

# A47 Blofield to North Burlingham Dualling

**Scheme Number: TR010040**

**Volume 9**

**9.31 Applicant's Response to Rule 17 letter**

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

Planning Act 2008

December 2021

Deadline 10

Infrastructure Planning

Planning Act 2008

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

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

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**APPLICANT'S RESPONSE TO RULE 17 LETTER**

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<b>Regulation Number:</b>	Rule 8(1)(c)
<b>Planning Inspectorate Scheme Reference</b>	TR010040
<b>Application Document Reference</b>	9.31
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<b>Author:</b>	A47 Blofield to North Burlingham Dualling Project Team, National Highways

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## **1 INTRODUCTION**

- 1.1.1 The Development Consent Order (DCO) application for the A47 Blofield to North Burlingham scheme was submitted on 30 December 2020 and accepted for examination on 27 January 2021.
- 1.1.2 The purpose of this document is to set out National Highways (the Applicant) response to the Rule 17 letter, dated 16 December 2021.

## 2 RULE 17 LETTER RESPONSE

Reference	Request for further information	Applicant's Response
1	Please clarify whether the Drainage and Surface Water Plans [APP-010] should be included in the list of certified documents in the draft Development Consent Order (dDCO) and referred to in Requirement 8 (surface water drainage).	The Drainage Strategy ( <b>REP4-031</b> ), which is a certified document, includes in Annex B a set of Drainage Layout Plans. These Drainage Layout Plans include the same engineering detail that is included in the Drainage and Surface Water Plans ( <b>APP-010</b> ), which therefore do not need to be separately included in the list of certified documents.
2	Requirement 3(3)(b) of the dDCO (Deadline (D) 9 version) states: "providing a cycle track 2.5 metres in width would give rise to any materially new or materially different environmental effects in comparison with those reports in the environmental statement,". Please amend this to "providing a cycle track 2.5 metres in width would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,".	An amended dDCO ( <b>TR010040/APP/3.1 Rev 8</b> ) reflecting this amendment has been submitted at Deadline 10.
3	It appears to me that Refs 9, 88 and 115 within Table 1 of the Compulsory Acquisition (CA) Schedule (D9 version) should also be included within Table 2 of the CA Schedule given that Relevant Representations (RRs) were received from these parties ([RR-019, RR-047 and RR-071]). Please update the CA Schedule accordingly, or alternatively, justify why these parties should not be included in Table 2, should the Applicant take a different view.	The CA schedule ( <b>TR010040/EXAM/9.4 Rev 11</b> ) has been updated to include the parties noted and submitted at Deadline 10.
4	The Applicant should be aware that s135 of the Planning Act 2008 sets out that an order granting development consent may include provision authorising the CA of an interest in Crown land only if: it is an interest which is for the time being held otherwise than by or on behalf of the Crown; and the appropriate Crown authority consents to the acquisition. Please provide evidence that the appropriate Crown authority consents to the acquisition in this case. If the Applicant cannot provide this evidence, please explain how it intends to satisfy s135 of the Planning Act 2008.	The confirmation authorising CA of Crown Land is provided in Appendix A.
5	A D9 submission by Anna Randlesome, a Category 2 Affected Person (AP) who attended a Compulsory Acquisition Hearing, relates to matters around the Applicant's lack of communication and incorrect assertion that other family members may be acting on her behalf. Please clarify / rectify the situation, particularly given that I should be satisfied that the Applicant has engaged with all APs with a view to acquiring their land interests by	The District Valuer on behalf of the Applicant has had many conversations with Mr Randlesome and had anticipated Mr Randlesome spoke for the Randlesome family. It is acknowledged Ms Randlesome has separate interests from Mr Randlesome. The District Valuer has now made contact with Ms Randlesome, via email, to directly discuss her access. An offer of an onsite meeting has been

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	agreement.	made for mid-January 2022. The CA schedule (TR010040/EXAM/9.4 Rev 11) has also been updated and submitted at Deadline 10.
6	The project cost in the Case for the Scheme [REP1-042] is cited as £46.4 million, whereas in the Funding Statement [APP-020], it is cited as £89.5 million. Please clarify the reason for this discrepancy.	£89.5 million is the most-likely estimate for the scheme. For the purpose of the economic assessment the scheme estimate is rebased to 2010 calendar year profiles, using the Gross Domestic Product (GDP) deflator series, as published in TAG databook and then discounted for 2010 market prices. This results in a cost of £46.4 million.
7	Please explain why additional hedgerows in Schedule 8 of the revised dDCO (D9 version) have been categorised as 'important' when paragraphs 8.7.58 and 8.7.60 of ES Chapter 8: Biodiversity [REP4-021] and ES Appendix 8.13: 2020 Botanical Report [APP-098] indicate that only two hedgerows fall into this category and, furthermore, given that some are identified as 'species poor'.	<p>Part II of Schedule 1 to the Hedgerows Regulations 1997 (the Regs) lists criteria for determining "important" hedgerows, which includes the subcategories:</p> <ul style="list-style-type: none"> <li>• Archaeology and history; and</li> <li>• Wildlife and landscape</li> </ul> <p>Two hedgerows were identified as important under criteria for 'wildlife and landscape' criteria (as reported in ES chapter 8 (REP4-021)).</p> <p>An additional 6 hedgerows were added to the hedgerow schedule, following discussions with Broadland District Council who considered that these hedgerows were important because they fall within Regulation 6 in Part 2 of Schedule 1 to the Hedgerows Regulations 1997, which provides that hedgerows are important hedgerows if they are "recorded in a document held at the relevant date" (ie 1997) "at a Record Office as an integral part of a field system pre-dating the Inclosure Acts" (ie 1845).</p> <p>The Applicant agrees with the District Council's interpretation. The additional hedgerows therefore qualify as important hedgerows under a different category of the 1997 Regulations which relies on documentary evidence rather than the biodiversity category which is considered in the ES.</p> <p>The Applicant can confirm that this change in interpretation (and thereby number of important hedgerows) does not change the sensitivity / value of</p>

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		receptors as reported in the ES and the conclusions remain robust.
8	Please confirm whether or not agreement has been reached with Norfolk County Council in respect of the transfer of assets, and if so, in what form? If not, is agreement likely to be reached by D10?	An agreement will not be reached before the end of examination. The Applicant is continuing to discuss this with Norfolk County Council across the three A47 schemes (A47 North Tuddenham to Easton, A47 - A11 Thickthorn Junction and A47 Blofield to North Burlingham).
9	Please explain why the 'Third River Crossing' (identified within ES Appendix 15.2:Cumulative Effects Assessment Shortlist [APP-114]) does not appear to be included within the Transport Assessment [REP1-044] modelling uncertainty log?	<p>The Third River Crossing is not included in the uncertainty log as it is not within the extent of the NATS model, as specified in Figure 6-1 of the Transport Assessment (<b>REP1-044</b>).</p> <p>The Third River Crossing was included in Appendix 15.2 (<b>APP-114</b>), following discussion with Norfolk County Council. Both the Scheme and the Third River Crossing are within the extensive zone of influence of a designated site for birds.</p>
10	The final paragraph in Appendix B of the Applicant's Written Summary of Oral Submissions at Hearings [REP7-025] (pg 55) states that "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." This seems to contradict the Applicant's other statements that the residual significance of effect during construction and operation would be 'neutral' for these designated heritage assets. Can the Applicant please definitively clarify its position on this matter.	<p>The full final paragraph in Appendix B of the Applicant's Written Summary of Oral Submissions at Hearings (<b>REP7-025</b>) states:</p> <p style="padding-left: 40px;">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.</p> <p>The "very small amount of less than substantial harm" is the impact before mitigation through sensitive design. After this, the residual significance of effect is neutral.</p> <p>The Applicant's expert team judges, to the best of their professional knowledge and opinion, that this neutral residual effect equates to "no harm" in this instance.</p> <p>The Applicant acknowledges that there are no set criteria for the category of harm. The suggestion of the second sentence is that if, in considering the very fine nuance of the proposed Scheme after mitigation through</p>

Reference	Request for further information	Applicant's Response
		sensitive design, the Secretary of State judges this to be "less than substantial harm" this would in that case be balanced by the public benefit.



## APPENDIX A



Department  
for Transport

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Bristol  
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Also by email: [REDACTED]@wbd-uk.com

Dear Mr Dagg

**Your client: National Highways**  
**Property: The plots as shown on the Crown Land Plans attached to the Application in respect of the A47 Blofield to North Burlingham Development Consent Order Application ("the Property")**  
**Application for consent pursuant to section 135 of the Planning Act 2008 dated 30 October 2020 ("the Application")**

I understand that you are instructed on behalf of National Highways in respect of the A47 Blofield to North Burlingham Development Consent Order Application ("the DCO").

I am instructed to respond on behalf of the Secretary of State for Transport (SoST) in respect of the Application.

The land required for the DCO includes the Property in which the SoST has an interest and therefore constitutes Crown land as defined in section 227 of the Planning Act 2008 ("the Act"). We have confirmed that the SoST no longer retains any land ownership interests in the Property. There are a number of retained rights in favour of the SoST (as historic vendor and adjoining land owner).

It is understood that National Highways is seeking to exercise rights of acquisition, temporarily rights of possession and to create new rights over land included within the Application.

I confirm that the appropriate Crown authority (as defined in section 227 of the Act) is the SoST.

Letter

Manu Santiago  
DEPARTMENT FOR TRANSPORT  
GROUP PROPERTY  
DEPARTMENT FOR TRANSPORT  
GREAT MINSTER HOUSE  
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DIRECT LINE: [REDACTED]

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21 December 2021

On the basis of the above, I am authorised to confirm the following:

1. The SoST hereby gives consent pursuant to section 135 (1) and 135(2) of the Act and Article 50 of the DCO as drafted to the inclusion of provisions within the DCO which would apply to the Property (to the extent that they relate to the detail specified in the Application); and
2. The SoST hereby agrees to the wording of Article 50 of the DCO as drafted.

Yours sincerely,



Manu Santiago  
Senior Corporate Finance Advisor

**Authorised signatory for and on behalf of the Secretary of State for Transport**