation not secured through the DCO and the EMP.</p> <p>When is this resurfacing likely to happen? The Applicant previously indicated that it was going to take place in August or September 2021.</p> <p><b>Hearing Action Point 9 - Provide update on timetable for low road noise resurfacing at Noise Important Area 5206</b></p>	<p>An update will be provided in writing. The Applicant is planning to make those improvements and is expecting it to happen soon.</p>	<p>The works are scheduled to take place between 13/09/21 and 05/10/21.</p>
4.3	<p>ExA Written Question 1.12.8 referred to paragraph 11.10.7 in ES Chapter 11 which states that there will be multiple diversion routes for temporary traffic during construction to limit noise effects. However, the Outline Traffic Management Plan (OTMP) only refers to one</p>	<p>The inconsistency was noted and a response will be provided in writing.</p>	<p>The OTMP (REP1-050) and the ES assessment agree that there is one main diversion for the A47 and other diversions for smaller works on side roads.</p> <p>The single diversion route applies to a full</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response								
	<p>alternative route. Can the Applicant confirm if one diversion route or multiple diversion routes are proposed?</p> <p><b>Hearing Action Point 10 - Clarify the situation with regard to the number of diversion routes during construction (within the outline Traffic Management Plan) to limit noise impacts</b></p>		<p>closure of the A47 for which there is only one diversion route available. As this is only a single route it has been referred to within the OTMP (<b>REP1-050</b>).</p> <p>There will be individual closures on the side roads either for works specific to that side road or in conjunction with a closure of the A47. The diversion routes for these small side road closures have not yet been determined as these routes can be work/site/seasonal specific and can change depending on certain requirements or constraints.</p> <p>Traffic management measures will be determined prior to applications for road space and are submitted with the road space booking, 12 weeks prior to works. The closures will all be advertised and communicated to the general public.</p> <p>ES Chapter 11 (<b>REP1-028</b>) states in para 11.9.9 that for temporary traffic diversions, noise mitigation shall include the use more than one diversion route for different closures. The intention of this statement was to ensure that different diversion routes apply to the different closures throughout the construction programme. This can be taken into account at the time of each roadspace application for the side road closures.</p>								
4.4	<p><u>Potential to mitigate significant effects where mitigation is not proposed and exploration of this matter</u></p> <p>The ExA noted that there were likely to be significant effects along Yarmouth Road and the B1140. Can the Applicant clarify what the increase in traffic along these roads would be?            The ExA noted that noise barriers cannot be</p>	<p>Figures will be provided in a written response for the increase in traffic along Yarmouth Road. These are the figures used in the traffic model.</p> <p>The predicted road traffic noise levels in this area, with the Scheme, are comparable to the levels in adjacent B roads. This is below the level of significant or adverse effect in the guidance where mitigation</p>	<p><b>Yarmouth Road 18 hour AAWT</b></p> <table border="1" data-bbox="1541 1236 2096 1353"> <thead> <tr> <th>DMOY</th> <th>DMFY</th> <th>DSOY</th> <th>DSFY</th> </tr> </thead> <tbody> <tr> <td>696</td> <td>823</td> <td>1992</td> <td>2720</td> </tr> </tbody> </table> <p><b>B1140 nr. South Burlingham 18 hour AAWT</b></p>	DMOY	DMFY	DSOY	DSFY	696	823	1992	2720
DMOY	DMFY	DSOY	DSFY								
696	823	1992	2720								

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response									
			DMOY	DMFY	DSOY	DSFY						
	<p>provided because access is needed to driveways. If there is a significant effect, is there another way of mitigating it, for example, is double-glazing an option?</p> <p>If there is a significant effect, would mitigation be provided, even if there is no statutory obligation to do so?</p> <p><b>Hearing Action Point 11 - Address whether any additional noise mitigation measures would be feasible for those receptors along the B1140 (High Road) and Yarmouth Road where significant effects are reported</b></p>	<p>would need to be provided.</p> <p>The provision of a low noise surface could be investigated. However, the benefit of this surface is limited when traffic speed is low.</p> <p>Secondary glazing would be appropriate if high levels of noise were expected indoors without it. However, in this case the traffic noise does not have an effect on internal amenity. Secondary glazing could be considered, however, as there is no statutory obligation to provide it, it would not normally be provided in this type of situation. This will be considered further and a response provided in writing.</p>	<table border="1"> <tr> <th>DMOY</th> <th>DMFY</th> <th>DSOY</th> <th>DSFY</th> </tr> <tr> <td>655</td> <td>426</td> <td>1802</td> <td>2120</td> </tr> </table>	DMOY	DMFY	DSOY	DSFY	655	426	1802	2120	<p>Road traffic noise levels with the Proposed Scheme are expected to be:</p> <p>No more than 62 dB <math>L_{A10,18hour}</math> at the closest residential façade to the Yarmouth Road section subject to moderate or greater changes in road traffic noise. This can be converted to 61 dB <math>L_{den}</math> and 52 dB <math>L_{Aeq,8hour}</math> (night-time) using the TRL Conversion Method referenced in ES Chapter 11 (<b>REP1-028</b>).</p> <p>No more than 59 dB <math>L_{A10,18hour}</math> at the closest residential façade to the B1140 in South Burlingham subject to moderate or greater changes in road traffic noise. This can be converted to 59 dB <math>L_{den}</math> and 50 dB <math>L_{Aeq,8hour}</math> (night-time) using the TRL Conversion Method referenced in ES Chapter 11 (<b>REP1-028</b>).</p> <p>The above road traffic noise levels are less the road traffic noise levels expected at residential façades at a similar distance to the B1140 at Panxworth in the Do Minimum Opening Year scenario (without the Proposed Scheme).</p> <p>It is noted that the road traffic noise levels outside the closest facades to the B1140 and Yarmouth Road are above the recommendations within 2018 WHO Environmental Guidelines of 53 dB <math>L_{den}</math> and 45 dB <math>L_{Aeq,8hour}</math> (night-time). This is not unusual in context of research carried out by the European Environment Agency that estimates that more than 100 million people in Europe are exposed to <math>L_{den}</math> levels above 55 dB; for night-time road traffic noise, over 72 million</p>
DMOY	DMFY	DSOY	DSFY									
655	426	1802	2120									

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			<p>Europeans are exposed to <math>L_{night}</math> levels above 50 dB (Blanes et al., 2017).</p> <p>Good indoor conditions (defined within the WHO Guidelines for Community Noise and British Standard 8233:2014) within the closest properties to the B1140 South Burlington and the Yarmouth Road would be achieved with a building envelope that provides a level difference of 24 to 26 dB. This would be achieved where the external walls to habitable rooms incorporate an open trickle vent and 6 mm single glazed windows that are closed. For this reason, no significant adverse health effects are expected due to this level of road traffic noise and the provision of secondary glazing is not considered necessary.</p>
4.5	<p><u>Working hours matters</u></p> <p>In ExA Written Question 1.8.2, the ExA asked if restrictions on working hours should be included in the DCO? The Applicant has stated in its response that the disruption would be significant if works were carried out in normal working hours. However, the Record of Environmental Actions and Commitments (REAC) in the EMP says works would be carried out during daytime. Can the Applicant clarify?</p>	<p>Works needed for building the proposed scheme are predominantly offline and works needed to close roads to tie in with the Scheme will be outside normal working hours. Working hours restrictions in the DCO are not considered to be necessary as there are other ways of limiting noise, such as through agreements under Section 61 of the Control of Pollution Act 1974. The relevant documents will be updated to clarify the apparent contradiction identified by the ExA. It may be that the statements are addressing impacts from two different aspects of the Scheme.</p>	<p>The majority of the scheme will be constructed offline of the existing A47 and as such, can be carried out in daylight hours. However, it is inevitable that there will be some work that impacts on the existing A47, such as the tie ins at either end to the Scheme which would cause significant disruption to the travelling public. This type of work would therefore be carried out over weekends and/or at night and/or 24hr shifts (all TBC) particularly if a full closure is involved. This would be so, as to reduce, as much as possible, any impact to the travelling public.</p>
4.6	<p>The ExA noted that the LT 6 data summary was missing from ES Chapter 11, Appendix 11.3 [APP-106].</p> <p>Can the Applicant provide this information and share it with BDC to enable them to comment on the summary by Deadline 4?</p>	<p>The Applicant confirmed it would provide the missing data summary and send it to BDC before Deadline 4.</p>	<p>A revised version (Rev 1) of ES Appendix 11.3 (previously <b>APP-106</b>) including the LT6 data has been submitted at Deadline 4.</p> <p>The data has been shared with BDC.</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
	<p><b>Hearing Action Point 12 - Provide LT6 data which has been omitted from page 16 of the Baseline Noise Summary [APP-106]</b></p>		
4.7	<p>Mr T Knight, a resident of the White House noted that a low noise road surface was to be installed to reduce noise levels at his property. Mr Knight was informed that there would be a statutory requirement on the Applicant to maintain the low noise surface. Can the Applicant confirm where this is secured?</p> <p>Is the maintenance of the low noise surface was written into the EMP and the REAC?</p> <p>BDC confirmed that the proposed amendment to N7 in the EMP would satisfy BDC. Mr Knight also confirmed that he was satisfied.</p>	<p>N7 in the EMP states that a low noise road surface will be provided. The wording of the commitment can be amended to include a clause about maintaining these provisions for the lifetime of the Scheme.</p>	<p>A revised version of the EMP (TR010040/APP/7.7 Rev 4) has been submitted at Deadline 4, amending N7 in the REAC to confirm that the provision of a low noise road surface will be maintained for the lifetime of the Scheme</p>
<p><b>Agenda Item 5: Population and human health</b></p>			
5.1	<p><u>Severance issues and footpath / cycleway provision and justification</u></p> <p>The ExA noted that one of the main concerns raised relates to the lack of a footbridge or underpass in the centre of the scheme to provide a direct north/south link between North Burlingham and Lingwood. Another concern is over the lack of connection between North Burlingham and the footpath to the east.</p> <p>The ExA noted that surveys have been undertaken and is of the view that few people cross the road currently at this point and if they do so, it is for recreational purposes rather than to access services between communities.</p> <p>NCC noted that the lack of provision of north/south connection is one of NCC's main concerns as it is NCC's goal to improve the offer around walking and cycling and to promote</p>	<p>Surveys of the crossing have been undertaken and these show a relatively low use currently. The decision not to provide a footbridge in this location is because of the current low level of existing use, which means that any resulting severance is limited.</p> <p>This is offset by the provision of additional opportunities for walkers who can take the diversionary routes provided. There is nothing in policy that sets a threshold for a particular level of usage which would mean that an alternative crossing should be provided. It is a question of judgement and the consideration of numerous factors including the level of use and cost, In the National Networks National Policy Statement (NNNPS), there is no absolute requirement to provide an alternative crossing where there is any degree of severance.</p> <p>When all the relevant factors are considered there is no requirement for an alternative crossing. This</p>	<p>The estimated cost of a footbridge in 2018 was £2.4m.</p>

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	<p>active travel in the area.</p> <p>The number of people crossing the A47 is likely to be low at present, as the road is very busy, and this is a barrier to crossing. The proposed dualling will prevent people from crossing completely. NCC considers that this scheme provides an opportunity to improve the north/south link and if this is provided, it is likely that a large proportion of those users would be recreational.</p> <p>ExA noted that the Applicant also states that although there is no provision for a north/south crossing centrally, the amount of walking and cycling provision in the scheme is greater than what is there already and that there is a safe crossing at the overbridge at the B1140 (although this results in a detour of some 1.5km in each direction).</p> <p>NCC agreed that provision of the additional walking and cycling facilities are very welcome. NCC has some minor concerns around the detail of those (such as the width of shared use walking/cycling route). NCC also felt that the footpath east west south along the A47 should be for cyclists as well.</p> <p>The 1.5km detour adds 30 minutes to a walker's journey. Whether this is an improvement depends on the exact user. NCC don't want to comment on whether it is better or not.</p> <p>The ExA noted that the Applicant stated at ISH 1 that it intends to submit a change request in order to amend the east/west path to the south of the A47 to a cycleway and footpath – does that have any bearing on NCC's view on the degree of severance?</p> <p>NCC confirmed that the proposed change would</p>	<p>response is reasonable because of the limited use of the existing crossing.</p> <p>High level costings were undertaken for a footbridge in this location in 2015 at the early stages of the project. More detail can be provided at Deadline 4. However, the factors are broader than cost and use, there is also the visual effect of a footbridge, its impact on heritage assets, and clearance for HGVs as set out in the Applicant's responses to the Relevant Representations (<b>REP1-060</b>) and ExA Written Questions (<b>REP1-061</b>).</p>	

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	<p>be welcomed, but it doesn't address the severance issue.</p> <p>The ExA asked NCC if a north/south footbridge is not provided, is this issue is so fundamental that NCC would wish the scheme not to go ahead?</p> <p>NCC support the Scheme as it has been proposed; however, they would like to see the north/south connection provided because as it would make the scheme better.</p> <p>The ExA asked if NCC could implement such a scheme themselves? NCC could look into this possibility. NCC have had long discussions with the Applicant and there are potential opportunities for the future. However, these opportunities are limited - more limited than in the current scheme – and there is no guarantee about future provision of a footbridge.</p> <p>The ExA asked the Applicant if there is a certain number of people that would need to be using the existing crossing that would mean an alternative crossing would be provided?</p> <p>The ExA asked if a footbridge was proposed in previous iterations of the Scheme and whether this was costed?</p> <p><b>Hearing Action Point 13 - Provide a cost estimate for a footbridge over the Proposed A47</b></p> <p><i>Hearing Action Points 14 and 15 are for NCC and BDC</i></p> <p><b>Hearing Action Point 16 - Clarify if a route along the A47 from North Burlingham to Acle is specified within Policy 5 of the Acle Neighbourhood Plan 2015 and provide the relevant extracts of this document</b></p>		

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
5.2	<p>The ExA asked about the footpath to the east of the Windle which leads to Acle.</p> <p><b>Hearing Action Point 17 - Investigate further the potential for a footway connection between North Burlingham and the footway leading to Acle along the A47 in the vicinity of The Windle</b></p>	<p>Connectivity between Acle and North Burlingham, including walking and cycling distances had been considered. There are existing pedestrian routes between Acle between and North Burlingham, including the Burlingham woodland walks network, a byway open to all traffic and also cycle routes which are all less than 6 or 7km (a reasonable cycling distance). As proposed, cyclists from North Burlingham would have easier access to these routes and would avoid the need to go on the A47. Consequently, there is no need for additional routes.</p> <p>The Relevant Representations have been reviewed and given the strength of views expressed, the feasibility of building a new connection between South Walsham road and the Windle will be reconsidered.</p>	<p>The Applicant has investigated the potential for a footway connection between North Burlingham and Acle in the vicinity of The Windle.</p> <p>Unfortunately at the pinch point adjacent to the Hall Cottages, there is insufficient width to provide a footway / cycletrack of the required standard. This takes into consideration the alignment of the existing A47, the proposed noise barrier, vehicle restraint system and provision of adequate visibility from The Windle junction.</p>
5.3	<p>Mr Bearman of Norwich Cycling Campaign noted that he had looked at cycle routes and there is a fair amount of severance, not only for the number of current users but also for potential future demand. Mr Bearman is not convinced that the proposed overbridge is a compliant arrangement for walking and cycling. Mr Bearman commented that one way of looking at the issue was "Don't judge demand for a bridge over a river by the number of people swimming across it".</p> <p>The ExA noted that some of the amendments proposed by the Applicant included extending the cycleway further to the south of the B1140 bridge to link with the road. What are Mr Bearman's views on those cycling provisions?</p> <p>Mr Bearman replied that it depends on the detailed design. It is not just about installing more shared use paths. In terms of cycle provision, there is no need to cycle on the A47</p>		<p>The Applicant has no further representations to make.</p>



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	<p>to Lingwood, as cyclists could use Lingwood lane, although there are potential safety issues.</p> <p>The ExA asked if the additional provision would alleviate some of Mr Bearman's concerns?</p> <p>Mr Bearman replied that it would alleviate his concerns if the route was shared. The general principles for cycling safety are reduced traffic volume and segregated cycle and walkways. Shared use is a last resort.</p> <p>The ExA asked if segregating pedestrians and cyclists is as important in rural areas as it is in urban areas?</p> <p>Mr Bearman replied that there is evidence that pedestrians find the risk of cyclists using the same paths off-putting, whether they are in a rural or an urban context.</p>		
5.4	<p>Mr J Cage of Create Consulting commented that while the survey showed a low number of users of the existing crossing, no work has been done to establish the demand from the wider community. People avoid crossing in this area because it is unsafe and the Applicant's scheme could make this better.</p> <p>If we don't take the opportunity to build an underpass, (which would be better than a bridge because it has less visual impact), it will never happen and we will have lost an opportunity for this generation.</p> <p>Now is the time to look at providing a crossing. The A47 improvement should not be just about vehicles – it has got to be about creating a sustainable corridor for local residents. The Applicant's scheme doesn't provide direct enough movement, and Mr Cage is disappointed</p>	<p>The Create Consulting's plans for an underpass had not been reviewed in detail at this time however there were some general observations about an underpass.</p> <p>The Applicant does not believe what is shown is suitable for equestrian users as the users they would have to dismount and there are no equestrian facilities that link to this route.</p> <p>The engineering team have also advised that it is not feasible to provide an underpass due to drainage issues. As this scheme is on very flat land, there are already difficulties with drainage. It is not in accordance with best practice to pump drainage from an underpass into an infiltration system. Water would have to be pumped into a holding tank that would need to be periodically emptied. There are also issues with pollutants mixed with surface water and that would disrupt the pumping. In short, there are a lot of problems with draining an underpass in this</p>	<p>The Applicant has no further representations to make.</p>

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	<p>that the Applicant hasn't done the work.</p> <p>The ExA noted that that the Applicant identified that that North Burlingham is not very large, the number of children that would use the crossing would be a small amount, and it is unlikely that people would be walking this route anyway to access services in Lingwood</p> <p>Mr Cage responded to say that if an underpass was put in, North Burlingham and Lingwood would be within easy walking and cycling distance. As for the Applicant's response to the link to Acle, the route through the wood is not a sealed footpath. The catchment school for Burlingham is Acle, people would walk and cycle between the two places.</p> <p>The main issue is the lack of a crossing point in the middle. There is an opportunity to connect the national cycle network, that could easily be extended further north to connect to the Broads.</p> <p>Mr Cage commented that he didn't see any issues with drainage and will make further representations to address that issue. That is not a real response – the issues could be dealt with by a simple engineering process. It is not a technical issue that can't be dealt with. In terms of costs, what an underpass would provide for the wider area would be a very economical solution if it was done now. It would be a shame to miss this opportunity.</p> <p>The ExA asked if the Applicant had reviewed Create Consulting's proposal for an underbridge?</p>	<p>environment. It is the Applicant's view that a crossing is not required in this location anyway.</p>	
5.5	<p>The ExA also asked if an underpass had been considered and if it would it be feasible to build one as part of the scheme?</p>	<p>Consideration had been given to the provision of an underpass at an early stage in the project as far back as 2015. In engineering terms, anything can be built</p>	<p>The Applicant has no further representations to make.</p>

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		<p>but everything has a cost, it is the Applicant's view that the ExA has the information before him regarding the need for an underpass. The ExA is bound by the policy set out in the NNNPS, there is no absolute requirement to provide a crossing it is about the reasonable opportunities. There is no reasonable opportunity when relevant factors are considered.</p>	
5.6	<p>The ExA asked BDC for its view. BDC confirmed that it supported NCC's comments. A central crossing would provide a vital link between the two villages and enhance access to local open spaces. It would also alleviate pressure in wider Broads area.</p> <p>ExA asked BDC about the Applicant's suggestion that Burlingham Woodland Walk is more extensive to the north of the A47 currently, and there is no need to use the north/south link as the part to the south is predominantly used by residents of Lingwood.</p> <p>NCC confirmed it is not disputing what the Applicant has said. However, NCC have an ongoing project to open up access to the area. BDC agreed that opening up that link would increase recreational opportunities that aren't there at the moment.</p> <p>ExA asked BDC about the provision of a footpath east/west along south and then north. BDC noted that it would limit some users and a north/south link would be the best option.</p>		<p>The Applicant has no further representations to make.</p>
5.7	<p>The ExA asked about the status of the East Broadlands Infrastructure Plan 2015? Is it part of the development plan?</p> <p>BDC noted that it was an in-depth study that advised BDC and key stakeholders in infrastructure projects. BDC understood it was</p>	<p>Recent changes to CIL Regulations in 2019 removed the previous 'CIL Regulation 123 list'. A local authority no longer has to produce a list of infrastructure to be funded. Instead, a statement must be produced on an annual basis. the purpose was to provide flexibility to respond as infrastructure</p>	<p>The Applicant has no further representations to make.</p>

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	<p>supplementary planning guidance but will confirm.</p> <p>The ExA noted that it post-dated the local plan. The ExA also noted that within that document, there is a table giving details of possible funding for projects using for example, CIL and Department for Transport funding. Could NCC fund a footbridge with this money?</p> <p>NCC noted that it had previously made a response on the potential to use CIL funding; however, it was understood that the funds had already been allocated elsewhere. There may be potential future opportunities as CIL is topped up as new development goes ahead. However, it is uncertain at the moment.</p> <p><i>Hearing Action Point 14 - Explain the status of the East Broadland Green Infrastructure Plan 2015</i></p>	<p>is needed.</p>	
5.8	<p>The ExA asked if Burlingham Woodland walk was a formal designation? NCC confirmed it would respond in writing.</p> <p>The ExA noted that the Applicant had suggested it would consider improving the link between North Burlingham and the Windle. The Acle Neighbourhood Plan (ANP) 2015 mentions the need to improve links to the surrounding countryside. Is that particular link specified in policy 5 of the ANP? BDC stated it would confirm if specific projects are mentioned in policy 5 and provide a copy of the ANP 2015 and other relevant policies mentioned in the Local Impact Report.</p>		<p>The document does not identify a specific route along the A47 between North Burlingham and Acle.</p>

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5.9	<p>Mr Bearman added that horse riders and cyclists are incompatible. The 3 modes of travel (walking, horse-riding and cycling) require different consideration and ought to be considered as individual modes. Also, stating that an underpass would not be suitable for horse-riding is not a good enough excuse for not providing a central crossing.</p> <p><i>Hearing Action Point 15 - Clarify the difference between the Burlingham Woodlands Walk and the Burlingham Trails</i></p>	-	The Applicant has no further representations to make.
5.10	<p><u>Blofield allotments matters</u></p> <p>The General Arrangement Plan Rev 1 seems to show something different happening with Blofield allotments and the car park than is shown on the Land Plans. Where changes are made to plans, it would be useful to have list of the changes in a revision schedule.</p>	Changes to the General Arrangement Plans Rev 1 ( <b>REP1-005</b> ) were in respect of fencing following discussions with the allotment society, the landowner and the parish council. The Applicant is fixing wildlife fencing and gates and the profile of the ground levels has been amended. On previous drawings, the earthworks appeared exaggerated.	The Applicant has included a summary of the changes at each revision within the introductory text of the document.
5.11	<p>In ExA Written Question 1.13.6 the ExA asked why the Blofield allotments are not considered to be open space under sections 131 and 132 of the Planning Act 2008 – can the Applicant confirm this? Also, why is the part of the allotments that is to be removed not being replaced? The ExA asked BDC if it had any concerns over the decision not to replace the allotments?</p> <p>BDC confirmed it had not been advised that there was a need to replace the allotments.</p> <p><b>Hearing Action Point 19 - Provide a view as to whether Blofield Allotments might fall within the category of 'open space' under s131 and s132 of the Planning Act 2008</b></p>	<p>Why the allotments are not classed as open space and why the removed section hasn't been replaced will be confirmed in writing.</p> <p>The Applicant understands that the land ownership relationship is unique and it was not necessary to provide replacement land due to survey feedback.</p>	<p><i>Section 131 of the Planning Act 2008 defines open space by reference to Section 19 of the Acquisition of Land Act 1981. Section 19 states:</i></p> <p><i>“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.</i></p> <p><i>The land is not a disused burial ground. It is not laid out as a public garden, or used for public recreation. Fundamentally, there is not access for the public. The allotments are held on tenancy arrangements that give possession to private individuals, and there is no access for the public at large.</i></p> <p>With regard to replacing the allotments that are</p>

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			to be lost there is no appropriate land within the Scheme extents and the Applicant has not been able to identify land it could purchase by agreement.
5.12	<p><u>Noise effects and health matters</u></p> <p>The Applicant has identified significant effects from noise and vibration on the B1140 High Road. The revised ES Chapter 12 changes a neutral effect to a negative effect. What would be the degree of the impact on health?</p> <p>BDC suggested the use of WHO 2018 noise guidelines to help the Applicant to contextualise the figures predicted for those areas and confirm whether or not they were adverse health effects.</p> <p><b>Hearing Action Point 20 - Provide further information as to the degree of any health effect on receptors along the B1140 (High Road) and Yarmouth Road as reported in ES Chapter 12 [REP1-030].</b></p>	<p>The assessment of noise impacts follows the DMRB guidance LA112 and acknowledges negative impacts on health at the B1140 and Yarmouth road where there will be a perceptible change in noise levels. The assessment does not conclude that there was a significant effect during construction or any changes in health outcomes during operation. The noise levels are consistent with the noise levels in surrounding B roads so it's not a new effect compared to the surrounding areas. The Applicant confirmed it was familiar with the WHO guidance and that it would put the predicted values into context in a written response.</p>	See response above to ISH 2 Item 4.4
5.13	<p>Mr Knight asked which noise receptors were being referred to. The ExA confirmed that the receptors are off the main road and measure the effects from traffic travelling to the junctions with the A47. Mr Knight's house is not one of those receptors.</p>	-	The Applicant has no further representations to make.
5.14	<p><u>Potential for local employment and training opportunities</u></p> <p>The ExA asked if the commitment to explore opportunities to encourage local employment is secured in the DCO?</p> <p>The ExA asked NCC if the Applicant's commitment was sufficient? NCC confirmed it was satisfied.</p>	<p>This commitment is not secured in the DCO. However, the aim is to employ local people, where possible and appropriate. It is a stated aim that forms part of the contracts between the Applicant and Galliford Try.</p> <p>The project has a relatively short timescale for construction of two years. The Applicant is unable to commit to numbers or to offer this measure as more than a commitment.</p>	The Applicant has no further representations to make.

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	<p>The ExA asked where the Applicant's stated aim was set out and why the commitment wasn't in the EMP.</p>		
5.15	<p>In its response to ExA Written Question 1.13.16, the Applicant provided the same answer for 1.13.16 and 1.13.15 in error. Can the Applicant provide the correct answer to ExA Written Question 1.13.16?</p> <p><b>Hearing Action Point 21 - Provide an answer to ExQ1.13.16 [PD-006]</b></p>	<p>A response to ExA Written Question 1.13.16 will be provided at Deadline 4.</p>	<p>ES Chapter 2 (<b>REP1-018</b>) Table 2-4 provides the estimated maximum lorry trips per day per phase. The maximum lorry tips per day will not occur for the full duration of any phase and phases may overlap. Table should be read as per phase and not as an overall programme.</p> <p>This has been further clarified by the provision of the table in response to question above (Ref 4.1).</p>
<b>Agenda Item 6 - Transportation and traffic</b>			
6.1	<p><u>Number of HGVs during construction and effects on surrounding road network</u></p> <p>The Applicant to justify the assumption in ES Chapter 12 that congestion impacts during construction from HGVs would be minimal. There appears to be a lack of assessment of the impact of HGVs on the road network but the ES suggests there is potential for 450 vehicles a day at the peak.</p>	<p>As part of the modelling assessment a construction scenario assessment was undertaken that took base years and created future years, taking into account construction networks and construction delays.</p> <p>The HGV traffic impacts during construction will be confirmed in writing.</p>	<p>See response to Item 4.1 above</p>
6.2	<p><u>Brundall roundabout impacts and potential solutions</u></p> <p>In answer to the ExA First Written Questions, the Applicant provided an Appendix G. Can the Applicant explain what "stop line seconds" are and what IP means?</p> <p>In the response to ExA Written Question 1.14.12, the Applicant noted that the proposed development increased delays at the roundabout but that journey times are improved overall.</p>	<p>"IP" means interpeak. There is the am peak hour, pm peak hour and "IP" is the 6 hours in between the am and pm peaks. "Stop line seconds" is traffic queuing to get over the stop line leading into the roundabout.</p> <p>The impacts are considered in a "do minimum" (DM) and "do something" (DS) scenarios. In the DM scenario, all the other schemes in the area apart from the Scheme are assessed and in the DS scenario, the impact from the Scheme is included.</p> <p>In the AM peak on the A47 westbound towards Norwich in DM scenario, the volume over capacity of</p>	<p>The Applicant supports future monitoring at this location and will continue to discuss the details of these measures with NCC.</p>

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	<p>What is the likelihood of improvements being made to the roundabout – is there any indication of when this might happen? This scheme causes additional delays and NCC has said in the Local Impact Report that further commitments are needed.</p> <p>The ExA asked NCC if there was any necessity for a commitment to improve the roundabout from the Applicant given the additional delays? NCC responded that they support the scheme, and have noted what is presented for journey time benefits. However, these are averages across a length of road. At particular junctions where traffic flow is increasing, journey times are likely to be more unreliable.</p> <p>NCC's concern remains about the ability of this junction to accommodate future traffic flows and what is already experienced. While NCC accepts roundabout improvements are not part of the scheme, NCC would like to see a commitment from the Applicant, even to monitor the junction to see if the predicted affects came to pass.</p> <p><b>Hearing Action Point 22 - Clarify whether any commitment could be made for traffic monitoring at the A47 Brundall / Cucumber Lane roundabout as part of the EMP</b></p>	<p>97%, (where 100% is at capacity). The DM scenario is already at capacity. The DS scenario show the increase in delays at the roundabout due to the scheme.</p> <p>In the Transport Assessment (<b>REP1-044</b>) the section on journey times shows the route that goes from Brundall roundabout to Acle roundabout to have journey time benefits from the scheme. Overall, journey times are improved with the scheme in place (see paragraph 7.6.3 to 7.7 on journey time benefits and speed benefits)</p> <p>The Applicant is pleased to hear that NCC supports the Scheme but is unable to give a commitment to make improvements to Brundall roundabout as part of the Scheme. Any commitment would be independent to this scheme. The Applicant is tasked to deliver a particular Scheme and any future commitment for roundabout improvements is outside the Scheme's remit. However, the Applicant will discuss the potential for future monitoring with NCC.</p>	
6.3	<p><u>Footpaths / cycleways and their design</u></p> <p>Shared footpaths and cycleways are proposed. Can the Applicant briefly explain the design of these and comment on whether the use of shared surfaces is promoted through any policy or guidance?</p>	<p>Shared use facilities are proposed as part of the Scheme and this approach is supported by NCC. One of the key factors in considering a shared use facility is likely level of use. DMRB suggests that shared use facilities can accommodate 200 users an hour with a 2m width, and a 2.5m width is proposed for this Scheme. The appropriate separation between the carriageway and the facility will be provided to</p>	<p>Gear Change is a publicly available at the following link:  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf</a></p> <p>Local Transport Note (LTN) 1/20 is publicly</p>



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	<p>Can the Applicant provide a copy of Gear Change and LTN 1/20?</p>	<p>meet the required standard.</p> <p>The Applicant has not taken a "one size fits all" approach. DMRB guidance has been followed and Gear Change, the Department for Transport policy on cycling and walking, which explains that the level of walking and cycling provision in a rural village and a city will be very different. Local Transport Note 1/20 Cycle Infrastructure Design, the guidance note that came out with Gear Change, advocates shared use facilities as being appropriate in rural areas, where pedestrian activities are likely to be low. Consequently, the Scheme is in the spirit of the existing guidance.</p> <p>Gear Change and LTN 1/20 will be submitted at Deadline 4.</p>	<p>available at the following link:  <a href="https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120">https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120</a></p>
6.4	<p>Mr Bearman of Norwich Cycling Campaign noted that he has 30 years of proactive consulting with NCC on cycling provision.</p> <p>Mr Bearman asked the ExA to consider the order of the policies set out in the DMRB guidance and note that the government policies are paramount. In the Highways England Licence 2015, it states that the licence holder must have due regard to relevant government policy, guidance and specifications to deliver the Road Investment Strategy (RIS).</p> <p>The ExA asked why Mr Bearman thinks what is being proposed is not compliant with Gear Change and LTN 1/20?</p> <p>Mr Bearman replied that lack of compliance is as follows:</p> <ul style="list-style-type: none"> <li>- the cycle track over the B1140 bridge is to be used by pedestrians as a shared use path is 2m wide and 2m no longer an adequate width for a</li> </ul>	<p>The Scheme is being amended to increase and extend the cycle facility into Acle road around the bend but the detail has not been worked through yet.</p> <p>The need to keep cyclists away from HGVs is recognised and is intended to provide appropriate separation from the carriageway. The Scheme will extend the cycle track into Acle road and the footpath becomes a cycle track. To access Acle Road, the cyclist would use the cycle track and would then be invited to join the carriageway using a dropped facility.</p>	<p>The Applicant has no further representations to make.</p>

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	<p>shared use path. Mr Bearman needs to see more details of the proposed segregation.</p> <ul style="list-style-type: none"> <li>- No information has been given about the gradient of the approach to the bridge.</li> <li>- No information is provided on the detail of the highway crossing at SU8 &amp; 9</li> <li>- Further information is needed on the detailed design of SU10 and 11 as this is a major route for HGVs leaving A47</li> <li>- Clear guidance is needed on how cyclists are integrated back into the highway at SU12</li> <li>- The proposed overbridge breaches the 5 design principles that designs should be coherent, direct, safe, comfortable and attractive. A shared use path on a busy road connection with a busy transport route is not comfortable or attractive to users. A route with 700 or 1000 vehicles a day is not comfortable to walk or cycle</li> </ul> <p><u>Underpass/overbridge proposal</u></p> <p>The underpass proposal of Mr Gates' has some merit – Mr Bearman would like the Applicant to explore that option and provide an explanation why that is not being proposed. The Applicant should take account of local opinion, BDC and Lingwood Parish council. The A47 presents a major barrier between Norwich and Acle -and this scheme is an opportunity to improve this.</p>		

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6.5	<p>The ExA asked the Applicant to explain how the cycle path on the B1140 overbridge would be segregated from the road?</p> <p>It may be useful if the Applicant could provide an example section showing how the proposed segregation might work.</p> <p><b>Hearing Action Point 18 - Provide a section drawing to indicate the relationship between the proposed shared footway / cycleways and roads</b></p>	<p>The cycleway and road are not physically separated with a barrier but there will be a curb edge.</p> <p>A section to show the separation between cyclists and walker on the B1140 bridge will be provided at Deadline 4.</p>	<p>The structures drawing (previously part of the General Arrangements Plans (<b>REP3-003</b>) includes a cross-section through the bridge. This drawing is included in the Engineering Drawings and Sections (<b>TR010040/APP/2.5 Rev 1</b>) submitted at Deadline 4.</p>
6.6	<p>Mr Gates noted that no mention had been made to the petition that the community raised and gave to the Applicant with over 1000 signatures of people who said they would use a north/south central crossing. How many signatures would we have had to have gathered for the Applicant to provide a crossing in this location? The ExA asked the Applicant if it had considered potential demand for a central crossing? Also, what weight does the Applicant give a petition?</p> <p>The ExA asked Mr Gates about his view on the upgrade to the east/west footpath and cycle path? Mr Gates commented that he accepted the cycle use was improved but whether anyone uses it is another question.</p>	<p>The design of the Scheme is evidence-led in terms of the use of the existing crossing. There is no answer to the question of how many signatures would it take to provide a crossing. It's a matter of judgement, evidence and design, and these considerations have already been addressed</p> <p>Future demand for a central crossing is a factor but it requires evidence. The Applicant is aware of the petition however other crossings of the A47 have been provided. A petition is a material consideration, but there is not an amount of weight to be attached to it prescribed by policy or statute. There were other more weighty factors in this case such as evidence of use, cost, landscape, heritage and drainage.</p>	<p>The Applicant has no further representations to make.</p>
6.7	<p>Mr Bearman noted that he was pleased to hear the link with Acle road would be extended.</p> <p>The ExA suggested it would be useful if the Applicant could liaise with Norwich Cycling Campaign on the design of cycle paths</p>	<p>The Applicant commented that it was intending to formulate a SoCG with Norwich Cycling Campaign but there has been no response to meeting invitations.</p> <p>The Applicant has met consultation requirements and considered the views of consultees. The Applicant confirmed it would be happy to liaise with Norwich Cycling Campaign regarding the cycle lane design.</p>	<p>The Applicant will liaise with Norwich Cycling Campaign regarding the design of the shared use facilities at, and in the vicinity of, the proposed B1140 Overbridge.</p>

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6.8	<p>The ExA asked NCC if the cycle path design meets NCC guidance or standards?</p> <p>NCC would like to see a 3m width instead of 2.5m width of cycle path. Additional policy and guidance came out during the development of this scheme, which recommends 3m as an ideal width.</p> <p>NCC noted that a draft of the Greater Norwich Local Cycling and Walking Infrastructure Plan was published for consultation earlier this year. It has not yet been adopted. NCC can submit that into the examination.</p>	<p>The current cycle paths were all generally 2.5m wide. There are some constraints along A47 and pinch points where the width is less than this. A 3m width will be considered and a response will be made in writing.</p>	<p>The proposal for a shared use facility (cycle track) in the verge on the northern frontage of the existing A47 has been re-examined. Due to the narrowness of the existing highway corridor, it is only possible to provide a cycle track of maximum width 2.5m over the majority of corridor in addition to an appropriate width carriageway for the future detrunked route. Furthermore, the width of the cycle track may need to be reduced to a minimum of 2.0m at pinch-points along the corridor due to the need to avoid impacting on existing mature trees.</p> <p>The cycle track proposed at the B1140 junction will be a minimum of 2.5m wide.</p> <p>The appropriate DMRB standard for the design of shared use facilities is the England National Application Annex to CD143 Designing for walking, cycling and horse-riding.</p> <p>Regarding the cross-section of the shared use facilities, CD143 states that the width of an unsegregated shared use route shall be a minimum of 2.0m where there are less than 200 users an hour (paragraph E/3.5 refers). Observed user activity in the vicinity of the Scheme is very low and the volume of users is unlikely to exceed 200 users an hour in the future.</p> <p>In summary, although it is not possible to provide cycle tracks of the width desired by NCC due to the various constraints, the proposed width, which will vary between 2.0 and 2.5m, will comply with the prevailing design standard and will be suitable for anticipated future usage.</p>

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6.9	<p><u>Potential for other footpaths including from High Noon Lane to the proposed Blofield overbridge</u></p> <p>The ExA noted that there had been a request from an interested party about whether a footpath could be incorporated on the route between High Noon Lane and Blofield overbridge.</p>	<p>The request for this additional came from Mr Randlesome as he currently walks along the verge of dual carriageway into Yarmouth road to reach Blofield. Pedestrian flows along this route are unlikely to be significant and consequently it is not intended to provide a footway in this location. The reasoning will be explained in more detail in writing at Deadline 4.</p>	<p>The detrunked A47 west, which connects High Noon Lane with the Blofield Overbridge, will take the form of a two-way single carriageway road with soft verges. Future traffic volumes on the detrunked A47 west will be very low when compared to traffic volumes on the existing A47.</p> <p>Only a small number of properties can be accessed from the detrunked A47 west / High Noon Lane in this location so pedestrian activity in the future is not anticipated to be significant. The provision of an additional section of footway, approximately 400m in length, is therefore not justified for the occasional pedestrian who will be able to safely access the Blofield Overbridge via use of the soft verges to be provided along the detrunked A47 west.</p>
<b>Agenda Item 7 - Water environment</b>			
7.1	<p><u>Clarification of drainage matters in the vicinity of Waterlow</u></p> <p>A Relevant Representation has been raised on the issue of drainage in the vicinity of Waterlow. BDC have supported this concern.</p>	<p>There are existing surface water flooding problems in the vicinity of the Waterlow properties.</p> <p>The plan attached to the Flood Risk Assessment (FRA) (<b>APP-109</b>) shows existing water surface pathways with the Scheme superimposed (Annex B, Sheet 2 of the FRA).</p> <p>The area was assessed as part of the FRA which looked at the upstream catchment at that point before and after the Scheme is in place. There was no change in the upstream catchment. The Scheme crosses the surface water flow pathways and as part of the Scheme, a number of cross drains or culverts are to be installed (including an allowance for climate change). The flow paths have been maintained through the Scheme as close as possible at the</p>	<p>The Applicant has no further representations to make.</p> <ul style="list-style-type: none"> <li>•</li> </ul>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
		<p>downstream point.</p> <p>The drainage design models demonstrate that there is no increase in flood risk downstream of the Scheme (including to any properties). The upstream catchment is no different in the proposed and existing scenarios.</p> <p>Where the clearwater soakaways are proposed, they will provide some benefit over the existing greenfield run-off scenario and will help dissipate flows in that area. One clean water soakaway extends down and beyond the properties and will encourage flows into the soakaway itself.</p> <p>Overall, the Scheme will not increase flood risk.</p>	
7.2	<p>NCC (Ms Luff, LLFA representative) noted that on the Surface Water Flood Map, there was a 1 in 1000-year flow path through the property. NCC have requested that the Applicant maintains and improves the management of this flow path.</p>	<p>The Scheme is providing a clean water soakaway to help to manage the flows on that flow path. It is 1 in 10-year standard so there will be some improvement to provide relief for these lower potential flood routes. It is not a significant improvement but it is an improvement.</p>	<p>The Applicant has no further representations to make.</p>
7.3	<p>BDC commented that they have dealt with flooding issues in this location in the past.</p> <p>BDC's main concern is the proximity of SC5 to the boundary. BDC is not aware if these properties benefit from mains sewage systems and asked if the Applicant's engineers have ascertained that situation? It is possible that the introduction of large soakaways will improve matters; however, it could potentially impede soakaways from septic tanks and raise ground water levels.</p> <p>BDC confirmed it was satisfied the Applicant's reassurance that the drainage will not be close to the boundary and groundwater levels will be maintained.</p>	<p>With regard to the potential impact of the soakaways on the water table, ground water monitoring has been undertaken for 4 seasons in the period 2018 to 2019. The results of the monitoring showed that the saturated depth under the soakaways is substantial and greater than the 1.2m requirement. As a result, there is unlikely to be an impact on the ground water.</p> <p>With regard to the location of the drainage, this element will be subject to detailed design but the soakaway will be set back 10m from the edge of any development and property boundaries. This distance is far in excess of the 5m set-back recommended by guidance.</p>	<p>The Applicant has no further representations to make.</p>

Ref	Questions / Issues Raised at ISH3	Summary of Applicant's Response at ISH3	Applicant's Written Response
7.4	<p>The Lead Local Flood Authority (LLFA) have requested to be a consultee on the discharge of Requirement 8.</p> <p>Requirement 8 of the DCO (surface and foul water drainage) requires the detailed design of the drainage systems to be approved by the local authority. Although the local authority is already a consultee, the LLFA would like to be added separately</p> <p>The LLFA wanted to ensure that it has oversight of what is going on in the local area.</p>	<p>Note: This matter was discussed at ISH 1 (Item 2.21)</p> <p>The Applicant will liaise with NCC re appropriate wording for a change to Requirement 8.</p>	<p>Subsequent to ISH 3 a change to Requirement 8 has been agreed. The dDCO has been amended (<b>TR010040/APP/3.1 Rev 3</b>) and submitted at Deadline 4.</p>
.7.5	<p>The Environment Agency (EA) have updated its peak river flow allowances. Does this affect the Scheme?</p> <p>BDC and NCC confirmed there was no need to consider the updated allowances.</p>	<p>The EA have updated peak river flow to allow for climate change. However, as there is no interaction with fluvial river systems within the scheme area, there is no need for consideration of updated allowances.</p>	<p>The Applicant has no further representations to make.</p>

## **ANNEX A: BIODIVERSITY NET GAIN CALCULATIONS**



A47 Blofield

## Headline Results

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On-site baseline	Habitat units	165.98
	Hedgerow units	10.04
	River units	0.00
On-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	245.41
	Hedgerow units	31.75
	River units	0.00
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention/creation)	Habitat units	79.43
	Hedgerow units	21.71
	River units	0.00
Total net % change (including all on-site & off-site habitat creation + retained habitats)	Habitat units	47.86%
	Hedgerow units	216.21%
	River units	0.00%

A17 Biofield  
A-1 Site Habitat Baseline

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Ref	Habitats and areas		Habitat distinctiveness		Habitat condition		Ecological connectivity			Strategic significance			Suggested action to address habitat losses	Ecological baseline	Retention category biodiversity value						Biosphere compensation signed for unacceptable losses	Comments			
	Broad Habitat	Habitat type	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance			Strategic position multiplier	Area retained	Area enhanced	Area succession	Baseline units retained	Baseline units enhanced		Baseline units successional	Area lost	Units lost	Assessor comments
1	Woodland and forest	Woodland and forest - Other woodland: broadleaved	1.22	Medium	4	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	4.88				0.00	0.00	0.00	1.22	4.88	Broadleaved woodland plantation - Habitat data collected pre-dates the Metric requirement for Condition assessment. Therefore all baseline conditions were previously set to Moderate. Condition has been re-assessed using Technical Note 2.0 Condition Table against habitat data available. Poor condition is appropriate due to ES section 8.7.5: "The main woodland areas were assessed as being relatively young and planted at roughly the same period with limited vegetation structure. Tree species were mixed and largely native but equal aged with little new growth or understorey and limited standing or fallen deadwood. Ground flora was similarly limited due to the closed canopy although there were some deliberately opened glades which are developing a limited ground flora."	
2	Heathland and shrub	Heathland and shrub - Mixed scrub	0.37	Medium	4	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	1.48				0.00	0.00	0.00	0.37	1.48	A2-1 scrub demo & A2-2 scattered scrub (combined for ES habitat loss calculation so combined here) - Habitat data collected pre-dates the Metric requirement for Condition assessment. Therefore all baseline conditions were previously set to Moderate. Condition has been re-assessed using Technical Note 2.0 Condition Table against habitat data available. Poor condition is appropriate due to ES Appendix 8.13 Botany Report recording that scrub is dominated by blackthorn and Hawthorn with little other ecological interest.	
3	Grassland	Grassland - Modified grassland	1.12	Low	2	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	2.24				0.00	0.00	0.00	1.12	2.24	60 poor semi-improved grass - Habitat data collected pre-dates the Metric requirement for Condition assessment. Therefore all baseline conditions were previously set to Moderate. Condition has been re-assessed using Technical Note 2.0 Condition Table against habitat data available. Poor condition is appropriate due to ES section 8.7.5: "Field margins and road verges were a mix of poor semi-improved grassland and tall ruderal swards generally between 2m and 4m wide, although with a few larger patches. All showed signs of nutrient enrichment and regular management, and no species indicative of better quality grassland were recorded."	
4	Orchard	Orchard - Coreal crops other	78	Low	2	N/A - Agricultural	1	N/A	Assessment not appropriate	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	156.00				0.00	0.00	0.00	78.00	156.00	Cultivated land	
5	Sparsely vegetated land	Sparsely vegetated land - Ruderal/Ephemeral	0.46	Low	2	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	0.92				0.00	0.00	0.00	0.46	0.92	Tall ruderal - Habitat data collected pre-dates the Metric requirement for Condition assessment. Therefore all baseline conditions were previously set to Moderate. Condition has been re-assessed using Technical Note 2.0 Condition Table against habitat data available. Poor condition is appropriate due to ES section 8.7.5: "Field margins and road verges were a mix of poor semi-improved grassland and tall ruderal swards generally between 2m and 4m wide, although with a few larger patches. All showed signs of nutrient enrichment and regular management, and no species indicative of better quality grassland were recorded."	
6	Lakes	Lakes - Ponds (Priority Habitat)	0.07	High	6	Poor	1	Medium	Moderately connected habitat	1.1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same habitat required	0.46				0.00	0.00	0.00	0.07	0.46	Ponds - Habitat data collected pre-dates the Metric requirement for Condition assessment. Therefore all baseline conditions were previously set to Moderate. Condition has been re-assessed using Technical Note 2.0 Condition Table against habitat data available. Poor condition is appropriate due to ES section 8.7.5: "Surveys for aquatic invertebrates were undertaken in June 2017. Results of these surveys from sweep netting showed that waterbodies are of generally poor water quality due to pollution from farming activities. There were no notable species recorded, the site is currently of low value for aquatic invertebrates". Additionally in ES Appendix 8.8 GCM Survey Report Section 4.3 only 1 pond scored Good and 2 ponds scored Average under HSI criteria, all other ponds scored below average or poor.	
7	Urban	Urban - Built linear habitats	21.49	Very Low	0	N/A - Other	0	N/A	Assessment not appropriate	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Compensation Not Required	0.00				0.00	0.00	0.00	11.49	0.00	Existing infrastructure - roads, pavement, tracks, gardens, buildings etc.	
8																									
9																									
10																									
		Total site area ha	100.23											Total Site baseline	165.98	10.00	0.00	0.00	0.00	0.00	0.00	92.73	165.98		

A47 Blofield  
A-2 Site Habitat Creation

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Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Post development/ post intervention habitats			Strategic significance			Temporal multiplier		Difficulty multipliers		Habitat units delivered	Comments	
						Ecological connectivity		Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition/years	Time to target multiplier	Difficulty of creation category	Difficulty of creation multiplier	Assessor comments		Reviewer comments	
						Ecological connectivity	Connectivity											Connectivity multiplier
Woodland and forest - Other woodland: broadleaved	3.2	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	30	0.343	Medium	0.67	5.89	<p>New broadleaved plantation planting - Condition assessed using Technical Note 2.0, moderate condition is appropriate as woodland will all have similar age and structure while establishing and will also lack fallen or standing deadwood, however woodland will be devoid of invasives (as managed) and will also be protected from grazing and other impacts. The time to achieve Target Condition (30 years) is reflected in the 'time to target multiplier'.</p> <p>- Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Habitats will then be managed and maintained by HE according to the HEMP. The result of both the establishment period and the subsequent HEMP mean the habitats created will be under controlled management for a period of 30 years following creation. The habitats will then be managed according to HE's general management principals in perpetuity. This will ensure the proposed habitats reach the target conditions set out</p>	
Heathland and shrub - Mixed scrub	0.01	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	3	0.899	Low	1	0.07	<p>scrub planting- Condition assessed using Technical Note 2.0, moderate condition is appropriate as while scrub will all have similar age and structure while establishing, however habitat will be devoid of invasives (as managed) and will also be protected from grazing and other impacts. The time to achieve Target Condition (3 years for all Target Conditions for this habitat type) is reflected in the 'time to target multiplier'.</p> <p>- Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Habitats will then be managed and maintained by HE according to the HEMP. The result of both the establishment period and the subsequent HEMP mean the habitats created will be under controlled management for a period of 30 years following creation. The habitats will then be managed according to HE's general management principals in perpetuity. This will ensure the proposed habitats reach the target conditions set out</p>	
Grassland - Modified grassland	0.57	Low	2	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	10	0.700	Low	1	1.60	<p>rich- Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, meadowgrass etc), however lacking wildflowers etc. to improve to good condition. Clover and ryegrass below thresholds to designate Poor condition. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'.</p> <p>- Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, creeping bent etc), however lacking wildflowers etc. to improve to good condition. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'.</p> <p>- Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and</p>	

Post development/ post intervention habitats																		
Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity			Strategic significance			Temporal multiplier		Difficulty multipliers		Habitat units delivered	Comments	
						Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition/years	Time to target multiplier	Difficulty of creation category	Difficulty of creation multiplier		Assessor comments	Reviewer comments
Urban - Amenity grassland	3.9	Low	2	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low/Strategic Significance	1	3	0.899	Low	1	14.02	Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, meadowgrass etc), however lacking wildflowers etc to improve to good condition. Clover and ryegrass below thresholds to designate Poor condition. The time to achieve Target Condition (3yrs) is reflected in the 'time to target multiplier'. - Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, creeping bent etc), however lacking wildflowers etc to improve to good condition. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'. - Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate	
Grassland - Other neutral grassland	25.96	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low/Strategic Significance	1	10	0.700	Low	1	145.43	grassland (includes small area with bulbs (0.028ha) with Bulbs - Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, dogstail etc), wildflowers present but less than 30% coverage. Clover and ryegrass absent. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'. - Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, creeping bent etc), however lacking wildflowers etc to improve to good condition. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'. - Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and	
Grassland - Modified grassland	0.37	Low	2	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low/Strategic Significance	1	10	0.700	Low	1	1.04	Marshy Grassland- Condition assessed using Technical Note 2.0, moderate condition is appropriate as grassland is dominated by indicator species (red fescue, common bent and dogstail dominate), also wildflowers and sedges less than 30% coverage. The time to achieve Target Condition (10yrs) is reflected in the 'time to target multiplier'. - Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. This will ensure the proposed habitats reach the target conditions set out	
Urban - Built linear features	18.94	V.Low	0	N/A- Other	0	N/A	Assessment not appropriate	1	Area/compensation not in local strategy/ no local strategy	Low/Strategic Significance	1	0	1.000	Low	1	0.00	New infrastructure	

Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity			Strategic significance			Temporal multiplier		Difficulty multipliers		Habitat units delivered	Comments	
						Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition/years	Time to target multiplier	Difficulty of creation category	Difficulty of creation multiplier		Assessor comments	Reviewer comments
Lakes- Ponds (Priority Habitat)	0.08	High	6	Good	3	Medium	Moderately connected habitat	1.1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	10	0.700	Medium	0.67	0.74		
Cropland - Cereal crops other	39.7	Low	2	N/A - Agricultural	1	N/A	Assessment not appropriate	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	0.965	Low	1	76.62	arable reinstatement	
Totals	92.73															Total Units	245.41	

New pond creation - Condition assessed using Technical Note 2.0. Good condition is appropriate as ponds will be newly created with good water quality, no fish and will not be shaded greater than 50% (non-woodland ponds), water levels will naturally fluctuate. There will be only minor variations from Good Condition criteria, mainly that for initial years non-woodland ponds will not be dominated by planting until it becomes established and as pond within newly created landscape it will be lacking in semi-natural riparian landscape for 10m from edge, however all other indicators of poor condition are absent. The time to achieve Target Condition (10yrs) is reflected in the time to target multiplier. Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. This will ensure the proposed habitats reach the target conditions set out

A47 Blofield  
B-2 Site Hedge Creation

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Baseline ref	New hedge number	Proposed habitats		Multipliers														Hedge units delivered	Comments	
				Length km	Habitat distinctiveness	Score	Habitat condition		Ecological connectivity			Strategic significance			Temporal multiplier		Difficulty of creation multiplier			
		Condition	Score				Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition/years	Time to target multiplier						
1		Native Species Rich Hedgerow	6.51	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	5	0.837	0.67	29.20	New Intact species rich hedgerow. The time to achieve Target Condition (30 years for all Target Conditions for this habitat type) is reflected in the 'time to target multiplier'. Habitats will be created and initially managed through a 5yr management plan (LEMP) to ensure establishment. Following the establishment period a handover Habitat Management Plan (HEMP) will be prepared and agreed with HE Estate management team for handover, this will cover 25 years. Habitats will then be managed and maintained by HE according to the HEMP. The result of both the establishment period and the subsequent HEMP mean the habitats created will be under controlled management for a period of 30 years following creation. The habitats will then be managed according to HE's general management principles in perpetuity. This will ensure the proposed habitats reach the target conditions set out.		
2		Line of Trees	1.32	Low	2	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	0.965	1	2.55	Masterplanned as lines/groups of individual trees, classed in metric as tree lines as street tree calculator not appropriate for non-urban setting. - Managed as per entry above to obtain target condition.		
3																				
4																				
5		Creation Length/KM	7.83														31.75			

A47 Blofield  
B-1 Site Hedge Baseline

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Baseline ref	UK Habitats - existing habitats			Habitat distinctiveness		Habitat condition		Ecological connectivity			Strategic significance			Suggested action to address habitat losses	Ecological baseline Total hedgerow units	Retention category biodiversity value						Comments	
	Hedge number	Hedgerow type	length KM	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier			Length retained	Length enhanced	Units retained	Units enhanced	Length lost	Units lost	Assessor comments	Reviewer comments
1		Native Species Rich Hedgerow	0.37	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/c compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Like for like or better	2.96			0	0	0.37	2.96	Hedgerow stumps to be translocated to assist regeneration, however for calculation assumed as loss and replace	
2		Native Hedgerow	0.9	Low	2	Poor	1	Low	Unconnected habitat	1	Area/c compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness band or better	1.8			0	0	0.9	1.8		
3		Line of Trees	1.32	Low	2	Moderate	2	Low	Unconnected habitat	1	Area/c compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness band or better	5.28			0	0	1.32	5.28		
4																							
5																							
		Total Site length/KM	2.59											Total Site baseline	10.04	0.00	0.00	0.00	0.00	2.59	10.04		

## **ANNEX B: CLIMATE**



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## 1.1 Introduction

- 1.1.1 During the hearing into the effects of the Scheme on climate during ISH2 the Applicant offered to provide further information to assist the Examining Authority (ExA). This Annex presents information on the following, along with the implications for the Scheme:
- a) The Derby Junctions and Wisley DCO applications
  - b) Paris Agreement and Nationally Determined Contribution
  - c) R (Transport Action Network Ltd) (TAN) v The Secretary of State for Transport (SoST) and Highways England Company Limited [2021] EWHC 2095 (Admin) ("the RIS 2 case")
  - d) Commentary on Dr Boswell's interpretation of the EIA Regulations
- 1.1.2 It is anticipated that the ExA will wish to consider the implications for the Scheme of the Government's Net Zero Strategy, which is expected to be published before the start of COP26 on 1 November 2021, and that the Climate Chapter in the ES could be updated prior to the closing of the Examination.
- 1.1.3 ES Chapter 14: Climate (**APP-053**) sets out the assessment of the Scheme in the context of its vulnerability to climate change.

## 1.2 Derby Junctions and Wisley DCO applications

- 1.2.1 By an order dated 8 July 2021 the High Court quashed the decision of the Secretary of State for Transport dated 8 January 2021 to grant the application by Highways England for development consent for the proposed grade separation of three junctions and road widening on the A38 in Derby ("the Derby Junctions scheme"). Following that judgment, the Secretary of State must now re-determine that application with the benefit of representation on the matters identified in the Statement of Matters published on 2 August 2021. Highways England has submitted the information required:  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010022/TR010022-001470-A38%20Derby%20Junctions%20-%20Response%20to%20Secretary%20of%20State%20letter%20of%2002%20Aug%202021%20.pdf>
- The Secretary of State will now invite Interested Parties to submit further representations on Highway England's response and on all other matters in the Statement of Matters.
- 1.2.2 Following the order made in the Derby Junctions scheme other DCO projects currently at Examination or awaiting decision, including the application by Highways England for a DCO for the proposed M25 junction 10/A3 Wisley

interchange improvement ("the Wisley scheme"), have been asked to provide information in respect of:

- the respective scheme's compliance with the sixth carbon budget as set out in the Carbon Budget Order 2021; and
- the direct, indirect and cumulative likely significant effects of the Scheme with other existing and/or approved projects on climate, including greenhouse gas emissions and climate change adaptation;

*"which should be set in light of the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and in light of paragraphs 5.17 and 5.18 of the National Policy Statement for National Networks ('NNNPS')".*

1.2.3 In respect of the Wisley scheme, Highways England submitted its response to the Secretary of State's letter of 26 July 2021 on 9 August 2021:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010030/TR010030-001344-21.08.10-HE-Response-to-SoS.pdf>

1.2.4 The information submitted in response to the two matters identified at paragraph 2 above for both the Derby Junctions scheme and the Wisley scheme is substantially the same as that presented by the Applicant in respect of the Scheme during ISH2 and set out in the Applicant's Summary of Oral Evidence Presented at Hearing, to which this document is Annexed. The Statement of Matters for the Derby Junctions scheme sought some additional information not covered by paragraph 2, specifically information on the implications, if any, of the development in relation to the Paris Agreement and the UK's nationally determined contribution under the Paris Agreement. That information is provided below to inform the examination of the Scheme.

### **1.3 Paris Agreement and Nationally Determined Contribution**

1.3.1 The UK confirmed its Nationally Determined Contribution (NDC) under the Paris Agreement to the United Nations Framework Convention on Climate Change (UNFCCC) in December 2020. The NDC commits the UK to reducing economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels.

1.3.2 The NDC aligns with the legislated UK carbon reduction target in the 6th Carbon Budget, which, by setting a carbon budget for the period 2033 to 2037 of 965 MtCO<sub>2e</sub>, will achieve a to reduce emissions reduction of by 78% by 2035 compared to 1990 levels as the legislated carbon reduction target was set by the Climate Change Committee to align with the 6th Carbon Budget.

1.3.3 As explained in Chapter 14 Climate, the climate assessment will not impact the UK achieving its carbon reduction targets. In turn it can be concluded that there are no implications of the development in relation to the Paris Agreement and the UK's nationally determined contribution under the Paris Agreement.

### **1.4 The RIS 2 Case**

1.4.1 In R (Transport Action Network Ltd) (TAN) v The Secretary of State for Transport (SoST) and Highways England Company Limited [2021] EWHC 2095 (Admin) the High Court considered the challenge by judicial review to the decision to the

SoST decision on 11 March 2020 to set the "Road Investment Strategy2: 2020 – 2025" pursuant to s.3(1) of the Infrastructure Act 2015. A copy of the judgement and the summary of the judgment accompany this note. Links are here:

<https://www.judiciary.uk/wp-content/uploads/2021/07/TAN-v-SST-judgment-260721.pdf> and <https://www.judiciary.uk/wp-content/uploads/2021/07/TAN-v-SST-summary-260721.pdf>.

- 1.4.2 As recorded in the judgment, *"RIS 2 sets out the government's expenditure priorities for the operation, maintenance, renewal and enhancement of the SRN. HE is to develop the schemes listed in the Strategy and to construct those for which funding has been authorised, so long as they continue to provide value for money and be deliverable, which includes satisfying any statutory requirements such as need to obtain planning and environmental consents"*. (paragraph 5)
- 1.4.3 Whilst the decision with which the High Court was concerned was *"essentially a high-level strategy document providing for investment in the SRN [Strategic Road Network]" and not an environmental decision-making document"* (paragraph 121), the judgment is of relevance to consideration of the approach to assessing climate effects in respect of the Scheme for the reasons summarised below.
- 1.4.4 The High Court recognised that it is the government's role to determine how best to balance emissions across the entire economy (paragraph 54) and that that the carbon budgets enable net increases in emissions to be managed within the carbon budgets by balancing with performance in other sectors: *"The SST must also have been aware that there is no sectoral target for transport, or any other sector, and that emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of "an economy-wide transition"* (paragraph 127). Accordingly, the fact that the Scheme is predicted to give rise to a net increase in greenhouse gas emissions does not undermine the ability of the UK to reach net zero by 2050. The claim that there should have been cumulative assessment of emissions from the Scheme with other A47 projects and with other RIS 2 projects in order to determine significance of effect is similarly inconsistent with the approach of the Climate Change Act 2008 and carbon budgets since emissions from these projects will be managed within the overall strategy for meeting carbon budgets. The policy tools and levers that are and will be used to meet the carbon budgets will be national and span emissions-generating as well as emissions-reducing policies and projects. Recent examples include the Department for Transport's Transport Decarbonisation Plan and Highways England's net zero plan. The cross-government Net Zero Strategy, to be published ahead of COP26, is a further example of a national policy intended to ensure that the UK meets its net zero target by 2050.
- 1.4.5 As the Scheme initially formed part of RIS 1, attention is drawn to paragraphs 129 and 130 of the judgment, which note in respect of the NNNPS advice at paragraphs 5.17 – 5.18 that *"the policy approved by Parliament considers it appropriate to compare the emissions from a roads programme with the UK as a whole, rather than a smaller sector. Second, the percentage given is an indicator of what may be considered as "very small" and not a matter of concern in terms*

*of the UK's climate change policy." In respect of RIS1, "Much the same approach was taken in RIS 1. It was estimated that the investment packages in the SRN would generate a slight increase in carbon emissions, amounting to 0.1% to 0.2% of those forecast for 2040. In that instance the comparison was made with a single year, rather than a carbon budget. Once again, it was stated that the increase would be much smaller than the reduction attributable to a shift to low emission vehicles." Since the greenhouse gas emissions from the 112 schemes that initially formed part of RIS 1, of which the Scheme initially fell before being carried forward into RIS 2, would generate a "small increase" in carbon emissions, it cannot be logical to find that the Scheme itself could be capable of giving rise to a likely significant effect in terms of greenhouse gas emissions.*

- 1.4.6 In terms of the entirety of emissions from RIS 2 the High Court judgment states *"I see no reason to question the judgment reached by the DfT that the various measures of carbon emissions from RIS 2 were legally insignificant, or de minimis, when related to appropriate comparators for assessing the effect on climate change objectives"* (paragraph 159). Accordingly, as one scheme within an overall programme that is de minimis in terms of its impact upon carbon reduction commitments, the Scheme itself can have no greater than a de minimis impact on the UK's carbon reduction commitments.
- 1.4.7 The judgment also confirmed (paragraph 140) that the only cumulative targets against which the cumulative assessment of emissions could be made were the carbon budgets. There were no other targets: "Although the claimant has sought to emphasise the need for a cumulative assessment of emissions over the period 2020 to 2050, it has not suggested that there is any target expressed in cumulative terms over such a period (or anything similar) against which an assessment could be compared. There is currently no such target in the CCA 2008. The Paris Agreement does not identify targets for individual nations, and it is not suggested that the "nationally determined contribution" communicated by the UK refers to any such cumulative target. The only cumulative targets in the CCA 2008 are the carbon budgets which, at the time of the decision under challenge, did not run beyond 2032. Accordingly, the claimant's argument in this part of the case leads nowhere." During ISH2 the Applicant explained that there are no carbon budgets against which to assess the likely significance of such carbon emissions after 2037 (see the Applicant's Written Summary of Oral Submissions at Ref 17, which places emissions in the post 2037 period in the context of the 2050 net zero target and associated policies).
- 1.4.8 The RIS 2 High Court judgment considered evidence given by Professor Phil Goodwin (see paragraphs 17, 138-141, 146-147 and 156-157 of the judgment), on whose witness statement Dr Boswell in part relies (see paragraph 2.8 of the CEEP Written Representation dated July 20th 2021, including footnote 23). In the RIS 2 case Professors Goodwin and Anable disputed the emissions modelling undertaken by the Department for Transport and the comparisons with targets in the Climate Change Act 2008. The Examination of the Scheme has not had sight of the evidence given to the High Court though it appears from a comparison between the RIS 2 judgement and Dr Boswell's Written Representations that the arguments advanced in the Written Representations are similar to those presented to the High Court by the Claimant. For the

purposes of the Scheme, it is noted that the High Court preferred the evidence of the Defendants on emissions modelling (see paragraph 147) and firmly rejected the criticism of the comparison of RIS 2 (including RIS 1 schemes) with UK emissions as a whole "Far from the department's approach being irrational or incontrovertibly erroneous, it is the criticisms which are unreasonable"(paragraph 153).

## 1.5 EIA Regulations and likely significant climate effects

- 1.5.1 Dr Boswell incorrectly asserts that the EIA Regulations require assessment of the significance of the climate effects of the Scheme in the context of local and regional carbon budgets. The guidance on which Dr Boswell relies is "Guidance on the preparation of the Environmental Impact Assessment Report". Whilst published by the European Commission, this guidance was prepared by third party contractors under a specific contract number and is subject to the disclaimer (page 2) that *"The information and views set out in this publication are those of the author(s) and Do not necessarily reflect the official opinion of the Commission. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein". Further (page 17) "This Guidance document has been designed to be used throughout the European Union (EU) and cannot, therefore, reflect all of the specific legal requirements and practices of EIA in the different EU Member States. As such, any existing national, regional or local guidance on EIAs should always be taken into consideration alongside this document. Furthermore, the Guidance Documents should always be read in conjunction with the Directive and with national or local EIA legislation. Interpretation of the Directive remains the prerogative of the Court of Justice of the European Union (CJEU) solely and, therefore, case-law from the CJEU should also be considered"*.
- 1.5.2 The guidance does not have the status of law, is not a statement of official European Commission policy, is subject to national requirements and did/does not form part of the legal or policy framework for the determination of applications for development consent in England either before or after EU Exit on 31 December 2020. It does not import into the EIA Regulations either the authority or the interpretations relied on by Dr Boswell in his representations. The guidance is one of the documents referenced in footnotes in PINS Advice Note seventeen along with guidance from Consultation Bodies (DMRB standards are an example of such guidance). The Advice Note, to which Dr Boswell makes no reference, states *"To assist, some documents are referenced in the footnotes but it will be for applicants to ensure that all relevant policy, legislation and guidance has been applied."*
- 1.5.3 Notwithstanding this, the emissions assessment undertaken for the Scheme is not in breach of the guidance. As the extracts cited by Dr Boswell note, *"The assessment should take relevant greenhouse gas reduction targets at the national, regional, and local levels into account, where available"* and *"Cumulative effects can occur at different temporal and spatial scales. The spatial scale can be local, regional or global, while the frequency or temporal*

*scale includes past, present and future impacts on a specific environment or region". [emphasis added].*

- 1.5.4 The guidance thus recognises that different GHG reduction targets can be relevant to different EIA developments and that the spatial scale at which different ES assessments are undertaken will also differ depending on the specific environment in which the assessment is undertaken.
- 1.5.5 The partial quote from paragraph 45 of the judgment in CJEU Case C-53/13 (at paragraph 32 of Dr Boswell's Written Representations) is not incompatible with the assessment of the Scheme in the context of the carbon budgets. The case is about screening rather than assessment per se, but, when the partial quote is read in context, it is clear that the case supports the Applicant's approach, which ensures that the significance of cumulative effects on climate of the NSIP are assessed along with all other emissions and not just those from projects of the same kind. The case does not support the proposition advanced by Dr Boswell that ES cumulative climate assessments for the Scheme should be in the context of other "local" and "national" highway projects:

*"43 It follows from Annex III, No 1, that the characteristics of a project must be assessed, inter alia, in relation to its cumulative effects with other projects. Failure to take account of the cumulative effect of one project with other projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment (see, to that effect, judgment in Brussels Hoofdstedelijk Gewest and Others, EU:C:2011:154, paragraph 36)".*

*44 That requirement must be construed in the light of Annex III, No 3, to Directive 85/337, under which the potential significant effects of a project must be considered in relation to criteria set out under Nos 1 and 2 of that annex, having regard in particular to the probability, magnitude, duration and reversibility of the impact.*

*45 It follows that a national authority, in ascertaining whether a project must be made subject to an environmental impact assessment, must examine its potential impact jointly with other projects. Moreover, where nothing is specified, that obligation is not restricted only to projects of the same kind. As observed by the Advocate General in point 71 of her Opinion, the preliminary assessment must also consider whether, on account of the effects of other projects, the environmental effects of the exploratory drillings may be greater than they would be in their absence." [emphasis added]*

- 1.5.6 UK government policy advice in NNNPS at paragraphs 5.17 and 5.18 is that the likely significance of climate effects of projects to which the National Networks National Policy Statement applies (which are nationally significant infrastructure projects) should be considered at the national level, specifically in the context of the carbon budgets. The evaluation of the RIS2 case in this Annex provides further grounds to support that approach. The Applicant has correctly applied the EIA Regulations to the assessment of the effects of the Scheme on climate and, in particular, in the assessment of significance of emissions in the context of the carbon budgets. Likewise, in determining the DCO application the

Secretary of State will consider the significance of emissions in the context of the carbon budgets in accordance with NNNPS paragraph 5.18.

- 1.5.7 The information that the Applicant has provided in the ES and subsequently meets the requirements of Regulation 14 and Schedule 4 of the EIA Regulations. The magnitude at which the likely significance of emissions is assessed is the national level, as required by national policy.