

A47 Blofield to North Burlingham Dualling

Scheme Number: TR010040

Volume 9

9.26 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

November 2021

Deadline 7

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]

**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 third Open Floor Hearing (OFH3), the second Compulsory Acquisition Hearing (CAH2) and the fourth Issue Specific Hearing (ISH4) for the A47 Blofield to North Burlingham (DCO) application were held virtually on Microsoft Teams on Tuesday 9 November 2021.
- 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 hearings. This document seeks to fully address the representations made by the Interested Party and to respond to questions raised by the ExA at the hearings.
- 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 Appendices:
- Appendix A: Hearing Action Points – 7, 8, 9
 - Appendix B: Hearing Action Points – 18, 19, 20
 - Appendix C: Hearing Action Point – 21

2 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT OPEN FLOOR HEARING 3

Ref	Comment / Representation By	Questions / Issues Raised at OFH3	Applicant's Response
Agenda Item 1 – Welcome, introductions and arrangements for the hearing			
1	ExA	The ExA introduced himself and welcomed everyone to the hearing setting out that he was appointed by the Secretary of State to examine the A47 Blofield to North Burlingham scheme.	Richard Guyatt, partner at Womble Bond Dickinson UK LLP, stated that he would appear on behalf on National Highways as the lead legal adviser for the project and stated that the project team would introduce themselves as and when necessary to make representations to the ExA.
Agenda Item 2 – Representations by Interested Parties (IPs)			
2.1	ExA / Ms Jane Jones	<p>The ExA welcomed Jane Jones at the hearing to make representations following the request to speak in response to the publication of the hearing notices.</p> <p>Jane Jones introduced herself as the owner of Acle Hall Farm outlining that the farm land had previously been reduced by ten acres due to the development of the Acle Bypass in the 1980's and 1990's which attributed knowledge of the Development Consent Order process.</p> <p>She outlined that she owned fields to the north and south of the A47 and expressed concern over the safety issues present from the closure of the layby connecting the northern fields of the farm to the A47 for access by agricultural vehicles. It was made apparent that tractors, trailers and combine harvesters could be seen more visibly by the traffic on the A47 with additional opportunity to see oncoming vehicles.</p> <p>Specifically there was a perceived greater risk of traffic accidents because the closure of the layby would require the use of the Windle access track to the farm yard on a regular basis that was more concealed by vegetation and would require the heavy vehicles to transit onto the A47 from a standstill forming a departure from the existing layby access in which vehicles could join the A47 at speed with</p>	The Applicant's responses are at 3.1 below.

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		<p>additional visibility.</p> <p>Mrs Jones expressly requested for the layby to remain in place with exclusive access for agricultural vehicles associated with farming the Acle Hall farm. There was a proposal by Jane Jones that she could still have the sole right of access through the use of locked gates to access the field. She believed the layby should remain open to mitigate the potential for additional traffic collisions at the Windle Access which she believed would be present given the increased speed of the dualled highway at 70 mph where vehicles would be in the process of acceleration at the point the heavy agricultural vehicles would seek to join the A47.</p>	
2.2	ExA / Ms Jane Jones	<p>The ExA queried whether Mrs Jones had seen the Applicant's response to her Relevant Representation which rested on similar grounds?</p> <p>Mrs Jones confirmed that she had seen the response from the Applicant.</p>	-
2.3	ExA / Ms Jane Jones	<p>The ExA queried whether Mrs Jones disagreed with the Applicant's response?</p> <p>Mrs Jones didn't understand why the request couldn't be granted given the safety issues present with slow moving traffic joining the A47. She made the point that if there was a serious accident she wanted to feel confident that everything had been done to keep the layby open for traffic.</p>	The Applicant's responses are at 3.1 below.
2.4	ExA / Ms Jane Jones	<p>The ExA commented that the Applicant had set out that the Windle Access would be a safer route with more visibility and that placing a bollard or gate on the layby would not present the necessary space to close the gate next to the exit road and transit onto the A47, which could allow others to park on it.</p> <p>Mrs Jones didn't believe that other vehicles would be able to access the layby. On the basis that if its blocked off at the entry point they wouldn't be able to get to the exit point for</p>	The Applicant's responses are at 3.1 below.

Ref	Comment / Representation By	Questions / Issues Raised at OFH3	Applicant's Response
		<p>the layby without performing a ninety degree turn. She also disagreed with the visibility from vegetation in which the existing traffic can see agricultural vehicles much more clearly when they travel down the exit of the layby than the Windle access.</p>	
2.5	ExA / Ms Jane Jones	<p>The ExA queried whether Jane Jones and her associates used the Windle access frequently to access the A47?</p> <p>Mrs Jones commented that the Windle access was infrequently used to access the A47 and that the field access onto the layby was used more regularly given that, as she alleged, it was the safer route. The point was made that traffic is currently much slower on the single lane highway at fifty miles per hour at the beginning of the layby, where traffic hasn't been able to get up to that speed, whereas once the dualling for the stretch of highway was implemented traffic would accelerate to higher speeds of 70 miles per hour for the entirety of the stretch of highway.</p>	The Applicant's responses are at 3.1 below.
2.6	ExA / Ms Jane Jones	<p>The ExA noted that the Applicant believed there would be greater visibility, due to additional distance at the Windle junction, along with the increased speed to make the alternative access point much safer at the Windle junction.</p> <p>Mrs Jones disagreed on the basis that the layby was much more visible where a combine harvester which is used to harvest the fields would not be visible at the Windle access to moving traffic.</p>	The Applicant's responses are at 3.1 below.
Agenda Item 3 – Responses by the Applicant			
3.1	ExA / Applicant	<p>The ExA asked the Applicant to introduce themselves and respond to Jane Jones.</p> <p>The Applicant set out that having listen to Mrs Jones's representation and having referred to their response to the Relevant Representation of Mrs Jones (see document: REP1-060 at reference: RR-068-1), they would respond in writing to reflect upon the previous response and provide a</p>	<p>As stated in the Applicant's Response to Relevant Representations (REP1-060), page 177,</p> <p>The scheme will improve the safety of The Windle junction by:</p> <p>1) Closing the lay-by</p> <p>Closing the lay-by to the west of The Windle</p>

Ref	Comment / Representation By	Questions / Issues Raised at OFH3	Applicant's Response
		<p>more detailed answer which would take into consideration the additional detail on the effect of the increased speed of traffic for potential increased collisions at the Windle access and closure of the layby at the next deadline (Deadline 7 on 18 November).</p> <p>Hearing Action Point</p> <p>1. Respond to Ms Jones concern regarding highway safety issues due to proposed changes to the layby and field access</p>	<p>removes the risk of side swipe and shunt type collisions currently associated with the short weaving length between the lay-by and The Windle.</p> <p>2) Providing advanced direction signing</p> <p>The current junction does not have any advanced direction signing which would warn drivers of the approaching junction for either vehicles turning into, or exiting, the junction. The closure of the lay-by enables this signing to be introduced.</p> <p>3) Provision of the new dual carriageway</p> <p>The continuity of the dual carriageway will provide a more free-flowing network, where currently The Windle junction sits at the start of a section of dual carriageway where vehicles will often be "platooned" behind slower vehicles and will be accelerating in lane two to pass before the end of the dual carriageway at Acle.</p>
3.2	ExA / Applicant	<p>The ExA queried whether the Applicant was in regular contact with Mrs Jones to resolve her Relevant Representation and whether further meetings in person were required between herself and the Applicant to discuss these matters or whether the Applicant would solely respond by written representations at deadline 7.</p> <p>The Applicant confirmed that they would arrange a further meeting with Mrs Jones to discuss her concerns over the closure of the layby to progress matters and resolve her objection to the scheme in addition to their submission at deadline 7.</p>	<p>The Applicant confirmed that they would arrange a further meeting with Mrs Jones to discuss her concerns over the closure of the layby to progress matters and resolve her objection to the scheme in addition to their submission at deadline 7.</p>
Agenda Item 4 – Closure of the meeting			
4.1	ExA	<p>The ExA thanked everyone for the participation.</p> <p>No further representations were made.</p>	<p>The Applicant will submit its oral cases for the hearings and written responses at deadline 7 on 18 November.</p>

3 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT COMPULSORY ACQUISITION HEARING 2

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
Agenda Item 1 – Welcome, introductions and arrangements for the hearing			
1.1	<p>The ExA welcomed everyone to the CAH2 for the application made by National Highways for the A47 Blofield to North Burlingham project.</p> <p>The ExA confirmed that for the purpose of identification at every point a party wishes to speak they should state their name and if they are representing an organisation or individual state whom it is that they represent.</p> <p>The ExA confirmed no requests had been received to speak at the hearing and asked anyone if they wished to make representations to which no response was received.</p>	<p>Richard Guyatt, partner at Womble Bond Dickinson UK LLP, stated that he would appear on behalf on National Highways as the lead legal adviser for the project and stated that the project team would introduce themselves as and when necessary to make representations to the ExA.</p>	
Agenda Item 2 – Change Request			
2.1	<p>The ExA set out that the latest change request was very similar to the previously rejected version and asked the Applicant to provide an overview and brief description of the latest request.</p>	<p>The Applicant set out that the request related to the proposed diversion of the Cadent gas pipeline which comprised work no. 5 in the draft Development Consent Order (REP5-002).</p> <p>Where the gas pipeline is being diverted there also needs to be a new block valve site at the location where the new diverted east west pipeline converges with the north south pipeline. As a result, this new block valve site needed to be provided in a small freehold area to the south of the new dualled A47 which will contain a concrete base with an access for Cadent to maintain the site and access the infrastructure. The Applicant, therefore, chose to extend the southern access road that runs parallel to work no.1 to the south at the new intersection of the two gas pipelines.</p>	<p>The Applicant relies on its submissions at the hearing.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
		<p>This required amendments to the Land Plans and Book of Reference to create a new permanent right for Cadent to access the block valve site and an equivalent freehold for the compound area.</p>	
2.2	<p>The ExA queried why the Applicant had reapplied for the request?</p>	<p>The Applicant confirmed that the decision to refuse the first change request had been reviewed on the basis that the compulsory acquisition regulations applied to the change and as there wasn't sufficient time to deal with these regulations in the examination a new more detailed application had been submitted.</p> <p>Specifically the Applicant had reviewed the title information in full based on the official copies received from HM Land Registry and came to the conclusion that while multiple interests were noted on the title documents they were geographically peripheral in which many related to the benefit of the retained land rather than burdens placed upon it. As a result, the Applicant came to the conclusion that there were no other interests in land other than those with whom consent had been secured.</p> <p>The Applicant held the opinion, on this basis, that the application for a change fell within S123 (3) of the Planning Act 2008, because all parties affected had consented. This then did not require the application of the prescribed procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p>	<p>The Applicant relies on its submissions at the hearing.</p>
2.3	<p>The Examiner then queried the submission documents, specifically on plot 5/1b which was previously marked for temporary possession and now listed for permanent acquisition, to query whether temporary possession was actually compulsory acquisition?</p>	<p>The Applicant responded that the issue of temporary possession being compulsory acquisition was frequently debated and that it may have been better to phase the paragraph as whether the land is within the existing order land or is additional land added.</p>	<p>The Applicant relies on its submissions at the hearing.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
		<p>The Applicant's view is that there was no more land in spatial terms to be included in the Order. The Applicant was also not aware of any case law that definitively settled the issue either way as to whether temporary possession is compulsory acquisition. There is also a debate as to whether the Planning Act 2008 authorises the temporary possession power at all but there was an established history of these being included under the Transport and Works Act 1992 as well as hybrid bills and historic railway Orders.</p> <p>As such, the case law in the area tends to focus on compensation issues rather than the process and mechanism.</p>	
2.4	<p>The Examiner queried that this point would be redundant on the basis that the Applicant contended that they had consent from all the affected and interested parties and asked for clarification on this point.</p>	<p>The Applicant confirmed this was correct and that the affected and interested parties (freehold and leasehold parties) who were already burdened were content for the burden of the gas valve site to be moved to the south of its existing position in a replication process.</p>	<p>The Applicant relies on its submissions at the hearing.</p>
2.5	<p>The ExA then queried points on the compulsory acquisition (CA) schedule. Providing background on the CA Schedule that there were two named parties (Mr and Mrs Adams) with interests in plots 5b 5d and 5g on page 16 and asked why only Mr Adams was listed as having an interest in these plots within the Book of Reference (BoR).</p> <p>The ExA then asked why Mrs Adams was listed in the CA Schedule as possessing an interest against the title?</p> <p>Hearing Action Point</p> <p>1. Clarify why two names appear in the CAS [REP6-005] at Ref No 34 with interests in Plots 5/1b, 5/1e and 5/1g but only one name appears</p>	<p>The Applicant confirmed this was because Mr Adams had the interest over these titles and that Mrs Adams did not appear on the title.</p> <p>The Applicant believed that the proprietorship register had been checked but there was a lack of detail as to whether Mr and Mrs Adams jointly farmed the land or whether Mr Adams could be regarded as the sole occupier.</p> <p>The Applicant then agreed to check the accuracy of Mr and Mrs Adams interests in the BoR and to update the CA Schedule to provide an accurate document to the ExA.</p>	<p>Mrs Adams is scheduled with interest in land on sheet 4 of the Order land, in close proximity to the buildings comprising Poplar Farm. As such she and Mr Adams have been scheduled as one party in the CA Schedule. It is not understood that any interest in land she may have extends in to the area shown on sheet 5 of the Land Plan.</p> <p>The Applicant has revised the CA Schedule for Deadline 7 to separate out Mrs Adams' name from Mr Adams, to assist with clarifying this point in the CA Schedule.</p> <p>Ref No. 34 has been updated to remove Georgina Adams and Ref 34a has been added to include the specific interests of Georgina Adams.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	against these plots in the BoR [REP6-002]		The CA Schedule (TR010040/EXAM/9.4 Rev 8) has been submitted at Deadline 7.
2.6	<p>The ExA then queried that parties had been removed from the BoR with relation to plots 5/1b, 5/1e and 5/1g on the basis that they do not have an interest in the land, but why they were still listed as possessing interests in the other 5/1 plots?</p> <p>The ExA then queried whether there was an oversight in the CA Schedule as these parties were still showing as having an interest in plots 5/1a, 5/1b and 5/1g in the document and whether the document could be updated to reflect the proper references?</p> <p>Hearing Action Point</p> <p>3. Ensure consistency between the BoR and CAS in respect of Plots 5/1b, 5/1e and 5/1g.</p>	<p>The Applicant believed that it would lead to more confusion if the parties were removed from the remainder of the 5/1 plots. It was perceived better to reference the potential interests than to exclude people from the BoR. This approach was taken on the basis that when there may be doubt as to parties interests it was better to include them in the BoR and allow the parties to prove their claim for compensation.</p> <p>It was believed to be a more robust approach not to omit parties so the Applicant went through every other entry of interests relevant to the central parties under the change request with the limitation that the Applicant did not review all the interests of plot 5/1 towards Blofield as the primary focus was on the land affected by the change request.</p> <p>The Applicant agreed to updating the inconsistent interests the ExA had referenced in the CA Schedule.</p>	<p>The Applicant has updated the CA Schedule to correspond with the BoR to remove references to land interests in plots 5/1b, 5/1e and 5/1g.</p> <p>The CA Schedule (TR010040/EXAM/9.4 Rev 8) has been submitted at Deadline 7.</p>
2.7	<p>The ExA set out that there were interests previously referenced for British Gas and Lingwood and Burlingham Parish Council as well as unknown parties and queried where in the change request the Applicant had justified their removal?</p> <p>Hearing Action Point</p> <p>2. Provide justification for the removal of 'Lingwood and Burlingham Parish Council' and 'Unknown' from the BoR in respect of Plots 5/1b, 5/1e and 5/1g, ensuring all interests previously identified, with</p>	<p>The Applicant believed that there was a British Gas company which became National Grid Gas, an entity which was itself later separated into a public limited company gas transporter and a distribution (limited) company. It was believed the distribution company later became part of Cadent Limited.</p> <p>As for the unknown interest, the Applicant struggled to recall the exact details for their reference in the change request. The access for the Lingwood and Burlingham Parish Council interest (the right of access) could be seen on the</p>	<p>The "unknown" entries in the BoR relate to 3 documents of title referred to in the "A Register" of Norfolk County Council's (NCC) freehold title to the relevant land. Each of the entries is a benefit for NCC and is not a burden on its title. As such the entries are not matters that should be scheduled as interest as they are not interests in land held by a party over NCC's title, but are rights NCC holds over neighbouring titles.</p> <p>In relation to British Gas plc in 1986 there was a transfer of assets of British Gas Corporation to British Gas plc (integrated gas company for UK),</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	<p>associated dates, are addressed.</p>	<p>HM Land Registry filed plan. It was a long distance from the land discussed in the change request, being at the Lingwood Church car park, on Church Lane, Lingwood.</p>	<p>with trading of shares in British Gas plc commencing in December.</p> <p>In relation to British Gas, the relevant interest is Cadent's existing east-west gas pipe, which has the benefit of rights originally granted to the Eastern Gas Corporation, which became part of British Gas. This is in C1 of the NCC title relating to an agreement dated 26 February 1965.</p> <p>(The Gas Act 1986 (Transfer Date) Order 1986 - by the Gas Act 1986 (Nominated Company) Order 1986 (S.I. 1986/1317) the Secretary of State nominated British Gas plc as successor company to the British Gas Corporation).</p> <p>During the 1989/90 financial year British Gas plc re-organised into three separate business units. The Gas Business in Great Britain underwent further restructuring in 1994 when five Business Units were established including Transco, responsible for transporting and storage of gas;</p> <p>British Gas plc made a number of organisational changes during the early 1990's as the industry prepared for increased competition. On 17 February 1997, British Gas plc demerged into two separate listed companies; BG plc and Centrica plc.</p> <p>British Gas's transportation and storage business (Transco) remained with BG plc.</p> <p>British Gas's Gas Sales and Gas Trading, Services and Retail businesses, together with the gas production business of the North and South Morecambe gas fields were transferred to Centrica.</p> <p>In October 2000 a second demerger took place and as a result BG Plc became two companies – BG Group Plc (the international elements of the</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
			<p>gas business) and Lattice Group Plc. Transco became part of Lattice Group plc, which by now was just one of the three successor companies to British Gas plc. Lattice Group Plc's primary responsibility was UK Gas Transmission & Distribution (which by now was reshaped into eight networks, from twelve Regions).</p> <p>On 21st October 2002 Lattice Group plc and National Grid Group plc merged to form a new company – National Grid Transco plc (and following a name change in 2005, this has now become National Grid).</p> <p>This merger united the UK gas and high voltage electricity transmission businesses, the UK Gas distribution business and other subsidiaries including US Gas & Electricity Distribution business. During 2005, four of the eight gas distribution networks were sold to private buyers and the Company changed its name to National Grid.</p> <p>In October 2016 the remaining four National Grid Gas Distribution Networks became an independent company - Cadent Gas Limited. Cadent is an independent company in its own right, owned by a consortium of investors.</p> <p>The current British Gas company is connected to Centrica and is unrelated to the activities of gas distribution in the in the Order land. The entry in the BoR referring to British Gas is therefore unnecessary.</p>
2.8	<p>The ExA then queried the interests referenced under the 1925 deed and the transfer dated 1989, as set out in the change request, and whether the 1989 deed superseded that of the earlier deed?</p> <p>The ExA also requested the Applicant to direct</p>	<p>The Applicant confirmed, later in the hearing under the review of issues agenda item, that the 1925 deed as specified on page 14 of the Request for a Non Material Change to the Application (REP6-007) included in entry 2 of the</p>	<p>The Applicant relies on is submissions at the hearing and on its post hearing submissions at 2.7 above. The Applicant has also provided a revised application for the proposed change, explaining its position and providing more detail</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	<p>the examiner to location of the unknown land interests.</p>	<p>BoR was a benefit of the land (title) and not a burden which did not need to be listed in the BoR. As it was to Norfolk County Council's (NCC) advantage rather than an interest in land that needed to be scheduled.</p> <p>The Applicant said that the benefit of the agreement giving rise to the entry in the Land Registry Official Copy resides with the freehold owner, NCC. The enforcing party would be NCC, as the land owner. The entry in the title register is not an interest in addition to, and adversely affecting, the County Council's land.</p> <p>The Applicant confirmed that, for the next deadline, it would review the position on the unknown land interests to confirm with the land referencing team as to why the interests had been included in the BoR.</p> <p>The Applicant agreed to set out the land interests affect NCC's title in writing along with a summary of the unknown land interests.</p>	<p>on the relevant interests scheduled in the BoR (see section 7 of the revised submission (TR010040/EXAM/9.24 Rev 1).</p>
2.9	<p>The ExA queried why the location of the proposed gas pipeline and gas valve site had been selected and why it had been proposed as a location to the South of the A47 at the at the proposed site of the access track and footpath?</p>	<p>The Applicant confirmed it was to avoid adjacent properties in the area and on the rationale that the site couldn't be located on or near the footpath/access track as it would be fenced off within its own compound, and effectively block the access track.</p>	<p>The location of the block valve site is dictated by the intersection of the two pipes.</p>
2.10	<p>The ExA queried whether any existing infrastructure between the current and proposed block valve sites required removal? And whether the underground north-south infrastructure had to be removed on the basis that it ran through the Lingwood Community Woodland.</p> <p>Hearing Action Point</p> <p>4. Clarify: a) whether any underground</p>	<p>The Applicant set out that the block valve acts as a T-junction where the north south gas pipeline joins the existing east west pipeline. Once the southern infrastructure is installed (the diverted gas pipeline) the northern section of the north south pipeline would become redundant. The Applicant agreed to come back in writing on whether or how it would be removed from the</p>	<p>The Applicant has confirmed with Cadent Gas that the redundant section of gas main would remain in-situ.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	<p>apparatus between the existing Cadent Block Valve Site and the proposed Cadent Block Valve Site (associated with the change request [REP6-007]) would need to be removed or could stay in situ; and b) if it would need to be removed, the effect this would have on Lingwood Community Woodland.</p>	<p>Order land.</p>	
2.11	<p>The ExA queried what the implications would be if the change request was rejected for a second time?</p> <p>Hearing Action Point</p> <p>5. Clarify the Applicant's options and implications for the Application in the event that the change request is declined.</p>	<p>The Applicant set out that a couple of solutions have been considered. Although an extension to the examination had been considered this wasn't believed to be the most suitable method as the Applicant believed the issue could be dealt with outside the examination and DCO process.</p> <p>The Applicant believed it could inform the Secretary of State that everything had been resolved at the point when the ExA's report on the application is received by the Secretary of State. That approach that would require the local planning authority to indicate that a planning application would be received favourably or that they would consider the change as permitted development, and that the relevant rights in land were capable of being secured.</p> <p>The Applicant was content that everyone who needed to be involved from a land perspective was onboard and the Applicant could deal with this through the local planning process.</p> <p>This was believed to be a non-material obstacle because it could be resolved in the current application in front of the ExA.</p>	<p>The Applicant would much prefer that the powers and plans in the Order reflect the Applicant's requirements to relocate the block valve site.</p> <p>Given the limited physical change that is proposed and that all those with an interest in land consent to the change the Applicant believes that it would be reasonable for the change to be accepted.</p> <p>It would be possible for the change to be effected by agreements with landowners and use of the Town and Country Planning Act regime and it is submitted that it should not be anticipated that there would be any substantial difficulties faced by the Applicant in securing the proposed change outside of the DCO process. That said it is clearer for all affected parties if the change is accepted in to the examination. The Applicant submits there is no reason why the change cannot be accepted as a non-material change, given the application that was made to the ExA and as is not augmented for the benefit of the ExA as requested at CAH2.</p>
<p>Agenda Item 3 – Site specific issues for the Applicant</p>			

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
3.1	<p>The ExA showed sheet 2 of the Land Plans on the screen for the hearing and asked the Applicant whether plot 2/10 which had two separate parts to it (one extending along the top of the plan and another triangular part) was in fact the same plot?</p>	<p>The Applicant confirmed that there was a narrow connection between the parts of the plot but these were in fact the same plot.</p>	<p>The Applicant relies on its submissions at the hearing.</p>
3.2	<p>The ExA then asked the Applicant what actions they were taking to identify the unknown land interests in the Order.</p> <p>The ExA also questioned if it were usual to have unknown interests in a BoR for an examination?</p>	<p>The Applicant confirmed that extensive research had been undertaken at the pre application consultation stage and again when notices were served under S56 of the Planning Act 2008 following acceptance of the application. As part of this, site notices had been put up for the "unknown" plots and that no parties had confirmed their interest in the land. The Applicant was not sure any party would now come back before the end of the examination but every necessary step had been taken to discharge the Applicant's burden in respect of seeking to establish the identity of, and contact, the purported land owners – to the extent they existed.</p> <p>The Applicant confirmed that the unknown land interests tended to be included on the basis of expediency as there in fact may be no other interests in the land. As a result, the Applicant didn't believe that anyone else would be identified but they would keep looking despite receiving no responses to the various notices to date.</p> <p>In regard to whether it was usual to have unknown interests in a BoR, it would probably be regarded as more unusual not to schedule any unknown interests in a BoR.</p>	<p>The Applicant relies on its submissions at the hearing.</p>
3.3	<p>The ExA queried why Mr Knight had not been scheduled in the latest CA Schedule given that he appeared at previous hearings, made</p>	<p>The Applicant confirmed that Mr Knight was the son of Valerie Knight who is primarily dealing with</p>	<p>The CA Schedule has been updated (TR010040/EXAM/9.4 Rev 8) to include Ref 10 in</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	<p>representations and appears in the BoR?</p> <p>Hearing Action Point</p> <p>6. Consider whether Ref No 10 in the CAS Table 1 should also appear in Table 2 given submission have been made by this Affected Person.</p>	<p>his mother's interests in the land on her behalf.</p>	<p>Table 2 and submitted at Deadline 7.</p>
3.4	<p>The ExA queried the objection schedule in the CA Schedule to ask what its purpose was and why aspects had been omitted from the list.</p>	<p>The Applicant confirmed that the list was made based on those who had made a relevant representation. Parties who made representations at the hearings hadn't been scheduled in the list.</p> <p>The Applicant agreed to add the interests of persons who made representation at hearings to the objection list</p>	
3.5	<p>The ExA queried the purpose of the sixth column in the first table and the tenth column in the second table of the CA Schedule.</p> <p>Hearing Action Point</p> <p>7. Clarify meaning of entry '(c) N' in CAS Table 1 (6th column) and Table 2 (10th column) given that Compulsory Acquisition of rights is requested.</p>	<p>The Applicant agreed to take the point away as an action point and confirm to the ExA or amend it as necessary.</p>	<p>This is an error in the CA Schedule (REP6-005). Where plots are identified against (c) Rights and Temporary the corresponding entry in Table 1 (6th column) and Table 2 (10th column) has been corrected to (c) Y.</p> <p>The CA Schedule has been updated (TR010040/EXAM/9.4 Rev 8) has been updated and submitted at Deadline 7.</p>
3.6	<p>The ExA asked the Applicant for an update on negotiations and a timetable for their conclusion.</p> <p>The ExA queried the status of negotiations with Jane Jones whose interest was marked on entry number 12 of the CA Schedule.</p>	<p>Since the last hearing in August 2021 the Applicant has been progressing matters rapidly. Communications had been sent to all landowners and some agents have been chased to instigate further discussions towards agreements. The Applicant had got two further negotiations to the draft stage for a legal agreement and was very close to reaching an agreed heads of terms with Norfolk County Council.</p> <p>The Applicant believed that the negotiations with land owners would be concluded within a three to</p>	<p>The Applicant relies on its submissions at the hearing.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
		<p>six month time timeframe in which parties should then be tied to agreements. Although some landowners have refused to negotiate this has been on a point of value or technical points which had prevented agreement.</p> <p>The Applicant confirmed they had instigated discussions through Ms Jones' agent, Mr Bond. It was confirmed that Ms Jones' possessed several easements and land subject to temporary possession in which the issue of transport coming through her field was considered to be an issue of value but discussions continue to progress towards a heads of terms agreement. The Applicant confirmed Ms Jones' objection was on the basis of scheme design as discussed at OFH2.</p>	
Agenda Item 4 – Site specific representations by Affected Parties			
4.1	This agenda item was not discussed as no affected parties were in attendance at the CAH2.		
Agenda Item 5 – Statutory Undertakers			
5.1	The ExA set out that the BoR included a number of statutory undertakers (SU) and queried whether any others had been identified since the most recent version of the document?	The Applicant confirmed that no other SU had been identified.	The Applicant relies on its submissions at the hearing.
5.2	<p>The ExA asked the Applicant to summarise the outstanding matters with SUs.</p> <p>Does the Applicant believe an agreement with Anglian Water will be reached by the end of examination?</p> <p>Hearing Action Point</p> <p>8. Provide updated CAS and Statutory</p>	<p>The Applicant confirmed Cadent made a relevant representation to secure their preferred protective provisions. Agreement has been reached as to the form of the provisions and their terms. The Applicant will, however, need to get the agreement signed with Cadent.</p> <p>Anglian Water have made representations which cover twelve issues of which three remain</p>	<p>The CA Schedule (TR010040/EXAM/9.4 Rev 8) and Statutory Undertakers Schedule have been updated (TR010040/EXAM/9.5 Rev 4) and submitted at Deadline 7.</p> <p>Part 4 of Schedule 9 has also been updated to reflect the terms agreed with Cadent in the revised dDCO submitted at Deadline 7 (TR010040/APP/3.1 Rev 5).</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
	<p>Undertakers Schedule.</p>	<p>outstanding. These relate to the application of the New Roads and Street Works Act and where it applies, the costs that Anglian needs to pay, and the process for exchanging documentation.</p> <p>Anglian Water do not believe that the wording within the New Roads and Street Works Act as set out in paragraph 81 of the protective provisions is clear. However, the Applicant believes that the wording is clear as it mirrors the standard protections set out in Part 1 of Schedule 9 for gas and water undertakers which is well precedents in other orders. Therefore, the Applicant believes that Anglian Water is seeking a departure from prior orders which makes the outcome less clear and coherent.</p> <p>The second issue relates to paragraph 88 subparagraph (5) which is the provision for deferment of renewal. Anglian Water considers that under this provision they would be contributing towards the scheme. However, the Applicant's position is that the deferment of renewal provision mirrors the standard protections set out in Part 1 of Schedule 9 which are well precedented in other orders. It should therefore be adopted without contention. moreover, if Anglian Water is provided with brand new operational equipment without the deferment of renewal then the Applicant will in part be funding the Anglian Water's Asset Renewal Programme.</p> <p>The final issue relates to the use of the 'Inflow' system which is designed for making applications to Anglian Water for works. The Applicant has concerns about the use of the system based on prior negative experiences which have demonstrated that it does not fit with National</p>	<p>Anglian Water has not returned comments on the draft Statement of Common Ground sent to them on 8 November 2021.</p>

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
		<p>Highways (NH) processes nor does it provide an organisational / project login for NH.</p> <p>Anglian Water has recently asked for a statement of common ground to be prepared and submitted at Deadline 7. The latest draft is now with Anglian Water for review and is intended for submission at the next deadline.</p> <p>The Applicant is progressing negotiations with Anglian Water but it is not perceived that all of the issues outlined will be resolved by the end of the examination. It was believed that negotiations on the deferment of renewal would still be outstanding as a minimum. The Applicant agreed to put this update in the next submission of the S127 case document.</p>	
5.3	The ExA also queried whether any SUs were requesting bespoke protective provisions?	<p>The Applicant confirmed that there were ongoing negotiations with Virgin and Vodafone.</p> <p>The Applicant is chasing Virgin to confirm whether they are content with the protect provisions included in the current order but so far no response has been received. As such, Part 2 of Schedule 9 will be in place to protect their interests in the eventuality that no response is received by the end of the examination.</p> <p>With Vodafone the Applicant is in negotiations around the recovery of costs and the need to carry out emergency works. Vodafone haven't submitted an objection to the scheme, nonetheless, the discussions to reach agreement in the protective provisions will continue.</p>	The Applicant relies on its submissions at the hearing.
Agenda Item 6 – Crown Land			
6.1	The ExA requested an update on Crown consents.	The Applicant confirmed that meetings have continued with the Government Legal Department	The Applicant relies on its submissions at the hearing.

Ref	Questions / Issues Raised at CAH2 and Hearing Action Points	Summary of Applicant's Response at CAH2	Applicant's Written Response
		<p>to obtain consent. They have acknowledged that as it is coming towards the end of the examination it is now an urgent priority to give consent.</p> <p>The Applicant did not anticipate any impediments to obtaining consent and it is expected to be granted by the end of the examination.</p>	
Agenda Item 7 – Review of the issues and actions arising			
7.1	The ExA queried action lists following the hearing and whether the Applicant had a note of actions for submission at DL7.	The Applicant confirmed a list of actions had been taken at the hearing.	
7.2	Review point 2.8 above which sets out a discussion on the 1925 and 1989 deeds over Norfolk County Council's title as set out in the change request.	See 2.7 above and also the Applicant's revised submissions regarding the non-material change	The Request for a Non-Material Change to the Application has been updated (TR010040/EXAM/9.24 Rev 1) and submitted at Deadline 7.
Agenda Item 8 – Any other matters			
8.1	The ExA queried whether any other matters needed to be raised.	No responses were received to this agenda point in the hearing.	
Agenda Item 9 – Close of hearing			
9.1	The ExA thanked the parties for the attendance at the hearing and confirmed a digital recording would be released as soon as possible on the project page of the national infrastructure website. The ExA confirmed the deadline for receipt of action points would be deadline 7 on Thursday 18 November and brought the compulsory acquisition hearing to a close.		

4 SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISSUE SPECIFIC HEARING 4

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
Agenda Item 2 – Statements of Common Ground			
1	<p>The ExA asked the Applicant to provide an update on Statements of Common Ground (SoCGs) relevant to the dDCO and Environmental Matters. The ExA noted that there were no signed SoCG yet and asked if there was a SoCG for Cadent Gas.</p>	<p>The Applicant confirmed that no SoCGs had yet been signed. The SoCG with the Environment Agency (EA) is the most advanced. The Applicant has now agreed all points with the EA and the SoCG is currently awaiting signature. The Applicant is hoping to submit the signed SoCG with the EA at the next deadline.</p> <p>The Applicant is actively engaging with Norfolk County Council (NCC) and making progress with the SoCG. A number of the key matters including de-trunking and the adoption of assets are still to be resolved. The Applicant has shared asset plans and is discussing the detail with NCC on these points.</p> <p>In relation to Walking, Cycling and Horse-riding (WCH), it is unlikely that the Applicant and NCC will reach agreement on the provision of a central WCH crossing on the A47. However, it is expected that all other matters will be agreed with NCC by the end of the examination.</p> <p>The Applicant had a meeting yesterday (8/11/2021) with Broadland District Council (BDC) and 17 of the 25 matters are now agreed. The Applicant and BDC agreed to not agree on WCH points relating to the provision of a central crossing and connectivity to Acle.</p> <p>The Applicant has attempted to contact Natural England (NE) to try and agree a SoCG; however, no response has been received yet. The Applicant doesn't believe that there are any</p>	<p>The Applicant relies on its oral submissions made at the hearing.</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
		<p>matters of disagreement with NE. NE have not submitted a relevant representation or a written representation .</p> <p>The Applicant's understanding is that there are no outstanding issues with Historic England. The Applicant expects the SoCG with Historic England to be agreed and signed before the end of the examination.</p> <p>The Applicant has recently drafted a SoCG for Anglian Water and this is being progressed.</p> <p>The remaining SoCG is with Blofield Parish Council (PC) and the Applicant is expecting to have this agreed by the end of the examination. This SoCG includes detailed matters relating to the car park that the Applicant will be providing and how interaction with Blofield PC will be managed throughout the construction of the scheme. The Applicant has a meeting this Thursday (11/11/21) with Blofield PC to try and agree those matters.</p> <p>The Applicant does not currently have a SoCG with Cadent Gas. However, the Applicant believes that a SoCG is not needed as the Applicant is expecting to reach agreement with Cadent Gas.</p>	
2	<p>The ExA asked if there were any other comments from NCC or BDC on the SoCGs.</p> <p>Mr Cumming of NCC confirmed that the Applicant's explanation of the situation with NCC was correct. Discussions between the Applicant and NCC are continuing. NCC is currently dealing with three separate A47 projects and is moving as quickly as it can. The most pertinent points on which the parties are not in agreement are the WCH links and the adoption of assets. NCC are</p>	-	-

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>also likely to have a different perspective on the surveys required for cultural heritage. However, these are likely to be minor points.</p> <p>Mr Judson of BDC confirmed that BDC had nothing to add to the Applicant's explanation. BDC is working towards a completed SoCG with the Applicant and the parties are likely to reach agreement on WCH issues.</p>		
Agenda Item 3 – Change Request			
3	<p>The ExA noted that the Applicant's request for a change to the application submitted at Deadline 6 was discussed at the CAH2. The change request at Deadline 6 was based on a previous request which the ExA declined in his letter dated 8 October 2021.</p> <p>The ExA asked for the Applicant to provide a detailed description of the change request.</p>	<p>The Applicant explained that the proposed change relates to the repositioning and relocation of a block valve compound which currently sits on the crossover of two Cadent Gas pipelines. As the east/west pipeline is being moved as part of the scheme, the block valve needs to be moved to sit on the new crossover of the two pipelines. The access track also needs to be moved to allow access to the new block valve. The north/south pipeline will remain in situ.</p> <p>The Applicant has proposed some changes to the Book of Reference to allow for the new position of the block valve and access track.</p> <p>As already explained in the CAH2, there are some unknowns on the title (which are benefits rather than burdens on the title). This information will be submitted to the ExA in further detail at the next deadline.</p>	<p>The Applicant relies on its oral submissions made at the hearing, and has in addition submitted the Request for a Non Material Change (TR010040/EXAM/9.24 Rev 1) document at Deadline 7 to address the points raised by the ExA.</p>
Agenda Item 4 – Provision of the dDCO			
4	<p><u>Changes since previous hearing</u></p> <p>The ExA asked the Applicant to briefly highlight the key changes which have been made to the dDCO since ISH1 on the dDCO.</p>	<p>The Applicant explained that there have been 11 main changes to the dDCO since ISH1 as follows:</p> <p>1 – Article 20 was amended to remove references to watercourses and public sewers</p>	<p>The Applicant relies on its oral submissions made at the hearing.</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>The version of the dDCO considered at ISH1 was Revision 3 submitted at Deadline 3. The most recent version of the dDCO is Revision 4 (REP5-002) submitted at Deadline 5.</p>	<p>2 – Article 33(8) was amended to make it clear that the undertaker cannot acquire the freehold of the subsoil or airspace of land which is scheduled to be temporary-only land, but can acquire any rights scheduled in Schedule 5 in the subsoil or airspace only.</p> <p>3 – Article 45 (Appeals relating to the Control of Pollution Act 1974) has been deleted completely</p> <p>4 – Amendments were made to the requirements in Schedule 2 to add the Lead Local Flood Authority (LLFA) and the EA as consultees.</p> <p>5 – Requirement 6 (contaminated land and groundwater) was amended so that the need for remediation is determined on the basis of the findings of the risk assessment rather than the findings of the undertaker. The requirement was also amended to state that remediation must prevent impacts on controlled waters.</p> <p>6 – Requirement 8 was amended to remove references to foul water drainage (as there is no foul water drainage in the scheme).</p> <p>7 – Points E to G added to Schedule 3, Part 1 to amend the Schedule in line with the Classification of Roads Plans.</p> <p>8 – Schedule 3, Part 6 and Schedule 4 Part 2 have been amended in respect of the new lengths of cycle track which were previously footpath or footway. Consequential amendments have been made to:</p> <ul style="list-style-type: none"> a. Schedule 1, amending Works14A, 14B, 23 and 27 to refer to cycle tracks; and b. Rights of Way and Access Plans. <p>9 - Schedules 5 and 9 include new plots for temporary acquisition and the acquisition of new</p>	

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
		<p>rights have been added to reflect the change request</p> <p>10 – Schedule 9, parts 3 and 4 include amended protective provisions for Anglian Water and new protective provisions for Cadent Gas</p> <p>11 – Schedule 10 has been amended to identify in detail the documents to be certified as requested by the ExA</p>	
5	<p>The ExA asked the Applicant to make sure that the certified list of documents in Schedule 10 is updated at each deadline.</p>	<p>The Applicant confirmed that the certified list would be updated at the next and subsequent deadlines.</p>	<p>Schedule 10 of the dDCO has been updated with a revised list of certified documents.</p> <p>The dDCO has been submitted at Deadline 7 (TR010040/APP/3.1 Rev 5).</p>
6	<p><u>Amendments</u></p> <p>The ExA asked for clarification on the following parts of the dDCO and plans:</p> <ul style="list-style-type: none"> On page 57 of the dDCO at Schedule 3, Part 6, in the 3rd row down relating to Sheet 4, there is a reference to a footpath at point FP4-FP5. However, on the Rights of Way and Access Plans, Sheet 4 there is a green dashed line at FP4- FP5, which is a “footway” according to the key. Should this be a footpath or a footway? If it should be a footpath, are there any other footways to be changed? On page 62 of the dDCO, at Schedule 4, Part 1, Sheet 5, there is reference to a new public footpath at Reference A6. Should that refer to a new cycle track? On pages 96-98 of the dDCO, Schedule 7 refers to the construction of a new footpath in relation to a number of plots (3/2c also referred to in 3/2d, 4/7e 5/1a 	<p>The Applicant responded to the ExA's points as follows:</p> <p>The colouring of footpath FP4-FP5 appears to be incorrect. A footway is pavement next to a carriageway while a footpath is a freestanding route that only carries rights for pedestrians. FP4-FP5 should be a footpath, as it is a replacement of Footpath 3 where it is being affected by the new access road. Sheet 4 of the Rights of Way and Access Plans will be amended accordingly.</p> <p>Reference A6 to Sheet 5 of the Rights of Way and Access Plans in Schedule 4 should be a reference to the new cycle track as it refers to the highway which is to be stopped up between the existing A47 and the new cycle track. The Applicant will amend the dDCO accordingly.</p> <p>In Schedule 7, plots 3/2c 3/2d, 4/7e 5/1a and 5/1c should refer to a cycle track. This will be amended in the dDCO.</p> <p>In Schedule 1, the reference to “shared use” will be removed from Work No. 17A as it is not</p>	<p>The Rights of Way and Access Plans have been updated to correct the error on Sheet 4, from a green line to brown line to represent the proposed footpath. These plans (TR010040/APP/2.4 Rev 4) have been submitted at Deadline 7.</p> <p>The Applicant has made the following changes to the dDCO:</p> <ul style="list-style-type: none"> dDCO, Schedule 1 (page 37): Reference to “shared use” cycle track has been removed from Work no. 17A dDCO, Schedule 4, Part 1 (page 62): Reference A6 relating to Sheet 5 refers to a cycle track, rather than footpath dDCO, Schedule 7 (pages 96-98): Plots 3/2c, 3/2d, 4/7e, 5/1a and 5/1c refers to a cycle track, rather than footpath dDCO, Schedule 10 (pages 125-129): the certified documents list has been updated

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>and 5/1c). Should this also refer to a cycle track rather than a new footpath?</p> <ul style="list-style-type: none"> On page 37 of the dDCO at Schedule 1 , Work no. 17A refers to a "shared use" cycle track. As that is only reference to shared use cycle track, is this an intentional differentiation? Cycle tracks are by definition shared with pedestrians. On Sheet 3 of the Masterplan, it shows a footpath. Is this is proposed to be a cycle track? <p>In the most recent version of the Masterplan, the key plan is now appearing further down the set of plans and the squares showing the individual sheets have disappeared from the key plan. Can this be amended?</p> <p>Hearing Action Points</p> <ol style="list-style-type: none"> Sch 3, Pt 6, relating to Sheet 4 of the RoWA Plans [REP4-004] makes reference to a 'footpath'. On the RoWA Plans this is shown as a green dashed line whilst footpaths are shown in the key as brown dashed lines. Rectify accordingly. Sch 4, Pt 1 relating to Sheet 5 of the RoWA Plans refers to a 'new public footpath'. This should instead refer to a 'cycle track'. Rectify accordingly. Sch 7 refers to 'construction of a new footpath' in relation to a number of plots, including 3/2c, 3/2d, 4/7e, 5/1a and 5/1c. This should instead refer to a 'cycle track'. Rectify accordingly. Remove words 'shared use' from Work No. 17 in Sch 1. 	<p>intended to be differentiated from other cycle tracks in the scheme.</p> <p>The Masterplan, Sheet 3 will be checked and updated to ensure the route in question is identified correctly. The Masterplan will also be amended to reinstate the individual sheets on the key plan and put the sheets back in the correct order.</p>	<p>The dDCO (TR010040/APP/3.1 Rev 5) has been submitted at Deadline 7.</p> <p>The Masterplan (TR010040/APP/6.8 Rev 4) has been updated to reflect current rights of way proposals, the key plan has been corrected and the Masterplan submitted at Deadline 7.</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>5. Masterplan [REP5-006]: a) correct sequence of and errors on the Key Plan; and b) correctly identify 'cycle tracks' and 'footpaths' on the drawings and within the key.</p>		
7	<p><u>Working hours</u></p> <p>The ExA noted that he had previously asked if working hours need to be included in the dDCO. Action G1 of the Record of Environmental Actions and Commitments (REAC) in the Environmental Management Plan (EMP) relates to working hours. However, G1 is not detailed and does not specify when working outside normal hours might be needed.</p> <p>The ExA queried why has this not been specified in the REAC and if the Applicant is aware of other made highways DCOs where the EMP is used to control working hours rather than specifying them in the dDCO itself? The ExA asked the Applicant to consider if there needs to either be a requirement in the dDCO or more detail in G1 of the REAC to specify what exceptions are needed for the Applicant to work outside normal working hours.</p> <p>Mr Richard Hawker, of Wensum Valley Alliance, noted that he attended last week's hearings for the A47 Tuddenham Scheme and that the working hours for that scheme were contained in the REAC.</p> <p>Hearing Action Point</p> <p>6. Further justify the control of working hours through G1 of the REAC within the EMP [REP4-040] and the level of detail provided (ie little mention of type of work required outside normal working hours and no mention of Bank or public holidays), rather than through</p>	<p>The Applicant will consider the ExA's point about working hours in detail and look at examples of how this issue has been dealt with in other made highway DCOs and the other A47 schemes. It is usually the case that working hours are not controlled in highways DCOs because of the need to work at night to avoid interrupting the flow of working carriageways. The Applicant expects that this issue can be dealt with through the Control of Pollution Act 1961 but will confirm in writing at the next deadline.</p>	<p>The Applicant has revised entry G1 in the REAC. The Applicant believes the REAC and EMP, through requirement 4, imposes sufficient control on the Scheme in relation to working hours. The Applicant provides further details in its responses to the ExA's Hearing Action points.</p> <p>The EMP has been submitted at Deadline 7 (TR010040/APP/7.7 Rev 5).</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>a specific requirement of the dDCO. Indicate whether such an approach has been taken in other made DCOs.</p>		
8	<p><u>Plans specified in Requirement 3</u></p> <p>The ExA previously asked why the General Arrangement (GA) Plans, the Masterplan and the Rights of Way Plans are not specified in requirement 3 (detailed design), given that these plans provide greater detail than the Works Plans which are specified in requirement 3. Can the Applicant explain why these Plans are not specified in requirement 3?</p>	<p>The Applicant explained that the wording of requirement 3 of the dDCO is based on precedent. Citing the Works Plans (sometimes supplemented by reference to the Engineering Drawings) in the detailed design requirement rather than the GA Plans or the Masterplan is the usual way of proceeding in other made DCOs.</p> <p>The Applicant will provide examples in other DCOs at the next deadline to illustrate this.</p>	<p>Requirement 3 cites both the Works Plans and Engineering Drawings in accordance with the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016.</p> <p>The following Orders only cite compliance with the Engineering Drawings and Sections:</p> <ul style="list-style-type: none"> • A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 • A19 Downhill Lane Junction Development Consent Order 2020 • The A19/A184 Testo's Junction Alteration Development Consent Order 2018 • A1 Birtley to Coal House Development Consent Order 2021 <p>The Applicant does not intend to refer to additional plans in requirement 3 because the plans referred to by the ExA were not prepared to be prescriptive for the purposes of detailed design.</p> <p>The General Arrangement Plans (TR010040/APP/2.6 Rev 4 submitted at Deadline 7) are for instance prescriptive only in relation to key elements, measurements referred to in Schedule 4 Part 3 of the dDCO (TR010040/APP/3.1 Rev 5 submitted at Deadline 7). In addition the General Arrangement Plans are referred to in Schedule 3 of the dDCO to provide clarity regarding street lighting provision but not to the extent that they constitute detailed</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
			<p>design.</p> <p>Whilst the General Arrangement Plans provide a useful level of detail and are not expected to be departed from to a great extent, it would not be appropriate to make their content prescriptive in terms of what is controlled by requirement 3.</p> <p>The Rights of Way and Access Plans (TR010040/APP/2.4 Rev 4 submitted at Deadline 7) are not provided for design purposes but for the purposes of indicating the land which will become subject to new public rights of way or for which the highway status of the land will be otherwise modified by the content of the dDCO</p> <p>The content of the Masterplan (TR010040/APP/6.8 Rev 4 submitted at Deadline 7) is imposed on the design of the Scheme by requirement 5(2) rather than requirement 3. Its content will influence what is submitted under requirement 3 as submissions under requirement 3 must reflect requirement 5, but the Masterplan was not prepared for design purposes and should not be referred to in both requirements 3 and 5.</p>
9	Can the Applicant also explain what is the purpose of the GA Plans, considering it is much more detailed than the other plans?	The GA Plans are largely illustrative and informative. Their purpose is to add some context to the Works Plans, which can be somewhat impenetrable in isolation. The GA Plans are not there to pin down the detail as with the plans accompanying a full planning permission. The GA Plans are not specified in requirement 3 because to do so would prevent the Applicant from preserving the level of flexibility that is still required at this stage of the scheme.	The Applicant relies on its oral submissions on this point
Agenda Item 5: Schedule 9 – Protective Provisions			

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
10	<p>The ExA noted that the protective provisions had already been discussed at CAH2, there was no need to cover it in the current hearing. The ExA asked if any statutory undertakers had joined the hearing. <i>[No statutory undertakers attended the hearing.]</i></p>		
Agenda Item 6: Environmental Matters			
11	<p><u>Clarification on climate and carbon budgets</u></p> <p>The ExA asked for clarification from the Applicant around cumulative assessments and carbon budgets. The ExA's understanding of this matter is that the National Networks National Policy Statement (NNNPS) recognises that the impact of road developments on aggregate levels of greenhouse gas emissions is likely to be very small and it is unlikely that the impact of a road project will in isolation affect the government's ability to meet its carbon reduction targets. As the government is legally required to meet its carbon reduction targets, any increase in carbon emissions from a road scheme is unlikely to constitute a reason to refuse consent for a road scheme unless that scheme would have a material impact on the government's ability to meet its carbon reduction targets. The NNNPS is the policy which the ExA must have regard to in determining this DCO application.</p> <p>The NNNPS requires an assessment to be made of any likely significant climate factors in accordance with the requirements of the EIA (Environmental Impact Assessment) Directive which is applied through the Infrastructure Planning EIA Regulations 2017 and in respect of road projects, evidence of the carbon impact of</p>	<p>The Applicant confirmed that the embodied carbon emissions are not included in the baseline DM scenario but they are included as part of the construction of the scheme that is assessed in the DS scenario. The DM scenario includes tail pipe emissions from these schemes. The difference between the DM and DS scenarios (35,253 tCO₂e) relates to emissions associated with the construction and operation of the Blofield scheme only, including street lighting and end user emissions through traffic for the whole affected road network.</p> <p>In relation to cumulative assessment and in accordance with DMRB LA104, there are two types of assessment, first a single project and the emissions associated with the construction and operation and use of that project and also within the affected road network. There is a cumulative assessment in that the assessment takes into account the other schemes that the ExA has mentioned on the A47 and the NWL.</p> <p>With regards to the traffic assessment, the Applicant has followed the DfT Transport Appraisal Guidance (TAG). As the carbon impact assessment was carried out after the traffic assessment, it is necessary to first look at how the traffic assessment was undertaken.</p>	<p>See Appendix A for the response to the Hearing Action Points 7, 8 & 9.</p>

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	<p>the project and an assessment against the government's carbon budgets.</p> <p>Schedule 4, paragraph 5 of the EIA Regulations requires a cumulative assessment to be undertaken, including in respect of climate, as does the Applicant's DMRB LA104 guidance.</p> <p>In Environmental Statement (ES) Chapter 15 (Cumulative Effects Assessment) (APP-053) Table 15-1 states that as the construction and operational phase data includes traffic associated with other developments the emissions assessment reported in Chapter 14 (Climate) is "inherently cumulative".</p> <p>In ES Chapter 14 (Climate) (REP2-002), on page 16, Table 14-9 sets out the carbon emission baseline in a DM (Do Minimum) scenario against the carbon emissions total in the DS (Do Something) scenario. The difference in these figures is then assessed against the 4th 5th and 6th national carbon budgets. Table 14-10 sets out the percentage change in carbon emissions which is equal to or less than 0.001%.</p> <p>The baseline in Table 14-9 includes vehicle emissions from the other road projects such as the two other A47 NSIP schemes and the Norwich Western Link Road (NWL). Are embodied carbon emissions from the construction of these projects included in the baseline?</p> <p>In the DS scenario, only the current scheme is included in the figures so the difference between the DM and DS scenarios (+35,253 tCO₂e) appears to be just the emissions from the current scheme. If that is the case, how can the assessment be described as inherently cumulative?</p>	<p>According to the DMRB guidance, the assessment must be done modelling the DS scenario against the DM scenario, which includes projects which are far into the planning process. For the development of the traffic model, the Applicant has followed the DfT TAG guidelines. This guidance requires the Applicant to develop a core scenario. The DM core scenario includes all developments including transport and land use developments which will more than likely be approved. An uncertainty log is developed to capture all the developments in the area and classify their likelihood of being approved. In this case, the DM scenario includes the NWL and the other A47 projects. Similarly, a DS core scenario is developed which includes the scheme in addition. The Applicant has also carried out sensitivity test to consider different developments.</p> <p>The complexity of this issue comes from the requirement in the NNNPS for the significance of the scheme to be assessed at a national level. That is the test that parliament decided should be used to determine the likely significance of the carbon effects of a project. There is no provision in the NNNPS for any other level of carbon assessment to be undertaken for these projects and that is reflected in the approach contained in the DMRB LA104 and in the assessment that has been presented in the context of this scheme.</p> <p>The Secretary of State (SoS) will look at the test that has been defined as set out in the NNNPS. In accordance with EIA Regulations, the information that it is necessary for the SoS to take into account in determining the significance of carbon emissions is that at a national level in the context of carbon budgets. The EIA Regulations do not dictate to parliament the level at which a</p>	

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	<p>Whatever schemes are included in the baseline doesn't affect the result, however if the DS scenario doesn't include the other Norwich schemes, it is difficult to see how the assessment in Table 14-9 is a cumulative assessment. It would be cumulative if the DM baseline didn't include any of the schemes and then scheme was assessed along with the other projects as part of the DS scenario.</p> <p>Is there an assessment of the scheme against the current baseline as well as against a future baseline in accordance with the DMRB? In accordance with the EIA Regulations and the NNNPS, shouldn't there be a cumulative assessment of this project with the other projects?</p> <p>Is there a cumulative assessment of greenhouse gas emissions that feeds into the assessment which looks at the carbon budgets?</p> <p>What is the purpose of including the other schemes in the baseline?</p> <p>Hearing Action Points</p> <p>7. Clarify how the assessment is 'inherently cumulative' given that the 'Difference (DS-DM)' figure in Table 14-9 of ES Chapter 14:Climate [REP2-002] (and therefore the figures in Table 14-10 which are assessed against the national carbon budgets) appears to include only greenhouse gas emissions associated with the Proposed Development.</p> <p>8. Clarify whether, if the baseline in Table 14-9 includes end-user greenhouse gas emissions from other planned projects, including two other A47 NSIP schemes and the Norwich</p>	<p>particular significance is to be determined; that is a matter for the decision maker in accordance with the legal framework which is the NNNPS and section 104 of the Planning Act 2008. There are no other carbon budgets that are material in the determination of this application because, the NNNPS does not identify any other method to assess the carbon impact of a project.</p> <p>The cumulative assessment is made in the assessment of the carbon budgets at a national level. It is not possible for our scheme or for the ExA or the SoS in this case to look at the array of complex matters and other projects in other sectors of the economy (because the carbon budgets are not restricted to development projects) and choose projects to assess alongside our scheme. For the purpose of this scheme, the SoS requires information on whether the carbon emissions from this project is of such a scale that it would impede his/her ability to achieve the carbon budgets that are defined in the Planning Act 2008. That is the test of significance.</p> <p>The Applicant is not using the other projects included in the DM baseline to assess the significance of the scheme's carbon impact. There is no measure mandated by parliament to do that. All the carbon emissions from other projects will be factored into the carbon budgets should all those schemes proceed.</p> <p>The intention of the wording "inherently cumulative" is to explain how our scheme would have an impact on other projects and change the traffic associated with those projects. The DM baseline includes the traffic moving as it would be taking into account those other projects. The DS scenario shows how our scheme would change</p>	

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	<p>Western Link road, there has been an assessment of the Proposed Development against the current baseline without these projects, as suggested should be the case in para 14.7.1 of ES Chapter 14 and DMRB LA 114 3.10.</p> <p>9. Explain how DMRB LA 104 3.21(2) and Schedule 4 para 5 of the EIA Regs have been complied with in terms of cumulative assessment relating to climate.</p>	<p>the car movements from other projects traffic (through, for example, different speeds and different movements). It takes account of both the embodied carbon and the tail pipe emissions from our scheme. The DM baseline is a something to compare the scheme against. Once the scheme is built, the traffic would change and the DS scenario takes account of both the embodied carbon and the end tail pipe emissions which would change the affected road network following the construction of the scheme. It is not just the A to B start and end of the new section of dual carriageway that is considered.</p> <p>The DM scenario in Table 14-9 shows the situation if the scheme wasn't built. It follows the methodology for the transport assessment and includes uncertainties. It has a future element to it but it is best practice and it follows the transport methodology.</p> <p>As it is a complicated issue, the Applicant will respond further in writing at the next deadline.</p>	
12	<p>Mr Hawker noted that this issue has been the subject of a lot of correspondence between the Applicant and Dr Boswell of Climate Emergency Planning and Policy (CEPP), who is unable to attend today.</p> <p>To a layman, the baseline is usually taken to be the current situation against which the current proposal is to be assessed. If it is assumed that the A47 projects are likely to go ahead, one wonders at the purpose of a DCO inspection. If these other schemes do not go ahead, but this scheme does go ahead, the ExA will not have been not provided with all the relevant information. There needs to be the opportunity to</p>	<p>The Applicant confirmed that the uncertainty of the other schemes is taken account of in the assessment in accordance with PINS Advice Note 17. It is also set out in the Scoping Report and followed through in the ES.</p>	<p>The Applicant relies on its submissions made at the hearing.</p>

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	<p>assess the impact of just the Blofield scheme on its own and that has not been shown by the Applicant.</p> <p>The ExA noted that the change shown in Table 14-9 would be same regardless of the baseline as the DS scenario only considers the Blofield scheme.</p> <p>Cllr Jan Davis, of Brundall Ward, noted that this whole episode shows that there is a need for more clarity and transparency because the standard model is quite impenetrable. Four or five officers have tried to explain the carbon assessment and have not been able to explain it very clearly. There appears to be some inconsistency between these figures</p> <p>Cllr Davis has prepared a statement which compares figures like for like. The NNNPS is quite old now in terms of initial guidance, and the government has agreed to review the NNNPS policy and section 6 of the Planning Act 2008. The NNNPS remains policy but in view of the lack of clarity in assessing carbon impacts, it is incumbent on the Applicant to provide additional clarity on the figures provided.</p>		
13	<p>Mr Hawker noted that in the Applicant's document REP6-006, it says that the increase in emissions (61,785 tonnes of carbon) may affect the government's ability to meet its targets.</p> <p>The ExA explained that he asked that question previously and the Applicant explained that subsequent to that statement it has been determined that the scheme would not affect the government's ability to meet its targets.</p> <p>The ExA noted states in the DMRB LA104 and the EIA Regulations that applications shall assess</p>	<p>The Applicant explained that the model used in Table 14-9 (REP2-002) includes traffic movements from different projects and takes into account a range of different certainties. What has been modelled in Table 14-9 is the scenario if the Applicant didn't build the project (DM) and the scenario if the Applicant did build the project (DS). If the baseline didn't include those other projects, there would be mismatch of information. If the proposed scheme is built then traffic may change depending on what other schemes are</p>	<p>The Applicant relies on its submissions made at the hearing.</p>

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	<p>the cumulative effects from one single project and different projects. Is there a climate assessment which includes the effects of different projects?</p>	<p>built in the area. That is all modelled and taken into account so the DM baseline includes not just tail pipe emissions but the effect on the affected road network.</p>	
14	<p>The ExA noted that a reference had been made in some representations to the European Commission EIA guidance – can the Applicant confirm what is the status of this document? Does it no longer apply because the UK is no longer part of the EU?</p>	<p>The Applicant noted that this issue has been covered in a previous response (REP6-006). The EU guidance has no formal status in the decision making framework. It is a guidance document which provided guidance when the UK was part of the EU.</p> <p>The guidance aids interpretation but even previously it never had a formal status as part of the decision-making process. The EIA Directive was transposed initially so the regulations continued to have effect. However, neither the guidance nor the regulations place any obligation on the SoS to assess significance at any particular level. They have no bearing on the decision of parliament which states that the significance of carbon emissions shall be assessed in the context of carbon budgets which capture emissions across the economy.</p> <p>There is a transport decarbonisation plan and there is a defined pathway to achieving net zero but the EU guidance has no bearing on the decision-making framework.</p>	<p>The Applicant relies on its submissions made at the hearing.</p>
15	<p>The ExA noted that the Applicant is obliged by the NNNPS to consider national, regional and local carbon targets "where available". Is the Applicant, NCC or aware of any local greenhouse gas or carbon budgets? Mr Cumming of NCC noted that NCC adopted environmental targets at the end of 2019 looking across NCC's own estate which aimed to achieve</p>	<p>The Applicant confirmed that for the purpose of this scheme, the national carbon budgets are the relevant test.</p>	<p>The Applicant relies on its submissions made at the hearing.</p>

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	<p>net zero and carbon neutrality by 2030.</p> <p>The ExA asked if this included any carbon budgets?</p> <p>Mr Cumming noted that NCC is reviewing its local transport plan, and as part of that review NCC will be working through a methodology for how NCC achieve those targets. However, this review has not yet been started. Mr Cumming was not aware of any local or regional carbon budgets</p> <p>Mr Judson, of BDC added that BDC have recently adopted an environmental strategy. Mr Judson was unable to comment on whether there are any carbon budgets in that strategy and will respond in writing.</p>		
16	<p>Cllr Davis noted that in the Applicant's response to REP5-019, (para 2, page 17), the Applicant quotes the NNNPS para 5.16 and states that the impact of the scheme on aggregate emissions is likely to be very small. However, that is not borne out by the figures in this case.</p> <p>While there are no local carbon targets, as a comparison, Blofield parish emits just over 24,000 tonnes of CO₂ per annum. The construction emissions for the A47 Blofield are 24,756 tonnes, which exceeds the total emissions for Blofield parish as a whole. This is not a small impact.</p> <p>The ExA noted that we are looking at the national carbon budget and the scheme amounts to 0.001% of the national carbon budget. The NNNPS tells us to look at this in the absence of local targets.</p> <p>Cllr Davis responded that the local impact needs to be taken in into consideration. In the current times, this is an issue that many people are</p>	<p>The Applicant confirmed that it would respond in writing to Cllr Davis's representation. If Cllr Davis would like to submit a statement before the next deadline, the Applicant can respond to this at the next deadline.</p>	<p>See Appendix A for the appropriate level at which carbon emissions should be assessed,</p>

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	concerned about and we need to be absolutely clear about the figures quoted by the Applicant which haven't yet been explained clearly.		
17	<p><u>Impact of block valve on permissive path</u></p> <p>The ExA queried whether the block valve affect the permissive footpath in this location?</p>	The Applicant confirmed that the block valve would not affect the footpath because there is already a track that is used by tractors and the footpath is to the side of that	The Applicant relies on its oral submissions on this point
18	<p><u>Impact on FP3</u></p> <p>The ExA noted that he had previously asked about the central crossing and the ExA will need to reach a conclusion on this issue based on the evidence provided.</p> <p>There is a residual moderate adverse effect on footpath FP3 due to the A47. In response to ExQ1, the Applicant suggested that the severance effect would be mitigated. However, as the ExA understands it, this effect will not be mitigated.</p> <p>The NNNPS states at para 5.216 that where the development would worsen such impacts, these impacts should be mitigated where possible and there is a strong expectation that impacts on NMUs (non-motorised users) would be mitigated.</p> <p>Para 3.3 of the NNNPS also states that applicants are expected to avoid environmental impacts where possible.</p> <p>Can the Applicant explain how policy requirements can be met if significant adverse effect on FP3 would remain in the absence of mitigation?</p> <p>Hearing Action Point</p> <p>10. NNNPS para 5.216 states that 'Where development would worsen accessibility such</p>	The Applicant confirmed that it would respond to this point in writing.	<p>As previously set-out in the Applicant's previous responses (REP1-060, REP1-061, REP3-025 and REP5-015), the Applicant considers that the overall package of Walking, Cycling and Horse-Riding (WCH) improvements is appropriate and the two overbridges crossing the realigned A47 provide appropriate crossings to meet the needs of such users. As previously set out in the Applicant's responses (REP3-025 and REP5-015), infrastructure requirements (embankments, drainage, paved footways/cycle paths connecting to the structure) would have a potentially extensive footprint and depth that could potentially result in significant adverse effects, including; landscape and visual, land take, water environment, cultural heritage, geology and soils, and biodiversity.</p> <p>As previously stated in the Applicant's previous (REP1-060, Appendix A), the survey data and physical characteristics of Burlingham FP3 suggests very low levels – and only recreational – use by pedestrians. The Applicant has taken a reasonable and proportionate solution in this location, which is to divert FP3 to the closest overbridge and facilitate the crossing of the new A47 trunk road via Blofield Overbridge. Crossing over the A47 via the B1140 Overbridge will also be possible. The survey data suggests that the</p>

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	<p>impacts should be mitigated so far as reasonably possible', and following on from this, that 'There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.' NNNPS para 3.3 similarly expects applicants to avoid and mitigate environmental and social impacts. In light of this, further justify how the Proposed Development would comply with the policies of the NNNPS, given that the Applicant identifies a residual moderate adverse effect and thus in EIA terms, a significant one, on users of footpath Burlingham FP3 due to severance caused by the Proposed Development [REP4-023].</p>		<p>Scheme will remove the existing severance issues for the majority of non-motorised users by providing a cycle track across the new B1140 Overbridge, replacing the staggered B1140 South Walsham Road and B1140 Acle Road junction.</p> <p>Due to the existing constraints, the type and low usage recorded, and appropriate alternatives available, the Scheme design is considered to be compliant with the NNNPS paragraphs 3.3 and 5.216 , in that the scheme improves the overall accessibility for non motorised uses through the extensive network of cycle tracks that are included in the scheme. Overall the provision of the two overbridges, with suitable provision for non- car users, improves accessibility, especially for cyclists and this should be balanced against the impacts on the narrower class of users of footpath 3. The new bridges also provide a safe method of crossing the trunk road compared to the existing need to cross the heavily trafficked A47 at grade.</p>
19	<p><u>Securing 2.5m width of cycle tracks</u></p> <p>The ExA noted that the cycle tracks in the scheme are now proposed to be predominantly 2.5m in width as a minimum. Is this secured anywhere and if not, should it be? As there is no detailed design to be approved in the dDCO can the Applicant explain how this would be secured and how the ExA can be certain that footpaths/cycle tracks in the scheme would be 2.5m width predominantly?</p> <p>Hearing Action Point</p> <p>11. Explain how cycle tracks with a minimum width of 2.5 metres would be secured?</p>	<p>The Applicant confirmed it would consider this point further and respond in writing. The Applicant is a public body that can be relied on to deliver its commitments.</p> <p>Requirement 3 should provide a reasonable amount of certainty. Alternatively, the SoCG could include this information.</p>	<p>The Applicant has added a new provision in Requirement 3(2) to clarify the position.</p> <p>The dDCO (TR010040/APP/3.1 Rev 4) has been submitted at Deadline 7.</p>

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20	<p><u>Cycle track at point SU8</u></p> <p>The ExA noted that on Sheet 6 of the Rights of Way Plans, the Applicant is promoting travelling by cycle at point SU8. Can the Applicant confirm how cyclists will travel safely from point SU8 to B1140 and then head north as an alternative cycle route to Acle, given there is no cycle route to the B1140 north of the overbridge?</p> <p>There is HGV movement on this part of the road between overbridge and the B1140, and there would be no segregation between cyclists and traffic, that might include HGVs, on this part of the road. For example, HGVs come from the west and then north over the overbridge or from the south, then east down the A427.</p> <p>Hearing Action Point</p> <p>12. Clarify the reason for not providing a cycle track between point SU8 on Sheet 6 of the RoWA Plans and the vicinity of the tie in point with the B1140 to the northeast of this to allow cycle segregation from traffic accessing and leaving the proposed B1140 overbridge (ie between the D3 points), and comment on cyclist safety without this (noting that Appendix B of [REP2-012] appears to indicate a proposed cycle track in this location).</p>	<p>The Applicant confirmed that it is suggesting that cyclists join the carriageway from point SU8. There is no segregation in this location. The issue is the section of road from point SU8 as the pinch point is too narrow is this location to provide segregation for cyclists.</p> <p>The Applicant confirmed it will consider that point further to see if there needs to be an extension of the cycle track. The Applicant will also review the annex document to ensure it is consistent with the Rights of Way Plan.</p>	<p>The Applicant has reviewed this and determined that the cycle track should be extended east to allow segregation of cyclists from the HGV traffic and to then join the B1140 to the north east.</p> <p>The Rights of Way and Access Plans (TR010040/APP/2.4 Rev 4) and the draft Development Consent Order (TR010040/APP/3.1 Rev 5) have been updated and submitted at Deadline 7.</p>
21	<p><u>Footway/cycle track to link with the Windle footway</u></p> <p>The ExA noted that on page 85 of Applicant's hearing summary, the Applicant states that there is insufficient width to provide a footway/cycle track of the required standard to link North Burlingham with the footway in the vicinity of the Windle which travels towards Acle north of the</p>	<p>The Applicant confirmed that the width is still substandard for a footway on its own due to the noise barrier in this location. The Applicant can confirm the exact dimensions of this route in writing.</p>	<p>The available width between the existing fence and the existing edge of carriageway (including hardstrip) is 5.2m.</p> <p>From the existing fence, the noise barrier and maintenance path will require 1.2m and the vehicle restraint system requires a further 1.2m.</p> <p>On a 70mph road there must be minimum 1.5m</p>

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	<p>A47. Would that also be the case for a footway on its own?</p> <p>Hearing Action Point</p> <p>13. Ref 5.2 of the Applicant's hearing summary [REP4-051] states that due to a pinch point near Hall Cottages, there would be insufficient width to provide a 'footway / cycle track' of the required standard to link North Burlingham with the footway in the vicinity of the Windle which travels towards Acle along the A47. Clarify whether this is referring to a (shared use) cycle track or whether a 'footway' on its own was also considered and if so, provide further justification as to why the Applicant considers one could not be provided.</p>		<p>separation between the footway and the road.</p> <p>This leaves 1.3m for a footway or cycle track.</p> <p>As CD143 states that there should be a minimum of 2m for a footway, there is insufficient space for one to be provided.</p>
22	<p><u>Lingwood & Burlingham Parish Council's post hearing submission</u></p> <p>The ExA explained that the Applicant's response to Lingwood & Burlingham Parish Council's post hearing submission (REP4-059) appears to only cover half the parish council's submission. Can the Applicant provide a response to the other half of this submission?</p> <p>Hearing Action Point</p> <p>14. Provide a response to the second part of Lingwood and Burlingham Parish Council's post hearing submission [REP4-059].</p>	<p>The Applicant confirmed it would check its response and make sure the second part of the parish council's submission is responded to.</p>	<p>The Applicant has responded to the both submissions from Lingwood and Burlingham Parish Council in the 'Applicant's Response to Deadline 4 Submissions' (REP5-015).</p> <p>The response to REP3-026 is provided on pages 19 – 28, and the response to REP4-059 on pages 28 – 29.</p>
23	<p><u>Protected species surveys</u></p> <p>The ExA noted that some of the protected species surveys had not yet been completed due to Covid 19. In the Applicant's hearing summary,</p>	<p>The Applicant noted that it would be difficult to commit to providing this information due to issues such as access, weather and the time it takes to write the reports. However, if any information on</p>	<p>Due to the seasonal nature of the protected species surveys the Applicant is unable to confirm if the survey results will be available to SoS during the DCO decision.</p>

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	<p>it stated that further surveys will take place in April/Spring 2022. Could the Applicant confirm if the survey results might be available to the SoS during the decision period between April and June 2022? Once the examination closes, the ExA has 3 months to write a recommendation and submit it to the SoS. The SoS also has 3 months after that to make a decision from the beginning of April.</p>	<p>the protected species surveys is available during this period, the Applicant would be happy to send it to the SoS.</p> <p>The Applicant will consider this issue further and respond in writing.</p>	<p>However, the REAC, within the EMP (TR010040/APP/7.7 Rev 5), includes actions to confirm that any required surveys will be completed in advance of the works and Requirement 4 of the dDCO (TR010040/APP/3.1 Rev 5) requires the EMP (Second Iteration) to be approved by the SoS.</p> <p>Therefore the implications of the completed further surveys will be reflected in the second iteration of the EMP.</p>
24	<p><u>Hedgerow Plans</u></p> <p>The ExA noted that Sheet 2 of the Hedgerow Plans (APP-012) doesn't show the red line boundary. Once this is added, are there any implications for the assessment of the impact of the scheme on hedgerows?</p> <p>Hearing Action Point</p> <p>17. Correct Sheet 2 of the Hedgerow Plans [APP-012] to show the Order Limits.</p>	<p>The Applicant confirmed that all the correct hedgerows are included on the Hedgerow Plans (APP-012). The information on the plans would not change if the red line boundary were added. The Applicant will add the red line boundary to this plan for the next deadline.</p>	<p>The Applicant has amended the Hedgerow Plans (TR010040/APP/2.9 Rev 1) submitted at Deadline 7.</p>
25	<p><u>Translocation of hedgerows</u></p> <p>The ExA noted that the translocation of important hedgerows are proposed in the Masterplan and commitment B2 of the REAC. Can the Applicant explain where this is covered in the Outline Landscape and Ecology Management Plan (OLEMP)?</p> <p>The OLEMP mentions planting and other matters where the translocate of hedgerows might be expected to be included. There are also references to requirements in the OLEMP which have incorrect numbering.</p> <p>The ExA asked Natural England about this issue</p>	<p>The Applicant confirmed that the translocation of hedgerows is not specifically mentioned in the OLEMP because that level of detail will be provided at the next stage. However, it is noted in the Masterplan and the activity is a commitment in the REAC (B2). The Applicant can review the language in the OLEMP and correct the requirement numbers.</p>	<p>An additional bullet point has been added to OLEMP, Appendix B7 of the EMP (TR010040/APP/7.7 Rev 5) submitted at Deadline 7) to incorporate reference to provision for the translocation of important hedgerows.</p> <p>Note also that B2 within the REAC specifically references translocation as part of the objective to protect habitat connectivity and thereby secures the action. It reads as follows; "The parts of the two species-rich hedgerows located on the Masterplan at the west side of Lingwood Lane that would be lost under the Proposed Scheme will be translocated to the area around the soakaway in the field to the west."</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>in ExQ2 but received no response.</p> <p>Hearing Action Points</p> <p>15. Incorporate reference to or provision for the effective translocation of important hedgerows into the oLEMP at Appendix B7 of the EMP, in addition to reference to or provision for general landscape planting and retention.</p> <p>16. Correct first page of oLEMP to refer to correct requirement numbers of the dDCO.</p>		<p>The revised OLEMP is included within the EMP (TR010040/APP/7.7 Rev 5) submitted at Deadline 7.</p>
26	<p><u>Cultural heritage</u></p> <p>The ExA asked about the impact of the scheme on the settings of the two listed churches, the Grade I listed St Andrew's Church and Grade II listed St Peter's Church. Can the Applicant confirm to what extent the agricultural fields to the south of the A47 contribute to the wider setting of the listed buildings?</p> <p>The ExA walked around the Lingwood & Burlingham community woodland and to the south of the A47 and from there he could see spire of St Andrew's and tower of St Peter's. The open fields create a setting from which beyond you see the churches protruding.</p> <p>Whilst the A47 is moving to the south, the Applicant is creating a much wider road system on these agricultural fields which contribute to the setting of these buildings, particularly of St Andrew's church. With the faster moving vehicles on the new road, would the existing tranquility of the setting be diminished to a material extent?</p> <p>By introducing a dual carriageway into open fields which contribute to the setting of a listed building, does that have a powerful impact on the setting</p>	<p>The Applicant explained that a setting of a listed building is approached in terms of how it affects how we understand and experience the listed building. The primary way that a person experiences the churches of St Andrews and St Peter's is as rural parish churches, including the visibility of the spires from a distance and the surrounding landscape you pass through as you approach the churches.</p> <p>This is a landscape of a certain scale. The experience of rural quiet and the visual quality of the field boundaries is an important concept in this setting. The fields are part of the landscape you move through as you approach the churches</p> <p>There are a number of different approaches you can take to the churches (most are by road). The impact of the scheme is linked to the scale of the intrusion into these areas, the distance of the new road from the churches and the effect on someone approaching the churches. In terms of the impact in this case, anyone approaching the churches will still see them. The quiet is diminished to an extent but there would still be a very significance chunk of rural context around</p>	<p>Responses to Hearing Action Points 18, 19 & 20 are in Appendix B to this document.</p> <p>Response to Hearing Action Point 21 is in Appendix C to this document.</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>and even with landscaping will that adequately mitigate any harm to the setting? It is difficult to understand how introducing a dual carriageway into the setting of a listed building can have a neutral effect and eventually even a positive one.</p> <p>In the NNNPS, even a slight degree of harm is classed as "less than substantial harm" which would then need to be weighed against public benefits. The ExA does not understand how building a dual carriageway in the setting of grade I listed building doesn't constitute harm. Other parties have also raised this as a concern in the examination.</p> <p>Hearing Action Points</p> <p>18. Explain to what extent the fields to the immediate south of the existing A47 in the vicinity of North Burlingham contribute to the setting and significance of the Grade I listed Church of St Andrew and the Grade II listed Church of St Peter (both in North Burlingham).</p> <p>19. Explain to what extent the introduction of a dual carriageway and associated works onto these fields would impact on the setting and significance of the Grade I listed Church of St Andrew and the Grade II listed Church of St Peter (noting also that views towards these listed buildings, including the tower of the Church of St Andrew, are attained across these fields, including from the permissive footpath / bridleway which runs west from Lingwood Lane).</p> <p>20. Explain to what extent the field to the north of Owls Barn and House at Owls Barn, and the trees along this field's northern boundary, contribute to the setting and</p>	<p>these churches.</p> <p>The new road is not going to block any view of the church that people used to have and the experience of a person moving through the landscape will not be altered to a material extent. changes to the setting are part of the mosaic of experience but this part of the historic landscape setting will still there to be appreciated and understood.</p> <p>The reason that the introduction of a dual carriageway into the setting of these listed buildings can be said to have a neutral effect is because the effect is so small. The fields immediately to the north of the churches fall into the category of 'the wider landscape', which is something that extends as far as you can see in all directions. There is no direct contextual link between the churches and those particular fields. The relative importance of those fields is not significant in the overall context and the settings of the listed buildings are preserved on the whole.</p> <p>The Applicant accepts it is a fine point and referred the ExA to the Applicant's SoCG with BDC for discussion on this point with BDC. In other examinations, inspectors have found that there was no harm to the setting of a listed building where that setting was still available and where the new development did not remove that setting. For example, in the judgment of one planning inspector in relation to a development proposal in front of a listed church at Blofield, the development was consented on basis that it constituted less than substantial harm. While the setting had been eroded in that direction, the inspector came to the conclusion that because one could still appreciate and experience the</p>	

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>significance of these two Grade II listed buildings.</p> <p>21. Explain to what extent the introduction of the Proposed Development, including lighting around the Yarmouth Road junction, road works within the field to the north of Owls Barn and House at Owls Barn and the Blofield overbridge would impact on the setting and significance of these two listed buildings (noting also that views towards Owls Barn and House at Owls Barn and towards the site of the Proposed Development beyond can be attained from Blofield BOAT 11, as demonstrated in ES Figures 7.6.8a and b – Viewpoint A [APP-065]).</p> <p>22. Provide copies of the Historic England's listing descriptions for the Church of St Andrew (North Burlingham), the Church of St Peter (North Burlingham), Owls Barn and House at Owls Barn.</p>	<p>setting in other locations, there was no overall harm.</p> <p>The Applicant will consider this point further and respond in writing.</p>	
27	<p>The ExA noted that there are some key views of the churches halfway along the permissive footpath/bridleway in the vicinity. It would be helpful to have a photomontage from the footpath looking toward the churches and towards Owls Barn and the House at Owls Barn, before and after the scheme, so that the ExA can understand what the change is going to be.</p> <p>Can the Applicant confirm if photomontages from these two points can be produced in the remaining time left in the examination?</p> <p>Hearing Action Point</p> <p>23. Photomontages (on reflection, the</p>	<p>The Applicant confirmed that it has had discussions with Historic England and BDC about whether they wanted photomontages produced from certain locations and it was concluded that photomontages were not needed.</p> <p>The Applicant disagreed with the ExA's opinion that the views for the permissive footpath/bridleway are the keys views of these churches. While these are nice views, the key view to St Andrew's Church is from the road to the south and the key view to St Peter's Church is from the centre of Lingwood. The key view of Owl's Barn and the House at Owl's Barn is from the place they are accessed from.</p>	<p>Responses to Hearing Action Points 18, 19 & 20 are in Appendix B to this document.</p> <p>Response to Hearing Action Point 21 is in Appendix C to this document.</p>

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	<p>Examining Authority does not consider these necessary at this point).</p>		
28	<p><u>Removal of lighting columns</u></p> <p>The ExA noted that there are numerous references to lighting columns throughout the ES. In the Applicant's response to ExQ1, it states that lighting columns may be removed along existing A47. Can the Applicant confirm if that is the case and if so, if this is secured anywhere?</p> <p>Hearing Action Point</p> <p>24. Confirm how the removal of lighting columns along the existing A47 in the vicinity of North Burlingham would be secured (as indicated in paras 7.10.7 and 7.11.9 of ES Appendix 7.8: Lighting Assessment [APP-085] and in Table 7-4 of ES Appendix 7.6: Representative Viewpoints [APP-083], relating to 'Operational effects'.</p>	<p>The Applicant confirmed that it would consider that point further and respond in writing.</p>	<p>REAC ref G2 in the EMP has been updated to include the following text to secure the removal of lighting.</p> <p>By no later than the expiry of 3 months of Work No.1 being completed and fully open to traffic (excluding use as a diversionary route during works to construct the authorised development) the lighting columns on the existing A47 Trunk Road between a point 58.5 metres west of Lingwood Lane and a point 250 metres east of the B1140 South Walsham Road must be removed.</p> <p>The EMP (TR010040/APP/7.7 Rev 5) has been submitted at Deadline 7.</p>
29	<p><u>Impact on public transport</u></p> <p>Mr Hawker noted that in the Applicant's response to his Relevant Representation, the Applicant stated that the scheme was not related new passenger rail facilities in the area. Bearing in mind the government's wish to encourage modal shift and in response to another comment of the Applicant that there are no proposed alterations to rail or public transport services therefore any impacts are judged to be insignificant. Can the Applicant show any formal assessment regarding the effect this road might have on the use of public transport?</p> <p>It is quite clear that the scheme is intended to improve the road user's experience, (increasing speed and reducing congestion) but it doesn't</p>	<p>The Applicant is not aware that this point has been looked at. The Applicant will reflect on the point and come back in writing. The Applicant is not obliged to assess the impact on public transport. The scheme has to be in line with government policy and the Road Investment Strategy (RIS).</p>	<p>The Applicant responded to Mr Hawker's Relevant Representation (RR-059) in the Applicant's Response to Relevant Representations (REP1-061), which described the need for the scheme, as supported by DfT with the inclusion in RIS2.</p> <p>Chapter 12 Population and Human Health (REP4-023) assesses the impact of the scheme on local facilities, including public transport.</p> <p>Bus stops were noted at Blofield and Lingwood, however there are no bus stops, or routes, through North Burlingham.</p> <p>The improvements to the A47 between Blofield and North Burlingham may benefit public transport bus routes between Blofield and Acle</p>

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	<p>necessary help bus journeys. Has an assessment been done on how much the use of public transport might decrease as a result of the improved road?</p> <p>Hearing Action Point</p> <p>25. Address Richard Hawker's concern relating to impacts on public transport use.</p>		<p>and onward. A more reliable service may in fact increase public transport usage.</p>
30	<p><u>Impact on Lingwood Railway Station</u></p> <p>Cllr Davis noted that various representations had been made regarding the central crossing. Cllr Davis would like to raise the point that the Lingwood railway station is used by Lingwood and Burlingham villages and the central crossing was key to accessing that station.</p>	<p>The Applicant will review and respond in writing.</p>	<p>As set-out in the Applicant's Response to Relevant Representations (REP1-060), Appendix A (pgs 5-9), surveys carried out recorded very low usage of FP3.</p> <p>Burlingham FP3 is not a practical route in all weathers for utility trips between North Burlingham and Lingwood, given that it is an un-surfaced, part enclosed/part field edge/part field footpath.</p> <p>The distance between North Burlingham and Lingwood is 2.5km, which exceeds preferred maximum walking distances to common facilities for commuting.</p> <p>It is therefore concluded that FP3 is more of a leisure route for recreational walking trips.</p>
Agenda Item 7: Review of issues and actions arising			
31	<p>The ExA will publish action points from this hearing.</p>		
Agenda Item 8: Any other matters			
32	<p>The ExA asked if there were any other matters to discuss?</p> <p>The ExA has read the Applicant's submission on its recent change of name and agrees with the</p>	<p>The Applicant referred to its recent change of name from Highways England to National Highways.</p> <p>On 8 September 2021, the Applicant changed its</p>	<p>The Applicant has included the name change in the revised draft DCO (TR010040/APP/3.1 Rev 5) submitted at Deadline 7.</p>

Ref	Questions / Issues Raised at ISH4 and Hearing Action Points	Summary of Applicant's Response at ISH4	Applicant's Written Response
	<p>Applicant's proposed approach to amending the Applicant's name (that is, amending the Applicant's name in the dDCO and Explanatory Memorandum but not across the full range of the existing examination documents).</p>	<p>name to National Highways Ltd. The Applicant is proposing that the next iteration of DCO needs a small change to reflect the change of name of the Applicant. The Applicant itself hasn't changed and the company registration number is still the same. However, the company is no longer called Highways England Company Ltd.</p> <p>The Applicant proposes to take as light a touch as possible and amend only the dDCO and Explanatory memorandum. This approach would allow anyone to understand that National Highways is the same legal entity as Highways England and it is just the name that has changed. It would be quite a task to change every single reference in all the existing application documents and that task is unlikely to benefit anyone. The Applicant is also considering whether the Funding Statement and Statement of Reasons should also be updated and will confirm this at the next deadline.</p>	
Agenda Item 9: Closure of the hearing			
33	<p>ExA thanked the parties for their participation and advised that a digital recording will shortly be made available on the PINS website. The ExA asked the parties to submit in writing the points made today at Deadline 7 on Thursday 18 November.</p>		

APPENDIX A – HEARING ACTION POINTS – 7, 8 & 9

7. Clarify how the assessment is ‘inherently cumulative’ given that the ‘Difference (DSDM)’ figure in Table 14-9 of ES Chapter 14: Climate [REP2-002] (and therefore the figures in Table 14-10 which are assessed against the national carbon budgets) appears to include only greenhouse gas emissions associated with the Proposed Development.
8. Clarify whether, if the baseline in Table 14-9 includes end-user greenhouse gas emissions from other planned projects, including two other A47 NSIP schemes and the Norwich Western Link road, there has been an assessment of the Proposed Development against the current baseline without these projects, as suggested should be the case in para 14.7.1 of ES Chapter 14 and DMRB LA 114 3.10.
9. Explain how DMRB LA 104 3.21(2) and Schedule 4 para 5 of the EIA Regs have been complied with in terms of cumulative assessment relating to climate.

ES Chapter 14 (Climate) (REP2-002) assesses the potential likely significant effects of emissions from the Proposed Scheme. The emissions are considered in the context of national carbon budgets and the time periods relevant to the construction and operational phases of the Proposed Scheme. This approach is in alignment with the NNNPS (5.17 and 5.18) and with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). The summary of the net change in emissions against relevant carbon budgets is presented in Table 14-10 in the main chapter.

The EIA Regulations require the production of an Environmental Statement, which is defined at Regulation 14(2) as

“a statement which includes at least—

(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;

(b) a description of the likely significant effects of the proposed development on the environment;

...

(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.”

Paragraph 5 of Schedule 4 states

“A description of the likely significant effects of the development on the environment resulting from, inter alia—

(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 natural resources;

(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;”

The Courts have considered the approach to cumulative impacts in a number of cases. Guidance was given by the ECJ in *Marktgemeinde Strasswalchen v Bundesminister für Wirtschaft, Familie und Jugend (C-531/13) [2015] Env. L.R. 26* in regard to how to assess the cumulative impact of projects, to which reference was made by the Applicant at paragraph 1.5.5 of Annex B to the Applicant's Written Summary of Oral Submissions at Hearings (**REP4-051**). In summary, the ECJ noted that a project should not be considered in isolation, nor should an examination of the cumulative effects be confined to projects of the same kind and cannot be confined by municipal boundaries. The Applicant has explained (including in this response) how other schemes have been incorporated within the Traffic Model so as to understand the effects of the Scheme along with other developments in the Affected Road Network (ARN) and, consequently, predict GHG emissions.

In terms of what should be provided in an environmental statement, *R. (Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)* makes clear that there is a limit to what can sensibly be included in a cumulative assessment and that limit is to assess by reference to what can reasonably be required having regard to current knowledge. In that case, Patterson J rejected the contention that the environmental assessment had been flawed because it did not assess the impact of the as-yet unknown final route of a heat pipeline.

In the Court of Appeal judgment in *Preston New Road Action Group v Secretary of State for Communities and Local Government [2018] Env. L.R. 18* Lindblom LJ noted that:

"67. An equally robust principle is that an environmental statement is not expected to include more information than is reasonably required to assess the likely significant environmental effects of the development proposed, in the light of current knowledge (see, for example, the judgment of Patterson J. in Khan [R. (on the application of Khan) v Sutton LBC [2014] 11 W.L.U.K. 151), at paras. 121 to 134.)"

The Planning Inspectorate Advice Note Seventeen states that the applicant should consider the potential for cumulative effects... with 'other existing development and/or approved development'. Similarly, DMRB LA 104 3.21(2) requires a cumulative assessment with 'different projects'.

A cumulative assessment of 'different projects (together with the project being assessed)' is inherently within the climate methodology through:

1) Inclusion of the project and other locally committed development within the traffic model;

and

2) Consideration of the project against the UK carbon budgets, which are inherently cumulative as they consider and report on the carbon contributions across all sectors.

The current baseline described in Paragraph 14.7.1 of ES Chapter 14 (Climate) (**REP2-002**) has been used to measure construction emissions against. The 'Baseline (DM)' in Table 14-9 does include end-user greenhouse gas emissions from other planned projects within the ARN. Paragraphs 14.7.2 and 14.7.3 of ES Chapter 14 (Climate) (**REP2-002**) describe the future baseline scenario which has been used for end-user emissions.

Emissions associated with end-user tailpipe emissions have been derived from the traffic model of the ARN as set out in DMRB LA 114, and this approach includes 'other existing development and/or approved development'. This allows for the comparison of scenarios with and without the Proposed Scheme and an understanding of the potential impacts. By including the ARN, the assessment includes the cumulative emissions total from all road users on the affected network. The difference between DS and DM in Table 14-10 of ES Chapter 14 (Climate) (**REP2-002**) not only accounts for end-user emissions on the proposed dual carriageway and sideroads, but takes account of a greater proportion of emissions contributable by the Proposed Scheme across the ARN.

As discussed in Section 6 of the Transport Assessment (TA) (**REP1-044**), the strategic Norwich Area Transport Strategy Model (referred to as the NATS Model) is used as the basis to derive forecasted traffic impacts of the Proposed Scheme's performance across the wider area. The traffic model and ARN utilised for PCF Stage 3 has been developed in line with the Department for Transport (DfT) Transport Appraisal Guidance (TAG). In accordance with TAG guidance, developments and transport schemes identified in the uncertainty log with the likelihood of at least 'near certain' or 'more than likely' were included in the core scenario forecasts (please see TA section 6.3 for further details (**REP1-044**)).

The total emissions calculated for the Proposed Scheme are assessed against the national targets in accordance with NNNPS. As noted in R (Transport Action Network Ltd) (TAN) v The Secretary of State for Transport (SoST) and Highways England Company Limited [2021] EWHC 2095 (Admin) – see paragraphs 1.4.4. and 1.4.5 of Annex B to the Applicant's Written Summary of Oral Submissions at Hearing (**REP4-051**), there are no sectoral transport carbon targets against which to assess emissions from the Scheme. Nor are there any regional or local carbon budgets, even if assessment at such levels was required under the NNNPS. The national carbon budgets include all UK activities and developments (including 'other existing development and/or approved development') and therefore constitutes an inherently cumulative approach to assessment. The conclusion of this assessment is in paragraphs 14.10.3-5 within ES Chapter 14 (**REP2-002**) and so not repeated in ES Chapter 15 (Cumulative Effects Assessment) (**APP-053**).

The Applicant's assessment of GHG emissions in ES Chapter 14 (Climate) (**REP2-002**) includes such information as is reasonably required to assess the environmental effects of the development and which the Applicant could reasonably be required to compile having regard to current knowledge. The current knowledge available to the Applicant comprises the national targets set out in the carbon budgets. Accordingly, a cumulative assessment against a target for the road transport sector or indeed any other target or receptor is not a matter that the Applicant could reasonably be expected to be required to compile having regard to current knowledge. The approach in DMRB LA114 and in ES Chapter 14 (Climate) (**REP2-002**) of assessment against the national Carbon Budget targets, which span cumulative economic sectors, is correct and accords with the EIA Regulations, NNNPS and Planning Inspectorate Advice Note Seventeen.

Whilst not attracting weight in this DCO application, the Government's direction of travel for the assessment of the significance of carbon emissions from the energy sector is indicated in the draft Energy NPS, which was published for consultation in September 2021. The draft NPS proposes (paragraph 5.3.7) continuation of the approach that has been taken in the NNNPS, namely the principle of economy-wide management of operational emissions through the carbon budgets: "*Operational emissions will be addressed in a managed, economy-wide*

manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments."

The letter submitted by Dr Boswell for CEPP at Deadline 6 (**REP6-008**) indicates that he expects to submit further information at later deadlines, to which the Applicant will respond as appropriate.

APPENDIX B – HEARING ACTION POINTS – 18, 19, 20 & 21

18. Explain to what extent the fields to the immediate south of the existing A47 in the vicinity of North Burlingham contribute to the setting and significance of the Grade I listed Church of St Andrew and the Grade II listed Church of St Peter (both in North Burlingham).

The fields to the immediate south of the existing A47 constitute a relatively small part of the rural setting of both churches. They are incorporated into the general experience of an observer, which forms the notional and experiential context of the churches as rural parish churches. The significance of the assets is primarily architectural.

The ES (6.7.10) identifies two main positive elements of setting for St Andrew's:

- The visibility of the church spire from the surrounding landscape and its relationship to the settlement of North Burlingham
- The rural setting, which provides ambience, tempered by the church being placed on the former main route through this area, Main Road, which provides access

The setting of St Peter's is described (6.7.16) as being principally defined through its relationship with St Andrew's and North Burlingham, as well as having a rural component, tempered (as above) by being on the main routeway of the area.

The setting of the churches is experienced from multiple directions/locations and through a number of modes including:

- Static and moving views from public and private locations at all times and seasons
- Aural and tactile cues from animals, vegetation, wind and general sound quality
- The scale and design of buildings within North Burlingham
- Juxtaposition with other built and agricultural landscape types at local, regional and national scales
- Experiential knowledge of other churches of all types and dates
- Experiential cues of previous landscape types surviving as relict features
- Non-experiential knowledge from mapping and documentation providing underlying context of the purpose, administration and wider historical context of the churches through time.

An empirical quantification of the amount that these fields contribute to the setting is not possible, given the array of potential ways to experience or understand the setting of the churches. However, the specific fields are more of non-experiential value to St Peter's (as they make up its historic parish, knowledge primarily derived from mapping) than experiential value, as the field and the church cannot be perceived in the same moment save by aerial photography and mapping. The fields are less immediate and thus less important to the setting.

The fields have more experiential value for the setting of St Andrew's as the fields can be experienced in the same moment as the church. Primarily this is from the viewpoint illustrated in Figure 7.6.13 a and b - Viewpoint F (APP-066) where the relationship of the church, settlement and rural context is most readily available. The immediacy of the specific

contribution to the setting of St Andrew's is still rather low, as the existing A47 carriageway and hedgerows bordering property and the road partially screen the view through to the south. Therefore, the contribution that these specific fields make is largely through the contextualising of a wider rural environment, that is fresh at hand when approaching the church. This must also be seen in relation to pasture fields to the west of the church, which are much more visually striking than the arable land to the south, due to patterns of tree and hedge planting which are more indicative of an earlier post-inclosure landscape than to the south. The meadow directly south of the church and the tree planting in Burlingham Park are by far the larger indices of the church's rural context. In summary, the fields to the immediate south of the A47 make a small but limited contribution to the setting and significance of the churches of St Andrew's and St Peter's as part of a much wider rural context.

19. Explain to what extent the introduction of a dual carriageway and associated works onto these fields would impact on the setting and significance of the Grade I listed Church of St Andrew and the Grade II listed Church of St Peter (noting also that views towards these listed buildings, including the tower of the Church of St Andrew, are attained across these fields, including from the permissive footpath / bridleway which runs west from Lingwood Lane).

The extent of the impact of the churches of St Peter's and St Andrew's is described in the ES Chapter 6 (Cultural Heritage) (**REP4-019**), 6.8.12 and Table 6-2 and Table 6.3. The impact on both churches has been assessed as "negligible adverse" before mitigation and "no change" after mitigation in the case of construction impacts (Table 6-2). In the case of operational impacts (Table 6-3), the impacts on both churches have been assessed as "no change" before mitigation and "minor beneficial" after mitigation. The impacts of the scheme on both churches have been agreed with Historic England (**REP1-070**, sections 1.6.4 and 1.6.20) and Broadland District Council (**REP5-008**, page 13).

The setting of St Peter's church is unaffected by the introduction of the dual carriageway as the church is not visible outside of its immediate grounds and Main Road. Similarly, the construction of the scheme is considered to have no impact on the setting of St Andrew's church after mitigation because the wider rural setting and important views of the church are preserved and there will be a positive effect on the setting from planting. The impacts of the scheme on the churches of St Peter's and St Andrew's have been agreed with Historic England and Broadland District Council.

The visibility of St Andrew's in these fields is noted in the ES Chapter 6 (6.7.11). As stated at ISH 4, the cultural heritage expert accessed the permissive footpath and the description in the ES draws on this. However, the site inspections were undertaken in spring and the vegetation may have died back by the time of the Examiner's unaccompanied visit in winter. This limitation is addressed in the methodology describing the approach to the Zone of Visual Influence (6.6.1). The description of the Site inspections of April 2020 were stated to be a "windshield survey" (ES 6.5.4). The heritage surveyors accessed the permissive footpath during an evening walk on their own time.

Visibility of a church within its parish is an important positive aspect of the setting of most churches, and especially for churches with tall towers or spires. It serves as a reminder to attend services, a visual cue of the religious significance of the building, the perceived piety of those who contributed to its construction and the economic, political and social dominance of the religious institution. While some churches have managed over the centuries to retain

visual dominance (St Paul's cathedral and its unique place in London's planning system comes to mind), St Andrew's has become enclosed within the parkland planting of North Burlingham Park. It is therefore most strikingly dominant from the position of Viewpoint F as noted in ES section 6.7.12 (this viewpoint was the only one required by historic England for the heritage assessment, agreed 27/05/2020) and traveling east along main Road for approximately 80-90m. The views from the permissive footpath to the church are not contextual with the development of the church architecture, being a post-medieval/modern path and this footpath is therefore merely one of a great number of ways to experience the general rural setting of the church. The view is limited and changes over seasons, with intermittent to no view in spring, no view in summer and autumn and a more open view in winter. This means that the awareness of the church for the majority of the time is non-experiential.

Further to this, the design of planting for the proposed scheme is to be in keeping with the existing environment in terms of height, species and permeability. Large block planting will be avoided. To achieve a view of the church from the footpath, the season and wind are likely to be far larger factors than the additional trees and the view (if possible) would likely be achievable from another point on the path. In summary, the magnitude of this impact of the residual construction effects of the scheme after mitigation on the setting of St Andrew's church is very small and, after mitigation, this amounts to no impact.

1. In terms of the issue of "less than substantial harm" vs "no harm", the following points are worth noting: The assessment of the level of harm is entirely the prerogative of the decision makers (per NPPF and NPS NN).
2. There is no methodology or guidance to map effects to harm, therefore the assessment of category of harm is arbitrary, resting on the personal judgement of the decision maker, guided as they see fit by the professional judgement of consultees, inspectors and subject experts.

For the sake of helpfulness by illustration, an example of how a very similar issue has been recently addressed by the Planning Inspectorate in the local area is quoted below. In this example, the Inspector found that a housing development in the vicinity of a historic rural church caused no harm to the setting and significance of the building because only a very limited extent of the views of the church would be lost as a result of the development and therefore the visual dominance of the church tower in the landscape would be preserved.

Appeal Ref: APP/K2610/W/19/3239986, Land to the east of Memorial Hall, Brundall, Norfolk (October 2020).

"33. The focus of the discussion at the Inquiry related to the views available, over agricultural land, towards the Church tower. The proposal would result in the erection of up to 170 dwellings being built on the existing agricultural field together with recreational facilities. There would therefore be change to both the character of the field and the views towards the church, particularly from FP1 and FP2. Due to existing vegetation, views of the Church tower are only experienced intermittently along FP2 and these would mostly be retained. Along FP1 though, at the eastern part of the site views of the Church tower would be lost behind the proposed housing.

34. At points where the Church tower would remain visible, the view would no longer be across agricultural land. However, although the land would be somewhat domesticated through the provision of recreation facilities, the area would still be predominantly open. Furthermore, I acknowledge that the edge of the proposed built up area would encroach marginally into some

of the views but would, with the benefit of an appropriate landscaping scheme, be capable of satisfactory integration into the landscape.

35. Moreover, although some views of the Church tower would be lost, this would only be for a limited distance along FP1, and its demonstration of historic religious importance and rural wealth would continue to be appreciated from the wider rural area from a large number of other vantage points in the surrounding area, even allowing for the modern growth of the village and the layout of the nearby golf course. Indeed, the proposal would allow new views of the Church tower through public access of the appeal site where there is currently none, particularly from the proposed Village Green.

36. Therefore, given the very limited extent of views that would be lost, particularly when considering the very wide setting of the heritage asset within the landscape, I am satisfied that visual dominance of the Church tower as a historic landmark in the landscape would be preserved. Consequently, the setting and significance of the heritage asset would not be harmed."

In conclusion, the Applicant considers that overall, no harm is caused to the setting and significance of the churches of St Peter's and St Andrew's by the introduction of a dual carriageway into the fields immediately to the south of the existing A47 after mitigation is taken into account. However, if the Secretary of State finds that the scheme causes a degree of less than substantial harm to the setting of these heritage assets, the Applicant would contend that any harm to the settings of these heritage assets is negligible, balanced by mitigation through sensitive design and, in any event, outweighed by the considerable public benefits of the scheme that are set out in the Case for the Scheme (**REP1-042**).

20. Explain to what extent the field to the north of Owls Barn and House at Owls Barn, and the trees along this field's northern boundary, contribute to the setting and significance of these two Grade II listed buildings.

The setting of these buildings is described in the ES Chapter 6 (Cultural Heritage) 6.7.21-23 (**REP4-019**). The fields to the north of Owl's Barn and the House at Owl's Barn constitute part of the semi-rural landscape and agricultural setting of these listed buildings. In the ES 6.7.23, the semi-rural setting has been assessed as making a moderate positive contribution to the significance of these heritage assets. The significance of these assets is primarily architectural.

The field to the north was, on the 1845 tithe, divided into several fields, with small fields contiguous with the properties on Lingwood Road. These small fields were consolidated into a larger field by the time of the 1893 ordnance survey and apparently separated from the properties, which are shown within smaller enclosures. The fields were merged into the single large present field at some point in the late 1950s-60's. The field is currently partially screened from the assets by vegetation. The extent of the screening was not possible to fully appreciate, as the surveyors could not access the grounds. As with St Peter's church, the contribution to significance is more in the notional context of farmland. Knowing there is farmland allows an observer to more easily infer the previous use as agricultural buildings, given the stronger clues from architectural details. Knowing there is farmland on multiple sides of the buildings allows further inference that the more modern buildings to either side are likely to have been built in a previously more open landscape and so appreciate the change in setting over time. This context is available through mapping and aerial

photography but in a slightly less immediate manner. The rural context is principally experienced on the journey towards the buildings in both directions along Lingwood Road, passing by the fields to the north and south. The field to the north of the assets makes a small contribution to the significance of the asset.

The poplar trees on the northern field boundary do not contribute to the significance of the buildings but do provide some seasonal screening of the current A47 carriageway, in addition to the planting on the verge of the current carriageway.

21. Explain to what extent the introduction of the Proposed Development, including lighting around the Yarmouth Road junction, road works within the field to the north of Owls Barn and House at Owls Barn and the Blofield overbridge would impact on the setting and significance of these two listed buildings (noting also that views towards Owls Barn and House at Owls Barn and towards the site of the Proposed Development beyond can be attained from Blofield BOAT 11, as demonstrated in ES Figures 7.6.8a and b – Viewpoint A [APP065]).

The impacts of the proposed scheme on the setting and significance of Owl's Barn and the House at Owl's Barn are given in ES Chapter 6 (Cultural Heritage) (**REP4-019**) sections 6.8.4, 6.8.12, 6.8.17, Table 6-2 and Table 6-3. The impact of the scheme on these listed buildings before mitigation buildings is assessed in the ES as 'negligible adverse' in the case of construction impacts (Table 6-2) and 'minor adverse' in the case of operational impacts (Table 6-3) due to changes to the rural settings of these buildings and through potentially increased traffic noise and lighting. After mitigation through sensitive design and planting, the residual construction and operational effects of the scheme have been categorised as "neutral" in terms of significance of effect because the impact constitutes very small changes to the existing environment overall. The impacts of the scheme on Owl's Barn and the House at Owl's Barn have been agreed with Historic England (**REP1-070**, section 1.6.4) and Broadland District Council (REP5-008 page 14).

In respect of the views towards the buildings from Blofield BOAT 11, these views allow for an immediate visual appreciation of the rural context of the buildings in much the same way as the views along Lingwood Road. The footpath was previously the eastern continuation of "Pound Lane", a post-medieval right of way shown on the 1845 tithe, connecting to Lingwood Road. The description of impacts and effects given in the ES is valid for all aspects of the setting, including views along Lingwood Road and BOAT 11. The immediate visual appreciation of the rural context will still be available from multiple points along the path following the construction of the dual carriageway, including views which do not include the proposed scheme.

In summary, the Applicant considers that overall, the scheme is likely to cause a very small amount of less than substantial harm to the setting and significance of Owl's Barn and the House at Owl's Barn. However, this small amount of less than substantial harm is considered to be balanced by mitigation through sensitive design and outweighed by the considerable public benefits of the scheme as set out in the Case for the Scheme.

APPENDIX C – HEARING ACTION POINT – 22

- 22. Provide copies of the Historic England's listing descriptions for the Church of St Andrew (North Burlingham), the Church of St Peter (North Burlingham), Owls Barn and House at Owls Barn.**

CHURCH OF ST ANDREW

Overview

Heritage Category:

Listed Building

Grade:

I

List Entry Number:

1051522

Date first listed:

25-Sep-1962

Statutory Address:

CHURCH OF ST ANDREW

Map



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Location

Statutory Address:

CHURCH OF ST ANDREW

The building or site itself may lie within the boundary of more than one authority.

County:

Norfolk

District:

Broadland (District Authority)

Parish:

Lingwood and Burlingham

National Grid Reference:

TG 36538 10110

Details

TG 31 SE BURLINGHAM NORTH BURLINGHAM

5/20 Church of St. Andrew. 25.9.62.

- 1

Parish church. C14 and C15. Flint with limestone dressings. Slate roofs; lead roof over aisle. West tower, nave, chancel, south porch, north aisle. C15 west tower with staged diagonal buttresses. Plinth with flushwork panels and some heraldic panels on north side. Flintwork on lower stage of tower knapped and galletted with some limestone blocks. Square traceried sound holes with canopied niche above that to the west. Large 2-light traceried bell openings. Parapet embattled with flushwork and heraldic symbols in panels. Corner pedestals for figures. South porch opening has re-set hood mould, possibly Norman. Nave and chancel windows 3-light with Perpendicular tracery. Low side window and priest's door in south wall of chancel. 3-light reticulated east window. Two 3-light Perpendicular windows on north side of nave. Decorated north door, now blocked. Much re-used material in north wall. Square stone chimney surmounting buttress. Good C15 nave roof with angels on hammer beams. Arch braced principal rafters and ridge; wall posts on corbel heads; bosses at intersections. C15 north arcade of four bays : four centred arches on octagonal piers. North aisle roof with roll moulded and arch braced principals. C18 plastered ceiling to chancel with cornice. Rood screen base dated 1536 with painted figures of saints in traceried panels; upper section of screen restored and incorporating an angel which fell from the nave roof early C20. Tower screen salvaged from Burlingham St. Peter (q.v.) : one light divisions with crocketed ogee arches and panel tracery, all C15. Flanking the doorway are two figures of angels bearing the keys of St. Peter. Four-centred archway into north chapel from chancel; squint arch to chancel, north side. On the chancel north wall, a monument to Gregory Mileham + 1615, a slate tablet flanked by putti under a broken pediment. Wall monuments on nave north wall to Ann Horth + 1797 and Martha Leman + 1803. Tower contains monuments to the Burroughes family, notably James Birkin Burroughes + November 30th 1803. Octagonal font, C14, with shields around bowl and stem of four clustered shafts.

Listing NGR: TG3653810110

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:

228468

Legacy System:

LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

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CHURCH OF ST PETER

Overview

Heritage Category:

Listed Building

Grade:

II

List Entry Number:

1304547

Date first listed:

25-Sep-1962

Statutory Address:

CHURCH OF ST PETER

Map



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Location

Statutory Address:

CHURCH OF ST PETER

The building or site itself may lie within the boundary of more than one authority.

County:

Norfolk

District:

Broadland (District Authority)

Parish:

Lingwood and Burlingham

National Grid Reference:

TG 36838 10050

Details

TG 31 SE BURLINGHAM NORTH BURLINGHAM

5/21 Church of St. Peter. 25.9.62.

- II

Former parish church now disused and in ruins. Fabric of C15 with earlier round tower now collapsed; much restored in C19. Flint with limestone dressings, brick in north porch. Slate roofs. Remains of west tower, nave, chancel, north and south porches. Windows almost all C19 replacements; south east nave window may be old, but detail much obscured by ivy growth. Roof structures C19; arch-braced rafters with longitudinal braces to ridge over nave, with bosses at intersections. Chancel roof similar, but with pierced spandrels at apexes and ogee-headed braces to principal rafters. Small area of wall painting on north wall of nave, revealed by removal of monument. Chancel arch off-centre, rebuilt C19. C19 Perpendicular east window flanked internally by ogee-headed niches. Cusped piscina in chancel north wall.

Listing NGR: TG3683810050

Legacy

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Legacy System number:

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Legacy System:

LBS

Legal

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End of official listing

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OWLS BARN

Overview

Heritage Category:
Listed Building

Grade:
II

List Entry Number:
1304603

Date first listed:
19-Mar-1985

Statutory Address:
OWLS BARN, LINGWOOD ROAD

Map



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Location

Statutory Address:

OWLS BARN, LINGWOOD ROAD

The building or site itself may lie within the boundary of more than one authority.

County:

Norfolk

District:

Broadland (District Authority)

Parish:

Blofield

National Grid Reference:

TG 34310 09603

Details

TG 30 NW BLOFIELD LINGWOOD ROAD

7/9 Owls Barn.

G.V. II

3 stead barn, early C18, of brick and thatch. Chequered glazed headers. Brick plinth and platband on gable walls at eaves level. Central barn doors to south flanked by shallow buttresses and blocked lozenge shaped honeycomb vents. Parapet gables with moulded brick kneelers, and owl holes at apex. C20 louvred opening in east gable. Butt purlin roof with tie beams on wall posts with arch braces.

Listing NGR: TG3431009603

Legacy

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Legacy System number:

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Legacy System:

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Legal

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End of official listing

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HOUSE AT OWLS BARN

Overview

Heritage Category:
Listed Building

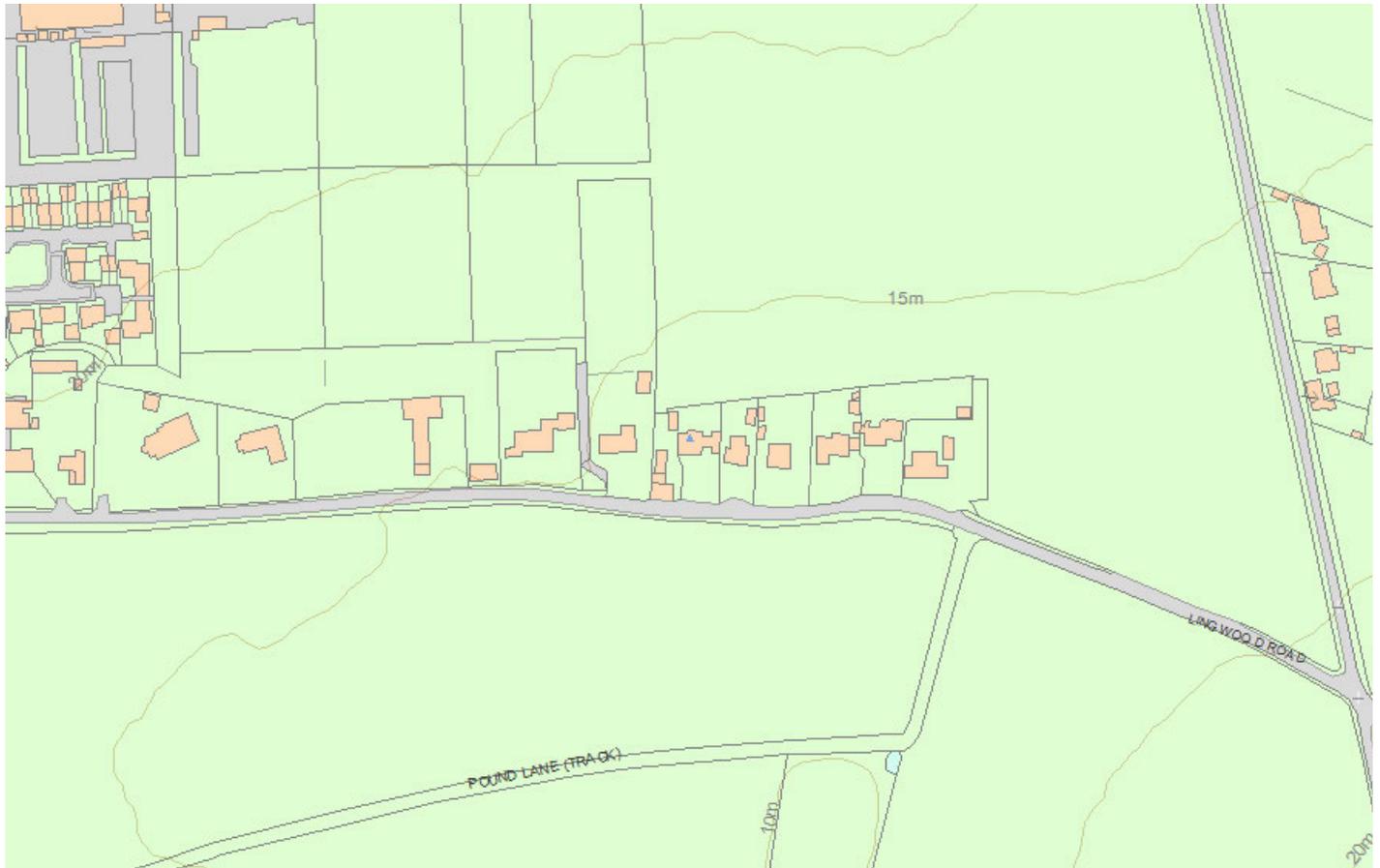
Grade:
II

List Entry Number:
1372653

Date first listed:
19-Mar-1985

Statutory Address:
HOUSE AT OWLS BARN, LINGWOOD ROAD

Map



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Location

Statutory Address:

HOUSE AT OWLS BARN, LINGWOOD ROAD

The building or site itself may lie within the boundary of more than one authority.

County:

[REDACTED]

Norfolk

District:

Broadland (District Authority)

Parish:

Blofield

National Grid Reference:

TG 34308 09601

Details

TG 30 NW BLOFIELD LINGWOOD ROAD

7/8 House at Owls Barn.

G.V. II

Farmhouse, early C18, of red brick, colourwashed brick with thatched roof. 2 storeys with continuous rear outshut. 3 windows. Central ½ glazed entrance door and C20 casement windows. Segmental brick arches at first floor level. Evidence of blocked windows in south wall. Parapet gables and end stacks, chamfered bridging joist with ogee stops. Fragment of fireplace bressumer, with monogram R.W. and dated 1732. Included for group value.

Listing NGR: TG3430809601

Legacy

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Legacy System number:

228454

Legacy System:

LBS

Legal

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End of official listing

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