

A47 Blofield to North Burlingham Dualling

Scheme Number: TR010040

Volume 9

9.32 Applicant's Response to Deadline 9 Submissions

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]

APPLICANT'S RESPONSE TO DEADLINE 9 SUBMISSIONS

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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 Deadline 9 submissions by other parties.

2 ANNA RANDESOME (REP9-021)

Reference	Deadline 9 Submission	Applicant's Response
	<p>We attended Compulsory Acquisition Hearings 1 earlier in the year and raised a concern that we had received no contact from Highways England regarding our property and how it will be affected (accessible across plot 2/3 on Land Plans doc) and our property had previously been missed entirely from the Book of Reference.</p> <p>Since this meeting we have still received no contact at all, and when checking the Compulsory Acquisition Schedule (Ref No 54), it states "Meeting arranged with DV SEE JOHN RANDESOME 13 Liaising as a family together." which is completely untrue! Neither my parents nor myself have agreed that we would liaise as a family together or that my parents should discuss anything with the district valuer or Highways England on our behalf.</p> <p>While my father (redacted) and has been contacted by the district valuer regarding his own property (redacted), he has not discussed anything to do with our plot of how our access will be affected, nor should he have to. Any information regarding the access to our property should be provided directly to us and not assumed that a (redacted) will act as a messenger so that the district valuer has on less job on his list.</p> <p>We are very disappointed that despite raising our concerns about a lack of contact at a CAH, Highways England or the district valuer have not only still not contacted us, but have actively lied on the Compulsory Acquisition Schedule to avoid having to contact us at all.</p> <p>Despite this frustrating circumstance, I have attempted to contact the DV directly to resolve this and get no answer to my phone calls. There still appears to be no interest in contacting us or in responding to our attempts to contact them.</p>	<p>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.</p> <p>The District Valuer has now made contact with Ms Randlesome, via email, to directly discuss her access. An offer of an on-site meeting has been made for mid-January 2022.</p>

3 CLIMATE EMERGENCY POLICY AND PLANNING (CEPP) (REP9-022 & REP9-023)

Reference	Deadline 9 Submission	Applicant's Response
	<p>The submissions can be found at:</p> <p>REP9-023 – Responses to REP8-014, REP7-025, EV-044, ISH4, REP6-006, REP5-015</p> <p>[REDACTED]</p> <p>REP9-022 – Appendix E to D9 submission</p> <p>[REDACTED]</p>	<p>The response is provided in Appendix A to this document.</p>

4 DARL SWEETLAND – ANGLIAN WATER (REP9-024)

Reference	Deadline 9 Submission	Applicant's Response
	<p>Anglian Water has been working with Highways England (now National Highways (NH)) to reach agreement on Protective Provisions and related matters. The final Statement of Common Ground (SoCG) has not been signed although the points of agreement and disagreement are jointly understood between the two parties. In view of the deadline today this submission seeks to set out the remaining points of disagreement on which the Examining Authority will need to reach a judgement in their Recommendation. These are in summary:</p> <ul style="list-style-type: none">• clarity on the powers which will be used by NH• the loss of funding from NH which Anglian Water would be forced to take because its assets are replaced as part of the scheme when they don't need to be replaced & the consequent reduction in Anglian Water's ability to fund and undertake environmental works elsewhere• use of the Anglian Water's Inflow system by NH which is used by other developers and which when used then has the flexibility to then enable matters to be progressed offline and directly with Anglian Water <p>The above points will be set out in detail in the finalised SoCG to be submitted in the next week by NH.</p>	<p>The final signed SoCG (TR010040/EXAM/8.7 Rev 2) has been submitted at Deadline 10.</p>

APPENDIX A RESPONSE TO CLIMATE EMERGENCY PLANNING AND POLICY (REP9-022 AND REP9-023)

1. This topic is one on which the Applicant has provided detailed responses previously, including in the Appendix to the Applicant's Response to Deadline 5 Submissions (**REP6-006**) and other documents listed below. The Applicant does not accept that CEPP have set out an approach that could be lawfully followed by the Secretary of State and does not agree with various of the claims, assertions and interpretations made by CEPP. However, rather than dissect CEPP representations on a paragraph by paragraph basis, the Applicant has instead focused on matters that are material to the determination of the DCO Application.
2. As a matter of fact, the Applicant has distinguished in its representations and assessment between:
 - the traffic model from which the carbon emissions are in turn predicted. The traffic model takes into account other road projects within the study area in order to predict traffic movements and, from that, the predicted operational carbon emissions of the Scheme, which is the sense in which the assessment is "inherently cumulative"; and
 - the assessment of the likely significance of carbon emissions, in the context of which the advice in the NNNPS is that this should be considered in the context of the ability of government to meet national carbon budgets.
3. In terms of the methodology, the Applicant notes that "*the Design Manual for Roads and Bridges (DMRB) is a suite of documents that contains requirements and advice relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations [National Highways, Transport Scotland, Welsh Government, Northern Ireland Department for Infrastructure] is highway or road authority. The DMRB embodies the collective experience of the Overseeing Organisations, their agents, supply chain members and industry bodies. It provides requirements and advice resulting from research, practical experience of constructing and operating motorway and all-purpose trunk roads, and from delivering compliance to legislative requirements.*" (GG101 – Introduction to the Design Manual for Roads and Bridges, September 2021).
4. Notwithstanding CEPP representations that alternative approaches could/should be taken, the Applicant has correctly applied the methodology set out within DMRB LA 114 (Climate) for the assessment of the Proposed Scheme. Previous submissions have demonstrated in detail how this methodology has been applied, how cumulative matters have been addressed, and how the scheme has been assessed against required targets (**REP6-006** and **REP7-025**).
5. In response to Section 5.1 of **REP9-023**, it is worth reemphasising that the relevant emissions resulting from the scheme are the DS-DM as summarised within Table 14-10

(REP2-002) as the DM emissions would be expected to be emitted even without the Proposed Scheme. As the DfT's latest data tables (used for measuring end-user emissions) predate Government policy published in 2021, including the DfT's Transport Decarbonisation Plan and Government's Net Zero Strategy, which set out the pathway to be followed in reducing emissions from transportation, it is likely that the end-user traffic assessment given in ES Chapter 14 represents a worst case scenario. This is because carbon emissions for Design Year 2040 were extrapolated through the 60-year lifetime of the Proposed Scheme and so do not factor in the delivery of recent policy proposals for a much greater uptake of electric vehicles and public transport.

6. In terms of the assessment of likely significance, the EIA Regulations do not stipulate how or at what level the likely significance of carbon emissions are required to be assessed by a decision-maker nor do they define what is and what is not significant. As a matter of policy, Parliament has required that in the case of National Networks NSIPs the assessment of significance shall be undertaken in the context of the ability of Government to meet its carbon reduction targets. The Applicant has previously explained that the carbon emissions assessment presented in ES Chapter 14 **(REP2-002)** is not in breach of the European Commission guidance to which CEPP refer and shown that this guidance a) does not stipulate the level at decision-makers shall assess carbon emissions in any particular case and b) does not have the status in the decision-making process for the Proposed Scheme that CEPP suggest [see paragraphs 3 – 6 of Annex B: Climate to the Applicant's Written Summary of Oral Submissions at Hearings **(REP4-051)**].
7. CEPP assert that a cumulative assessment of carbon emissions should be undertaken of the A47BNB "particularly with three other major road schemes: the A47NTE, A47THI and NWL" (para 33). But they have a) not identified any carbon budget or emissions reductions target against which the significance of the cumulation of the carbon emissions suggested could be undertaken; b) not identified any other local or regional receptor on which the effects of carbon emissions from the named projects could be measured and the significance of the effect assessed, and c) not identified a planning policy framework in which the significance of any such cumulation would be material in the decision-making process. The Applicant notes that:
 - There is no national carbon budget for the transport sector against which emissions from the Proposed Scheme could be assessed.
 - Norfolk County Council does not have a carbon budget. The County Council provides comment on climate in its Local Impacts Report **(REP1-071)** and in the draft Statement of Common Ground with the Applicant **(REP4-044)**. The County Council has not objected to the Proposed Scheme on climate or carbon grounds.
 - Broadland District Council does not have a carbon budget. The District Council provides comment on climate in its Local Impacts Report **(REP1-066)**. The District Council has not objected to the Proposed Scheme on climate or carbon grounds.

8. The Applicant has set out at Appendix A to the Applicant's Response to Deadline 5 Submissions (**REP6-006**) the approach that the Secretary of State is required to take in the determination of the DCO application. The Applicant notes that the duty to attain carbon budget targets and net zero is one arising at the national level. There are no sectoral targets for road transport at any of the carbon budget periods. There is no duty upon the road transport sector to attain net zero itself. Emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of "an economy-wide transition".

9. In citing the case of *Gateshead MBC v Secretary of State for the Environment* [1995] Env. L.R. 37 in the response (**REP8-014**) to Ms Eleanor Laming, the Applicant referred to the principle that the decision-maker is entitled to assume that other regimes will operate effectively. In the case of the DCO Scheme this means that the Secretary of State is entitled to assume that Government will use the policies, regulatory frameworks and other tools necessary to achieve the objectives set out in the Transport Decarbonisation Plan and the Net Zero Strategy and, thus, that the legally binding obligation of the Climate Act 2008 to achieve Net Zero by 2050 will be met. The Government's tools are not limited to those in the planning system. The review process set out in the Transport Decarbonisation Plan is there to be used by Government (and scrutinised by the Climate Change Committee) so as to ensure that the appropriate tools are deployed to ensure that the carbon budgets are met and to meet the legally binding obligation to achieve net zero by 2050.