



ERRATA SHEET - A47 BLOFIELD TO NORTH BURLINGHAM PROJECT TR010040

Examining Authority's Report of Findings and Conclusions and Recommendation to the  
Secretary of State for Transport

Corrections agreed by the Examining Authority prior to a decision being made

Page No.	Paragraph	Error	Correction
3		23 June 2021	22 June 2021
240		Appendix C	Appendix D



The Planning Inspectorate

The Planning Act 2008

## **A47 Blofield to North Burlingham Project**

Examining Authority's Report  
of Findings and Conclusions

and

Recommendation to the Secretary of State for  
Transport

---

Examining Authority

**Alex Hutson** MA MLPM MRTPI CMLI MArborA

**22 MARCH 2022**

This page is intentionally blank

# OVERVIEW

File Ref: TR010040

The application, dated 30 December 2020, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 30 December 2020.

The applicant is National Highways Limited (previously Highways England).

The application was accepted for examination on 27 January 2021.

The examination of the application began on 23 June 2021 and was completed on 22 December 2021.

The development proposed comprises: 2.6km of dual carriageway on the A47; de-trunking of the existing A47 section between Blofield and North Burlingham; improvements at Yarmouth Road junction, including closure of the central reserve, closure of High Noon Lane direct access, merge lane, realignment of Waterlow and local access improvements at the Sparrow Hall properties; introduction of a compact grade separated junction at B1140 junction, including the B1140 overbridge; a new overbridge at Blofield traversing the proposed A47 dual carriageway, connecting Yarmouth Road with the existing A47; provision of new drainage systems including an infiltration basin and retention of existing drainage systems; a retaining wall in the western extents; introduction of lighting at the Yarmouth Road junction and new lighting layout at the B1140 junction; closure of an existing layby and provision of a new layby; walking and cycling routes connecting Blofield and North Burlingham; provision of North Burlingham access; an agricultural access track; fencing, safety barriers and signage; environmental mitigation; and diversion of an intermediate pressure gas main and other utilities.

Summary of Recommendation:

**Subject to considerations outlined in paragraphs 9.2.12 to 9.2.16 of this Report, the Examining Authority recommends that the Secretary of State should make the Order in the form attached.**

# REPORT TABLE OF CONTENTS

1.	INTRODUCTION .....	1
1.1.	INTRODUCTION TO THE EXAMINATION.....	1
1.2.	APPOINTMENT OF THE EXAMINING AUTHORITY .....	2
1.3.	THE PERSONS INVOLVED IN THE EXAMINATION .....	2
1.4.	THE EXAMINATION AND PROCEDURAL DECISIONS.....	3
1.5.	ENVIRONMENTAL IMPACT ASSESSMENT .....	8
1.6.	HABITATS REGULATIONS ASSESSMENT.....	8
1.7.	UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS.....	8
1.8.	OTHER CONSENTS.....	9
1.9.	STRUCTURE OF THIS REPORT .....	9
2.	THE PROPOSAL AND THE SITE .....	11
2.1.	THE APPLICATION AS MADE.....	11
2.2.	THE APPLICATION AS EXAMINED .....	13
2.3.	RELEVANT PLANNING HISTORY (INCLUDING OTHER STRATEGIC PROJECTS AND PROPOSALS) .....	14
3.	LEGAL AND POLICY CONTEXT .....	16
3.1.	THE PLANNING ACT 2008 .....	16
3.2.	NATIONAL POLICY STATEMENT.....	16
3.3.	EUROPEAN LAW AND RELATED UK REGULATIONS .....	17
3.4.	OTHER LEGAL PROVISIONS .....	19
3.5.	MADE DEVELOPMENT CONSENT ORDERS .....	23
3.6.	TRANSBOUNDARY EFFECTS .....	24
3.7.	OTHER RELEVANT POLICY STATEMENTS .....	24
3.8.	THE NATIONAL PLANNING POLICY FRAMEWORK .....	25
3.9.	LOCAL IMPACT REPORTS .....	26
3.10.	THE DEVELOPMENT PLAN.....	26
4.	THE PLANNING ISSUES.....	28
4.1.	MAIN ISSUES IN THE EXAMINATION .....	28
4.2.	ISSUES ARISING IN WRITTEN AND ORAL SUBMISSIONS.....	29
4.3.	ISSUES ARISING IN LOCAL IMPACT REPORTS.....	33
4.4.	CONFORMITY WITH THE NATIONAL POLICY STATEMENT .....	36
4.5.	CONSIDERATION OF ALTERNATIVES .....	38
4.6.	CONFORMITY WITH THE DEVELOPMENT PLAN.....	40
4.7.	APPLICATION OF OTHER POLICIES.....	41
4.8.	ENVIRONMENTAL IMPACT ASSESSMENT .....	42
4.9.	HABITATS REGULATIONS ASSESMENT.....	45
4.10.	TRANSPORTATION AND TRAFFIC .....	45
4.11.	AIR QUALITY AND EMISSIONS.....	53
4.12.	BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT .....	58
4.13.	CLIMATE CHANGE.....	63
4.14.	CULTURAL HERITAGE .....	71

4.15.	GEOLOGY AND SOILS.....	78
4.16.	LANDSCAPE AND VISUAL EFFECTS.....	82
4.17.	MATERIAL ASSETS AND WASTE.....	88
4.18.	NOISE AND VIBRATION.....	92
4.19.	POPULATION AND HUMAN HEALTH.....	98
4.20.	WATER ENVIRONMENT.....	109
4.21.	OTHER CONSIDERATIONS.....	114
5.	FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT.....	116
5.1.	INTRODUCTION.....	116
5.2.	PROJECT LOCATION.....	117
5.3.	HRA IMPLICATIONS OF THE PROJECT.....	117
5.4.	ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS.....	120
5.5.	HRA CONCLUSIONS.....	120
6.	CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT.....	121
6.1.	INTRODUCTION.....	121
6.2.	CONCLUSIONS ON THE PLANNING ISSUES.....	121
6.3.	THE PLANNING BALANCE.....	132
6.4.	OVERALL CONCLUSION.....	134
7.	COMPULSORY ACQUISITION AND RELATED MATTERS.....	135
7.1.	INTRODUCTION.....	135
7.2.	LEGISLATIVE REQUIREMENTS.....	135
7.3.	THE REQUEST FOR CA AND TP POWERS.....	137
7.4.	THE PURPOSES FOR WHICH LAND IS REQUIRED.....	138
7.5.	EXAMINATION OF THE CA AND TP CASE.....	140
7.6.	CONCLUSIONS.....	157
8.	DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS.....	160
8.1.	INTRODUCTION.....	160
8.2.	THE DCO AS APPLIED FOR.....	160
8.3.	CHANGES DURING EXAMINATION.....	161
8.4.	DISCUSSION OF MATTERS OF CONTENTION.....	169
8.5.	CONCLUSIONS.....	176
9.	SUMMARY OF FINDINGS AND CONCLUSIONS.....	CLXXVII
9.1.	INTRODUCTION.....	CLXXVII
9.2.	CONSIDERATION OF FINDINGS AND CONCLUSIONS.....	CLXXVII
9.3.	RECOMMENDATION.....	CLXXIX

APPENDIX A: THE EXAMINATION

APPENDIX B: EXAMINATION LIBRARY

APPENDIX C: LIST OF ABBREVIATIONS

APPENDIX D: THE RECOMMENDED DEVELOPMENT CONSENT ORDER

## **List of Figures**

Figure 1: Site location.....	11
Figure 2: Proposed route alignment .....	12
Figure 3: Other relevant highway schemes .....	14
Figure 4: Initial route options.....	39

## **List of Tables**

Table 1: Key changes to the dDCO during the Examination .....	162
Table 2: dDCO provisions recommended to be changed .....	175

# **1. INTRODUCTION**

## **1.1. INTRODUCTION TO THE EXAMINATION**

- 1.1.1. The application for the A47 Blofield to North Burlingham Project (the Proposed Development) under file reference TR010040 was submitted by Highways England (now National Highways Limited) (the Applicant) to the Planning Inspectorate on 30 December 2020 under section (s) 37 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 27 January 2021 [PD-001].
- 1.1.2. The Proposed Development is described in the application form [APP-003] and Introduction to the Application [APP-001] as comprising:
- 2.6km of dual carriageway on the A47;
  - de-trunking of the existing A47 section between Blofield and North Burlingham;
  - improvements at Yarmouth Road junction, including closure of the central reserve, closure of High Noon Lane direct access, merge lane, realignment of Waterlow and local access improvements at the Sparrow Hall properties;
  - introduction of a compact grade separated junction at B1140 junction, including the B1140 overbridge;
  - a new overbridge at Blofield traversing the proposed A47 dual carriageway, connecting Yarmouth Road with the existing A47;
  - provision of new drainage systems including an infiltration basin and retention of existing drainage systems;
  - a retaining wall in the western extents; introduction of lighting at the Yarmouth Road junction and new lighting layout at the B1140 junction;
  - closure of an existing layby and provision of a new layby;
  - walking and cycling routes connecting Blofield and North Burlingham;
  - provision of North Burlingham access;
  - an agricultural access track;
  - fencing, safety barriers and signage;
  - environmental mitigation; and
  - diversion of a medium pressure gas main and other utilities.
- 1.1.3. The location of the Proposed Development is shown in the Location Plan [APP-004], which remained unchanged throughout the Examination. The site lies within the administrative County of Norfolk and administrative District of Broadland and is wholly in England.
- 1.1.4. The legislative tests for whether the Proposed Development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State (SoS) for the Ministry of Housing, Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUCH)) in its decision to accept the Application for Examination in accordance with s55 of PA2008 [PD-001].
- 1.1.5. On this basis, the Planning Inspectorate agreed with the Applicant's view stated in the application form [APP-003] that the Proposed Development



is an NSIP for the following reasons. It is an alteration to a highway, other than a motorway, where the speed limit for any class of vehicle is expected to be 50 miles per hour (mph) or greater. It is wholly within England and the Applicant is the strategic highway authority for the highway. The area for development exceeds the relevant threshold of 12.5 hectares. The Proposed Development meets the definition of an NSIP set out in s14(1)(h), s22(1)(b), s22(3)(a), (b) and (c) and s22(4)(b) of PA2008. It therefore requires development consent in accordance with s31 of PA2008. Nothing has arisen during the Examination to change that view.

1.1.6. The application form [APP-003] and Introduction to the Application [APP-001] make reference to the Proposed Development comprising '2.6km of dual carriageway on the A47'. However, the draft Development Consent Order [APP-016] submitted with the application refers, under Work No. 1 of Schedule 1, to the alteration of 4570 metres of the A47. In response to one of my written questions (ExQ1.1.3) [PD-006] on this matter, the Applicant clarified that the length of the existing single carriageway part of the A47 between Blofield and North Burlingham is 2.6km and that the Proposed Development, which would be offline, would require the construction of 4570 metres of new dual carriageway, with some parts of the existing dual carriageway of the A47 realigned. I am satisfied that this matter has no material bearing on the consideration of the application.

1.1.7. It came to light during the Examination that the reference to the proposed diversion of a 'medium pressure' gas main in the application form and other documents was incorrect and that it is an 'intermediate pressure' gas main (defined as being between 2 and 7 bar) which is proposed to be diverted. I am satisfied that this has no material bearing on the Examination of the application and that this element does not constitute an NSIP in its own right, having regard to the provisions of s20(4) of PA2008.

1.1.8. The Applicant is identified on the application form and numerous submitted documents as 'Highways England'. However, during the course of the Examination, the Applicant's name was changed to 'National Highways Limited'. I am satisfied that, having regard to the Applicant's submissions in relation to this [AS-031 and AS-032], the change of name has no material bearing on the consideration of the application and that where necessary and important to do so, relevant application documents have been updated to reflect the Applicant's change of name.

## **1.2. APPOINTMENT OF THE EXAMINING AUTHORITY**

1.2.1. On 28 January 2021, Alex Hutson was appointed as the Examining Authority (ExA) for the application under s78 and s79 of PA2008 [PD-003].

## **1.3. THE PERSONS INVOLVED IN THE EXAMINATION**

1.3.1. The persons involved in the Examination were:

- Persons who were entitled to be Interested Parties (IPs) because they had made a relevant representation (RR) or were a statutory party who requested to become an IP; and
- Affected Persons (APs) who were affected by a compulsory acquisition (CA) and / or temporary possession (TP) proposal made as part of the application and objected to it at any stage in the Examination.

## **1.4. THE EXAMINATION AND PROCEDURAL DECISIONS**

1.4.1. The Examination began on 22 June 2021 and concluded on 22 December 2021.

1.4.2. The principal components of and events around the Examination are summarised below. A fuller description, timescales and dates can be found in Appendix A.

### **The Preliminary Meeting**

1.4.3. On 27 April 2021, I wrote to all IPs and Statutory Parties under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) (the Rule 6 Letter) inviting them to the Preliminary Meeting (PM) [PD-005], outlining:

- the arrangements and agenda for the PM;
- an Initial Assessment of the Principal Issues (IAPI);
- the draft Examination Timetable;
- availability of RRs and application documents; and
- my preliminary procedural decisions.

1.4.4. The PM was arranged to take place in two parts: on 8 June 2021; and on 22 June 2021, if required. The first part, held virtually and livestreamed, commenced on 8 June 2021 and was adjourned at the end of that part. A digital recording [EV-002], transcript [EV-003] and a note of the meeting [EV-004] were published on the project page of the National Infrastructure Planning website<sup>1</sup>. The adjournment period was to allow for the consideration of any written submissions by IPs who did not, or could not, make oral submissions at the first part of the PM, in order to decide whether the second part should be held.

1.4.5. Having regard to Procedural Deadline B submissions [PDB-001 and PDB-002], I considered the second part of the PM to be unnecessary and made a Procedural Decision to close the PM in writing.

1.4.6. My procedural decisions and the Examination Timetable took full account of matters raised at the PM. They were provided in the Rule 8 Letter [PD-007], dated 22 June 2021.

---

<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-blofield-to-north-burlingham/>

## **Key Procedural Decisions**

- 1.4.7. Most of the procedural decisions set out in the Rule 8 Letter related to matters that were confined to the procedure of the Examination and did not bear on my consideration of the planning merits of the Proposed Development. Further, they were generally complied with by the Applicant and relevant IPs. The decisions can be obtained from the Rule 8 Letter [PD-007] and so there is no need to reiterate them here.

## **Site Inspections**

- 1.4.8. Site Inspections are held in PA2008 Examinations to ensure that the ExA has an adequate understanding of the Proposed Development within its site and surroundings and its physical and spatial effects.
- 1.4.9. Where the matters for inspection can be viewed from the public domain and there are no other considerations such as personal safety or the need for the identification of relevant features or processes, and Unaccompanied Site Inspection (USI) is held. Where an inspection must be made on land requiring consent to access, there are safety or other technical considerations and / or there are requests made to accompany an inspection, an Accompanied Site Inspection (ASI) is held.
- 1.4.10. I undertook the following USI:
- USI1, 19 and 20 April 2021, to gain an appreciation and understanding of the context of the Order land, its surroundings and views of it, including during the daytime and at night.
- 1.4.11. A site note providing a procedural record of the USI can be found in the Examination Library [EV-001].
- 1.4.12. I held no ASIs and no requests were made from any IP to hold an ASI.
- 1.4.13. I have had regard to the information and impressions obtained during the site inspection in all relevant sections of this Report.

## **Hearing Processes**

- 1.4.14. Hearings are held in PA2008 Examinations in two main circumstances:
- To respond to specific requests from persons who have a right to be heard - in summary terms:
    - where persons affected by CA and / or TP proposals (APs) object and request to be heard at a Compulsory Acquisition Hearing (CAH); and / or
    - where IPs request to be heard at an Open Floor Hearing (OFH).
  - To address matters at an Issue Specific Hearing (ISH) where the ExA considers that a hearing is necessary to inquire orally into matters under examination, typically because they are complex, there is an element of contention or disagreement, or the application of relevant law or policy is not clear.

- 1.4.15. I held a number of virtual hearings to ensure the thorough examination of the issues raised by the Application. The hearings were livestreamed and video recorded. The video recordings and transcripts were published on the project page of the National Infrastructure Planning website. Agendas for the hearings were also published on the project page of the National Infrastructure Planning website, at least five days prior to the start of the events.
- 1.4.16. ISHs were held under s91 of PA2008 as follows:
- ISH1, 17 August 2021 [EV-011 to EV-017], on the draft Development Consent Order (dDCO);
  - ISH2, 19 August 2021 [EV-023 to EV-029], on air quality, biodiversity, climate, cultural heritage and geology and soils;
  - ISH3, 20 August 2021 [EV-030 to EV-036], on landscape and visual, material assets and waste, noise and vibration, population and human health, transportation and traffic and the water environment; and
  - ISH4, 9 November 2021 [EV-039 and EV-044 to EV-047], on the dDCO, climate, population and human health and biodiversity.
- 1.4.17. CAHs were held under s92 of PA2008 as follows
- CAH1, 18 August 2021 [EV-018 to EV-022]; and
  - CAH2, 9 November 2021 [EV-038, EV-042 and EV-043].
- 1.4.18. All persons affected by CA and / or TP proposals were provided with an opportunity to be heard. I also used these hearings to examine the Applicant's case for CA and / or TP in the round.
- 1.4.19. OFHs were held under s93 of PA2008 as follows:
- OFH1, 16 August 2021 (morning) [EV-005 to EV-007];
  - OFH2, 16 August 2021 (evening) [EV-005], EV-008 and EV-009]; and
  - OFH3, 9 November 2021 [EV-037, EV-040 and EV-041].
- 1.4.20. All IPs were provided with an opportunity to be heard on any important and relevant subject matter that they wished to raise.

## **Written Processes**

- 1.4.21. Examination under PA2008 is primarily a written process, in which the ExA has regard to written material forming the application and arising from the Examination. All of this material is recorded in the Examination Library (Appendix B) and published online. Individual document references to the Examination Library in this report are enclosed in square brackets [] for ease of reference. For this reason, this Report does not contain extensive summaries of all documents and representations, although full regard has been had to them in my conclusions. I have considered all important and relevant matters arising from them.
- 1.4.22. Key written sources are set out further below.

### **Relevant Representations**

- 1.4.23. Seventy-five RRs were received by the Planning Inspectorate [RR-001 to RR-075]. All makers of RRs received the Rule 6 Letter and were provided with an opportunity to become involved in the Examination as IPs. I have fully taken into account all RRs and the issues that they raise are considered in the relevant Chapters of this Report.

### **Written Representations and Other Examination Documents**

- 1.4.24. The Applicant and IPs were provided with opportunities to:
- make written representations (WRs);
  - comment on WRs made by the Applicant and other IPs;
  - summarise their oral submissions at hearings in writing;
  - make other written submissions I requested or accepted; and
  - comment on documents I issued for consultation, including:
    - a request for comments on the Applicant's proposed changes to the Application [PD-009]; and
    - A Schedule of Changes for the dDCO [PD-014] published on 26 November 2021 at Examination Deadline (DL) 8.
- 1.4.25. I have fully taken into account all WRs and other Examination documents and the issues that they raise are considered in the relevant Chapters of this Report.

### **Local Impact Reports**

- 1.4.26. A Local Impact Report (LIR) is a report made by a relevant local authority giving details of the likely impact of the Proposed Development on the authority's area (or any part of that area) that has been invited and submitted to the ExA under s60 PA2008.
- 1.4.27. LIRs have been received from the following relevant local authorities:
- Broadland District Council (BDC) [REP1-066 and REP1-067]; and
  - Norfolk County Council (NCC) [REP1-072].
- 1.4.28. I have had regard to the LIRs in reaching my conclusions and they are considered in all relevant Chapters of this Report.

### **Statements of Common Ground**

- 1.4.29. A Statement of Common Ground (SoCG) is a statement agreed between the applicant and one or more IPs, recording matters that are agreed between them.
- 1.4.30. By the end of the Examination, the following bodies had concluded SoCGs with the Applicant:
- BDC [REP9-010] (signed);
  - Blofield Parish Council [REP10-006] (signed);
  - Environment Agency (EA) [REP9-012] (signed);
  - Anglian Water Services Limited [REP10-005] (signed);

- NCC [REP9-011] (unsigned with matters outstanding including the lack of a central crossing point, transfer of assets, congestion at the A47 / Brundall roundabout, air quality monitoring, arboriculture, climate, impacts of NO<sub>x</sub> on agricultural and allotment land and discharge of requirements);
- Historic England [REP1-058] (unsigned with no matters outstanding); and
- Natural England (NE) [REP1-057] (unsigned with no substantive matters outstanding).

1.4.31. The SoCGs (other than unsigned or incomplete ones referred to above) have been taken fully into account in all relevant Chapters of this Report.

### **Written Questions**

1.4.32. I asked two rounds of written questions:

- First written questions (ExQ1) [PD-006] and procedural decisions were issued with the Rule 6 letter [PD-005], dated 27 April 2021; and
- Second written questions (ExQ2) [PD-011] were issued on 28 September 2021.

1.4.33. The following requests for further information and comments under Rule 17 of the EPR were issued on:

- 22 June 2021 [PD-007] - to the Applicant, including in respect of cumulative effects on climate;
- 21 September 2021 [PD-009] - to the Applicant and IPs in respect of the Applicant's request for a change to the application; and
- 16 December 2021 [PD-015] – to the Applicant, including in respect of certified documents, requirements, CA matters, Crown land, hedgerows, transfer of assets, transport and heritage.

1.4.34. All responses to my written questions and requests for information have been fully considered and taken into account in all relevant Chapters of this Report.

### **Requests to Join and Leave the Examination**

1.4.35. There were no requests to join the Examination by persons who were not already IPs at or after the PM.

1.4.36. During the Examination, as a consequence of discussion at hearings and / or discussions between relevant IPs / APs and the Applicant, the following persons wrote to inform me that their issues were settled and their representations were withdrawn:

- Cadent Gas Limited: Cadent Gas Limited is a Statutory Undertaker (SU) who submitted a RR [RR-007] requesting specific protective provisions for its benefit so as to ensure the Proposed Development would not impact adversely on its statutory obligations. Further detail on its requirements were provided at DL1 [REP1-068]. The Applicant and Cadent Gas Limited liaised on the matter throughout the Examination and reached agreement on the wording of protective

provisions within the dDCO at DL10 [REP10-002]. A letter from Cadent Gas Limited confirms this and confirms its withdrawal of objections to the Proposed Development [REP10-016].

## **1.5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 1.5.1. The Proposed Development is development for which an Environmental Impact Assessment (EIA) is required (EIA development).
- 1.5.2. In February 2018, the Applicant submitted a Scoping Report to the SoS under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) in order to request an opinion about the scope of the Environmental Statement (ES) to be prepared (a Scoping Opinion). It follows that the Applicant is deemed to have notified the SoS under Regulation 8(1)(b) of the EIA Regulations that it proposed to provide an ES in respect of the Project.
- 1.5.3. In March 2018 the Planning Inspectorate provided a Scoping Opinion [APP-116]. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development was determined to be EIA development, and the application was accompanied by an ES dated December 2020.
- 1.5.4. On 16 April 2021 the Applicant provided the Planning Inspectorate with certificates confirming that s56 and s59 of PA2008 and Regulation 16 of the EIA Regulations had been complied with.
- 1.5.5. Consideration is given to the adequacy of the ES and matters arising from it in Chapter 4 of this Report.

## **1.6. HABITATS REGULATIONS ASSESSMENT**

- 1.6.1. The Proposed Development is development for which a Habitats Regulations Assessment (HRA) Report has been provided.
- 1.6.2. The HRA Report submitted with the Application [APP-119] was revised during the Examination to correct some minor errors and inconsistencies, with the final version submitted at DL4 [REP4-038].
- 1.6.3. Consideration is given to the adequacy of the HRA Report, associated information and evidence and the matters arising from it in Chapter 5 of this Report.

## **1.7. UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS**

- 1.7.1. There are no development consent obligations pursuant to s106 the Town and Country Planning Act 1990 or equivalent undertakings or agreements which the SoS needs to be aware of or to take into account in the decision.
- 1.7.2. It should be noted that by the end of the Examination, the Applicant and NCC had not reached agreement on matters relating to the future maintenance of assets to be transferred to NCC upon the satisfactory

completion of the Proposed Development. This was a matter on which I repeatedly asked questions of the relevant parties with the Applicant and NCC both responding with updates. At DL10 the Applicant, in response to my request for further information, indicated that it was continuing to discuss the transfer of assets with NCC [REP10-013]. The SoS may wish to seek further information on this matter and confirmation of when agreement is reached between the parties, given that the matter is important and remains in contention.

## **1.8. OTHER CONSENTS**

1.8.1. The Consents and Licences Position Statement [REP5-004] has identified the following consents / licences / permits that the Proposed Development will or may need in addition to development consent under PA2008:

- Licence under the Conservation of Habitats and Species Regulations 2017 and / or the Wildlife and Countryside Act 1981 for bats and great crested newts – NE;
- Exemptions under the Environmental Permitting (England and Wales) Regulations 2016 (EP Regulations) for operations such as the import of waste and crushing of aerosols – EA;
- Permit under the EP Regulations for mobile plant crushing operations – BDC;
- Consent under s61 of the Control of Pollution Act 1974 in respect of noise and vibration – BDC;
- Licence under the Forestry Act 1967 for the felling of trees – Forestry Commission;
- Consent under the Water Resources Act 1991 for the diversion of watercourses and trade effluent – EA;
- Permit / licence under the EP Regulations, the Water Resources (Abstraction and Impounding) Regulations 2006 and Water Abstraction and Impounding (Exemptions) Regulations 2017 for temporary water discharge activities and temporary water abstraction / dewatering – EA.

1.8.2. In relation to the outstanding consents recorded above, I have considered the available information bearing on these and, without prejudice to the exercise of discretion by future decision-makers, have concluded that there are no apparent impediments to the implementation of the Proposed Development, should the SoS grant the application.

## **1.9. STRUCTURE OF THIS REPORT**

1.9.1. The structure of this report is as follows:

- **Chapter 1** introduces the reader to the application, the processes used to carry out the Examination and make this Report.
- **Chapter 2** describes the site and its surrounds, the Proposed Development, its planning history and that of related projects.
- **Chapter 3** records the legal and policy context for the SoS' decision.
- **Chapter 4** sets out the planning issues that arose from the application and during the Examination.



- **Chapter 5** considers effects on European sites and HRA.
- **Chapter 6** sets out the balance of planning considerations arising from Chapters 4 and 5 in the light of the factual, legal and policy information in Chapters 1 to 3.
- **Chapter 7** sets out the ExA's examination of CA and TP proposals.
- **Chapter 8** considers the implications of the matters arising from the preceding chapters for the DCO.
- **Chapter 9** summarises all relevant considerations and sets out the ExA's recommendation to the SoS.

1.9.2. This report is supported by the following Appendices:

- **Appendix A** – Examination Events.
- **Appendix B** – Examination Library.
- **Appendix C** – List of Abbreviations.
- **Appendix D** – Recommended DCO

## 2. THE PROPOSAL AND THE SITE

### 2.1. THE APPLICATION AS MADE

#### Overview

- 2.1.1. The Applicant submitted an application under section (s) 37 of the Planning Act 2008 (PA2008) for an order granting development consent for the provision of the proposed A47 Blofield to North Burlingham Project.
- 2.1.2. ES Chapter 2 [APP-040] provides a full description of the Proposed Development. In summary, it seeks to provide additional road capacity through the de-trunking of an existing single lane section of the A47 between Blofield and North Burlingham, and its replacement with a new section of dual carriageway to tie in with the existing A47.
- 2.1.3. The Proposed Development would also include: junction improvements at Yarmouth Road and the B1140; new overbridges at Blofield and at the B1140 junction; drainage systems; a retaining wall in the western extents; new lighting; the closure of a layby and the provision of a new one; walking and cycling routes connecting Blofield and North Burlingham; new access arrangements; fencing, safety barriers and signage; environmental mitigation; and diversion of an intermediate pressure gas main and other utilities.

#### Site location and surrounds

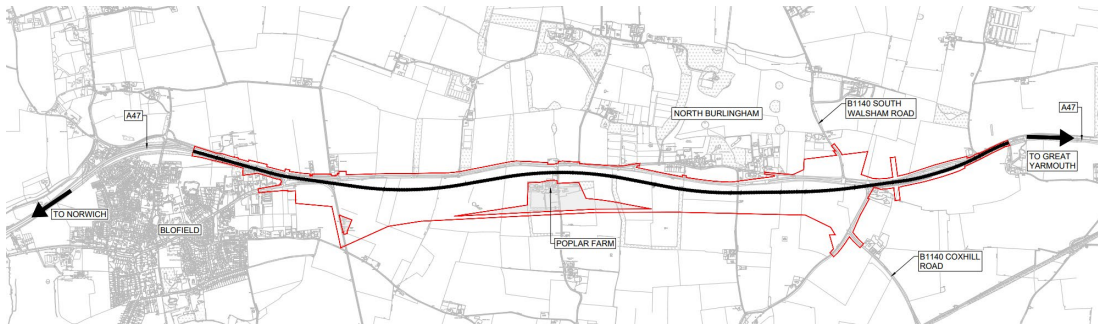
- 2.1.4. The existing single carriageway of the A47 between Blofield and North Burlingham, approximately 2.6 kilometres (km) in length, is located approximately 9km to the east of Norwich and forms part of the main arterial highway route connecting Norwich and Great Yarmouth. The general location is shown in Figure 1 below.

**Figure 1: Site location**



- 2.1.5. The Proposed Development would be an offline alignment running parallel to the south of the existing A47. The proposed alignment is shown by the dark black line in Figure 2 below. The Proposed Development is within the County of Norfolk and the District of Broadland.

**Figure 2: Proposed route alignment**



- 2.1.6. The area surrounding the Order limits (shown on the Location Plan [APP-004]) is a generally flat and low-lying landscape. It has limited topographic variation and slopes gently from west to east, becoming flatter as it merges with the Norfolk Broads.
- 2.1.7. The wider area is also characterised by isolated farmsteads and small, nucleated villages with large medieval churches which are linked by a dense network of lanes. Larger populations include Blofield to the immediate west of the Order limits, Acle to the east, North Burlingham to the immediate north and Lingwood to the south.
- 2.1.8. In the immediate vicinity of the Order limits there are agricultural fields enclosed by hedgerows with mature trees and small areas of woodland, including Burlingham Woodland to the north and Lingwood Community Woodland (LCW) to the south. The existing A47 is partially lined by mature trees and hedgerows, but is more widely characterised by a context of open arable farmland with limited field boundary vegetation.
- 2.1.9. A number of footpaths and bridleways traverse the surrounding countryside, including public right of way (PRoW) Burlingham FP3 (FP3), which runs in a north / south direction between the existing A47 (south of North Burlingham) and Lingwood. FP3 travels through LCW and forms part of a wider network of footpaths known as the Burlingham Woodland Walks.
- 2.1.10. There are two designated heritage assets within North Burlingham, a short distance to the north of the existing A47; the Church of St Andrew (Grade (G) I listed) and the Church of St Peter (GII listed). Two other designated heritage assets, Owls Barn (GII listed) and House at Owls Barn (GII listed) are located to the east of Blofield. There are also a number of non-designated heritage assets within or close to the Order limits, including North Burlingham Park, Oaklands Former Rectory, Poplar Farm, the Old Post Office, Beighton House (also known as the White House), two milestones and a guidepost.

## **2.2. THE APPLICATION AS EXAMINED**

- 2.2.1. Changes to some of the key application documents, including the wording of the draft Development Consent Order (dDCO), were submitted and updated prior to the opening of and during the Examination. The changes generally seek to address points raised by Interested Parties (IPs) and my questions and to reflect improved information and changes arising during the Examination. These included matters such as clarity and / or discrepancies within the dDCO and other environmental matters.
- 2.2.2. In addition to these general changes, the Applicant submitted a formal request for a change to the application at Deadline (DL) 4 [REP4-052 / REP4-074]. IPs were provided with an opportunity to comment on the proposed change and I made a Procedural Decision to make an alteration to the Examination timetable to include a new Examination deadline DL4a, to allow for this [PD-009]. After careful consideration, I declined to accept this proposed change, primarily given that, in my view, it would have engaged the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) and there was insufficient time left in the Examination to accommodate the CA Regulations time constraints. The full reasons for my decision not to accept this change is set out in [PD-012] and as such, it is not necessary for me to go into detail here.
- 2.2.3. Subsequent to this, the Applicant submitted a further formal request for a change to the application at DL6 [REP6-007], which was updated at DL7 [REP7-022]. The changes sought predominantly mirrored the changes sought in the previous change request at DL4. On this basis, I did not consider it necessary to formally reconsult IPs on the matter, albeit DL7 provided the opportunity for IPs to comment on documents submitted at DL6. Having considered the change request, examined it further during Compulsory Acquisition Hearing 2 and Issue Specific Hearing 4 and having had regard to further supporting information from the Application at DL7, I decided to accept the proposed change and associated documentation into the Examination and considered the change as non-material. The full reasons for my decision to accept the change is set out in my Procedural Decision [PD-013] and as such, it is not necessary for me to go into detail here.
- 2.2.4. I have remained aware throughout the Examination of the need to consider whether changes to the application documents have changed the application to a point where it became a different application and whether the Secretary of State (SoS) would have power therefore under s114 of PA2008 to make a Development Consent Order (DCO) having regard to the development consent applied for.
- 2.2.5. 'Planning Act 2008: Guidance for the Examination of applications for development consent' (March 2015), provides guidance at paragraphs 109 to 115 in relation to changing an application post Acceptance. The view expressed by the Government during the passage of the Localism Act was that s114(1) of PA2008 places the responsibility for making a

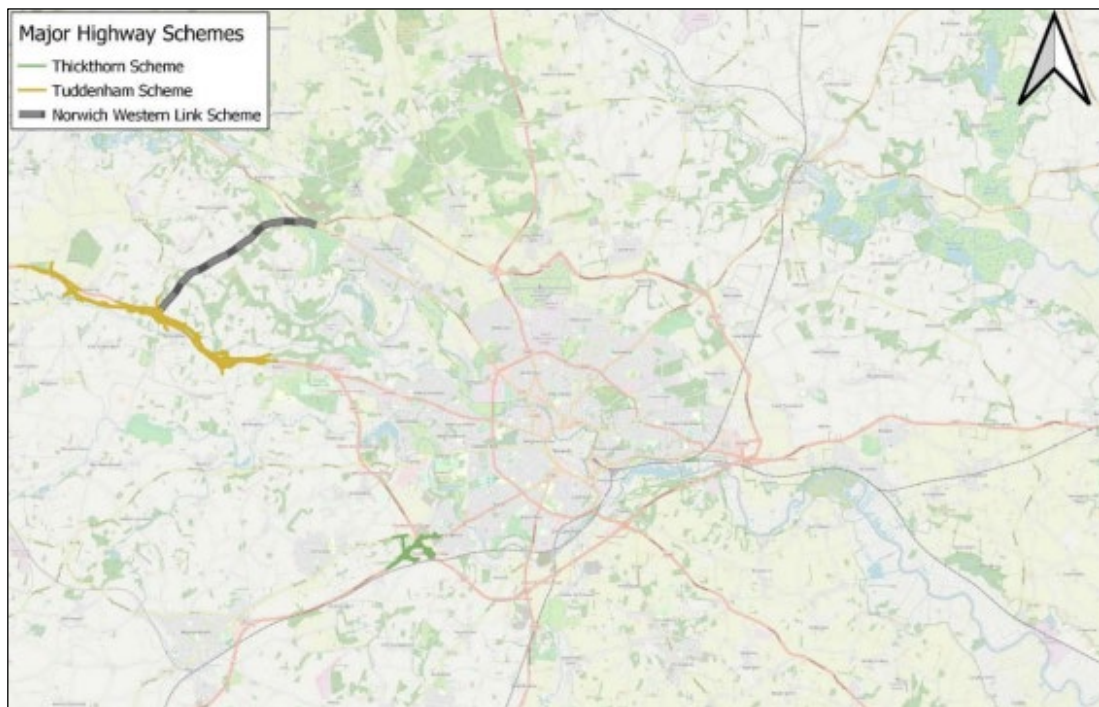
DCO on the decision maker and does not limit the terms in which it can be made.

- 2.2.6. Having considered this context throughout the Examination, I consider that the changes to the application (primarily consisting of document updating but also in respect of a formal request for a change to the application [REP6-007 / REP7-022]) have not resulted in significant change to that which was applied for. The changes taken into account in reaching this conclusion are documented in the chapters below of this Report. It follows that the SoS has the power to make the DCO as discussed in Chapter 8 and provided in Appendix D to this Report.

## **2.3. RELEVANT PLANNING HISTORY (INCLUDING OTHER STRATEGIC PROJECTS AND PROPOSALS)**

- 2.3.1. Two other schemes which require development consent under PA2008, are currently proposed for the A47. These are: A47 North Tuddenham to Easton (Ref TR010038), located to the west of Norwich; and A47 / A11 Thickthorn Junction (Ref TR010037), located to the southwest of Norwich. At the time of submitting this Recommendation Report to the SoS for Transport, these schemes were still under Examination. A further proposed road scheme of relevance, albeit not an NSIP, is the Norwich Western Link, located to the west of Norwich. The locations of these schemes can be seen on Figure 1-1 and Figure 6-7 of the Transport Assessment [REP1-044], and in Figure 3 below.

**Figure 3: Other relevant highway schemes**



- 2.3.2. A list of other major developments (either proposed, consented or under construction) in the wider surroundings of the Proposed Development are set out in ES Appendix 15.2: Cumulative Effects Assessment Shortlist

[APP-114]. This includes the Great Yarmouth Third River Crossing (Great Yarmouth Third River Crossing Development Consent Order made 24 September 2020) located approximately 14km to the east of the Proposed Development.

### **3. LEGAL AND POLICY CONTEXT**

#### **3.1. THE PLANNING ACT 2008**

- 3.1.1. The Planning Act 2008 (PA2008) provides different decision-making processes for Nationally Significant Infrastructure Project (NSIP) applications where a relevant National Policy Statement (NPS) has been designated (s104) or where there is no designated NPS (s105). Paragraphs 1.1.4 and 1.1.5 above identify that the application is for NSIP development. For reasons expanded upon in paragraph 3.2.1 below, this is an application to which s104 is applicable as it is subject to policy in a designated NPS.
- 3.1.2. S104(3) of PA2008 requires that the Secretary of State (SoS) must decide an application for development consent in accordance with any relevant NPS, except to the extent that the SoS is satisfied that, in summary doing so:
- would lead to the United Kingdom (UK) being in breach of its international obligations;
  - would lead to the SoS being in breach of any duty imposed on him under any enactment;
  - would be unlawful under any enactment;
  - the adverse impact of the proposed development would outweigh its benefits; or
  - would fail to comply with any prescribed condition for deciding the application otherwise than in accordance with the NPS.
- 3.1.3. S104(2) of PA2008 sets out the matters to which the SoS must have regard in deciding an application. In summary, the matters set out include:
- any relevant NPSs;
  - any Local Impact Report (LIR);
  - any matters prescribed in relation to the Proposed Development; and
  - any other matters the SoS considers are both important and relevant to the decision.
- 3.1.4. The remainder of this Chapter includes the identification and application of a relevant NPS, the LIR and identifies other legal and policy matters that are capable of being important and relevant considerations.

#### **3.2. NATIONAL POLICY STATEMENT**

- 3.2.1. The National Networks National Policy Statement (NNNPS) has been designated as the NPS for roads for which the SoS for Transport is the highway authority and remains in force. It is relevant to this application as the Proposed Development comprises the construction and alteration of a highway where the speed limit for any class of vehicle is expected to be 50 miles per hour (mph) or greater, the area of development exceeds 12.5 hectares (ha) and National Highways is the highway authority. The Proposed Development is therefore a NSIP, and the NPS provides the primary basis for decisions by the SoS.



- 3.2.2. The NNNPS sets out the need for and Government's policies to deliver development of NSIPs on the national road network in England. It states that the Government has concluded that at a strategic level there is a compelling need for the development of the national road network. It makes clear that subject to the detailed policies and protections within it, and the legal constraints set out in the PA2008, there is a presumption in favour of granting development consent for national network NSIPs that fall within the need for infrastructure established in the NNNPS.
- 3.2.3. The NNNPS also provides planning guidance for such projects and the basis for the Examination by the Examining Authority (ExA) and decisions by the SoS, covering a range of relevant topics. Individual policy requirements and tests arising from the NNNPS are addressed in the relevant Chapters of this Report.

### **3.3. EUROPEAN LAW AND RELATED UK REGULATIONS**

#### **Leaving the European Union**

- 3.3.1. The UK left the European Union (EU) as a member state on 31 January 2020. The European Union (Withdrawal Agreement) Act of January 2020 gave effect to the transition arrangements until the 31 December 2020. This provided for EU law to be retained as UK law and also to bring into effect obligations which may have come into force during the transition period.
- 3.3.2. This Report has been prepared on the basis of the retained law and references in it to European terms such as 'Habitats' have also been retained for consistency with the examination documents. However, where terminology has changed, for example 'national sites network' (NSN) rather than 'Natura 2000 network', the amended terminology will be utilised where necessary.
- 3.3.3. It will be a matter for the SoS to satisfy themselves as to the position on retained law and obligations at the point of decision.

#### **The Habitats Directive**

- 3.3.4. The Habitats Directive (92/43/EEC) forms a cornerstone of Europe's nature conservation policy. It is built around two pillars: a network of protected sites; and a system of species protection.
- 3.3.5. Habitat types requiring the designation of Special Areas of Conservation (SAC) are listed in Annex I of the directive. Animal and plant species of interest whose conservation requires the designation of SACs are listed in Annex II. SACs form part of the NSN of protected sites. Annex IV lists animal and plants species of interest in need of legal protection. All species listed in these annexes are identified as European Protected Species.

#### **The Birds Directive**

- 3.3.6. The Birds Directive (2009/147/EC) is a comprehensive scheme of protection for all wild bird species naturally occurring in the EU. It



requires classification of areas as Special Protection Areas (SPA) comprising all the most suitable territories for these species. All SPAs form part of the NSN.

### **The Habitats Regulations**

- 3.3.7. The Conservation of Habitats and Species Regulations 2017 are the principal means by which the Habitats Directive and the Birds Directive are transposed into the law of England and Wales. Assessment processes taking place pursuant to these regulations are referred to as HRA.
- 3.3.8. These directives and regulations are relevant to this application in view of the presence of SPAs, Ramsar sites, and SACs in the proximity of the Order limits. Chapter 5 of this Report gives further detailed consideration to these matters.

### **The Water Framework Directive**

- 3.3.9. Directive 2000/60/EC established a framework for community action in the field of water policy (the Water Framework Directive or WFD) which includes objectives such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. It provides for the production of River Basin Management Plans to provide for the sustainable management of rivers.
- 3.3.10. The WFD is transposed into law in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
- 3.3.11. The WFD is relevant to the application as the study area, for water environment purposes, includes: the Witton Run WFD river water body catchment (with Run Dyke identified as the main water body), part of the Yare Operational Catchment and the Broadland Rivers Management Catchment; and the Bure (Horstead Mill to St Benet's Abbey) WFD river water body catchment, part of the Bure Operational Catchment and the Broadland Rivers Management Catchment. These catchments are within the Anglian River Basin District and subject to the Anglian River Basin Management Plan.

### **The Air Quality Directive**

- 3.3.12. Directive 2008/50/EC on ambient air quality and cleaner air for Europe entered into force on 11 June 2008. It sets limit values (LV) for compliance and establishes control actions where the LV are exceeded for ambient air quality with respect to sulphur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>) and mono-nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), lead, benzene and carbon monoxide. The Air Quality Standards Regulations 2010 give direct statutory effect to Directive 2008/50/EC on ambient air quality and cleaner air for Europe.

### **The UK Air Quality Strategy**

- 3.3.13. The UK Air Quality Strategy establishes the UK framework for air quality improvements. It establishes a long-term vision for improving air quality

in the UK and offers options to reduce the risk to health and the environment from air pollution. Individual plans prepared beneath its framework provide more detailed actions to address LV exceedances for individual pollutants. In turn, these plans set the framework for action in specific local settings where LV exceedances are found, including the designation of Clean Air Zones and more localised Air Quality Management Areas (AQMA) where Air Quality Management Plans are prepared by local authorities.

- 3.3.14. The Proposed Development is not located within an AQMA, nor do any of the routes within the affected road network (ARN) lie within an AQMA, with the nearest AQMA being located within Norwich city centre, approximately 9.5km to the west of the Order limits.

### **3.4. OTHER LEGAL PROVISIONS**

#### **United Nations Environmental Programme Convention on Biological Diversity 1992**

- 3.4.1. Responsibility for the UK contribution to the United Nations Environment Programme (UNEP) Convention on Biological Diversity lies with the Department for Environment, Food and Rural Affairs (DEFRA) who promote the integration of biodiversity into policies, projects and programmes within Government and beyond.
- 3.4.2. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the UNEP Convention on Biological Diversity 1992 has been taken into account in consideration of the likely impacts of the Proposed Development and of appropriate objectives and mechanisms for mitigation and compensation. The provisions on EIA and transboundary matters with regard to impacts on biodiversity referred to in this Chapter, satisfies the requirements of Article 14 of the Convention (Impact Assessment and Minimizing Adverse Impacts).
- 3.4.3. This is of relevance to the biodiversity and ecological considerations and landscape and visual impacts which are discussed in Chapter 4 of this Report.

#### **Environment Act 2021**

- 3.4.4. The purpose of the Environment Act 2021 is to make provision for long-term, legally binding targets, plans and policies with the intention of improving the natural environment; for statements and reports about environmental protection; for establishing the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water management; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for environmental connected purposes.
- 3.4.5. The Environment Act 2021 makes provision for biodiversity gain, including in respect of NSIPs. However, the biodiversity gain statement

for NSIPs is expected to be published in 2023, after consultation, with the implementation of mandatory biodiversity gain for NSIPs in 2025.

#### **Natural Environment and Rural Communities Act 2006 (NERC Act)**

- 3.4.6. The NERC Act makes provision for bodies concerned with the natural environment and rural communities, including in connection with wildlife sites and Sites of Special Scientific Interest (SSSI). It includes a duty that every public body must, in exercising its functions have regard, so far as is consistent with the proper exercising of those functions, to the purpose of biodiversity. In complying with the biodiversity duty, regard must be had to the UNEP Convention on Biological Diversity. I have had regard to the NERC Act and the biodiversity duty in all relevant sections of Chapters 4 and 5 of this Report.

#### **The Wildlife and Countryside Act 1981 (WCA)**

- 3.4.7. The WCA is the primary legislation which protects animals, plants, and certain habitats in the UK. It provides for the notification and confirmation of SSSIs. In England, these sites are identified for their flora, fauna, geological or physiographical interest by the statutory nature conservation bodies (SNCBs) in the UK. The SNCB for England is Natural England (NE).
- 3.4.8. The WCA provides for and protects wildlife, nature conservation, the countryside, National Parks and public rights of way (PRoW). If a species protected under the WCA is likely to be affected by development, a protected species licence will be required from NE. Sites protected under the WCA, including SSSI, must also be considered. The effects of development on the PRoW network are also relevant.
- 3.4.9. The WCA is relevant to the application in view of the sites and species identified in ES Chapter 8 (Biodiversity) [REP4-021]. Relevant considerations pursuant to this are discussed in Chapter 4 of this Report.

#### **Countryside and Rights of Way Act 2000 (CRoW Act)**

- 3.4.10. The CRoW Act includes provisions in respect of PRoW and access to land and also brought in improved provisions for the protection and management of SSSI and other designations under the WCA.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act)**

- 3.4.11. The LBCA Act empowers the SoS to maintain a list of built structures of historic or architectural importance and sets out the principal statutory provisions that must be considered in the determination of any application affecting listed buildings and conservation areas. As required by Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, I have had regard to the desirability of preserving any listed building and / or its setting or any features of special architectural or historic interest which it possesses.

### **Noise Policy Statement for England (NPSE)**

- 3.4.12. The NPSE clarifies the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The NPSE applies to all forms of noise.
- 3.4.13. The Explanatory Note within the NPSE provides guidance on defining 'significant adverse effects' and 'adverse effects'. One such concept identifies 'Lowest Observed Adverse Effect Level (LOAEL)' which is defined as the level above which adverse effects on health and quality of life can be detected. Other concepts identified are: 'Significant Observed Adverse Effect Level' (SOAEL), which is the level above which significant adverse effects on health and quality of life occur, and 'No Observed Effect Level' (NOEL) which is the level below which no effect can be detected.
- 3.4.14. When assessing the effects of development on noise, the aim should firstly be to avoid noise levels above the SOAEL, and to take all reasonable steps to mitigate and minimise noise effects where development noise levels are between LOAEL and SOAEL. Matters relating to noise and vibration are considered in section 4.18 of this Report.

### **Water Resources Act 1991, Flood and Water Management Act 2010, Water Act 2003 and 2014, Land Drainage Act 1991**

- 3.4.15. The above Acts set out the relevant regulatory controls that provide protection to waterbodies and water resources from abstraction pressures, discharge and pollution, and for drainage management related to non-main rivers.

### **Marine legislation and policy**

- 3.4.16. Having had regard to the application documents and evidence submitted during the Examination, I have considered whether the Proposed Development could affect the coastal or marine environment in a manner sufficient to invoke this body of legislation and policy, including with respect to the marine and coastal change matters identified in the NNNPS. Given the inland location of the Proposed Development there would be no pathway to the marine environment. Consequently, I conclude that the Proposed Development would not have such an effect. Therefore, no further consideration has been given to marine or coastal change legislation or policy in this report.

### **Paris Agreement 2015**

- 3.4.17. The Paris Agreement 2015 concluded in December 2015 with an agreement from all parties to the United Nations Framework Convention on Climate Change to the central aim: *"to keep the global temperature rise this century well below 2 degrees Celsius above pre-industrial levels, while pursuing efforts to limit the increase even further to 1.5 degrees Celsius"*. The Paris Agreement 2015 requires all parties to the agreement to make ambitious efforts to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low

carbon future. For this purpose, the parties agreed to making finance available consistent with a low greenhouse gas emissions and climate-resilient pathway.

- 3.4.18. The Paris Agreement 2015 requires all parties to put forward their best efforts through nationally determined contributions and to report regularly on their emissions and implementation efforts. Some of the key aspects of the agreement include long-term temperature goal, global peaking of greenhouse gas and climate neutrality, and mitigation. There will be a global stocktake every five years to assess the collective progress towards achieving the purpose of the agreement and to inform further individual actions by parties to the agreement.

### **Climate Change**

- 3.4.19. Under s10(3)(a) of PA2008 the SoS is required to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS. This duty has been addressed throughout Chapter 4 of this Report. The Climate Change Act 2008 (CCA2008) also establishes statutory climate change projections.
- 3.4.20. Section 1 of the CCA2008 established the duty of the SoS to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline. In 2019, The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended the duty of the SoS to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.
- 3.4.21. CCA2008 also created the Committee on Climate Change, with responsibility for setting five-year Carbon Budgets covering successive periods of emissions reduction to 2050, advising and scrutinising the UK Government's associated climate change adaptation programmes and producing a National Adaptation Plan for the UK Government to implement.
- 3.4.22. The Sixth Carbon Budget Report was published in December 2020 and the Carbon Budget Order 2021 was made and came into force on 24 June 2021, during the Examination. This sets the UK carbon cap for the five-year period 2033-2037 at 965 million tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) (a 78% reduction on 1990 levels).
- 3.4.23. *Decarbonising Transport: A Better, Greener Britain* (July 2021) provides the Government's approach to decarbonising the transport system in the UK including a pathway to net zero transport, the benefits of net zero transport and the principles underpinning the delivery of net zero transport.

### **Public Sector Equality Duty**

- 3.4.24. The Equality Act 2010 established the Public Sector Equality Duty (PSED) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and

persons who do not. The PSED is applicable to the ExA in the conduct of this Examination and reporting and to the SoS in decision-making.

### **Human Rights Act 1998**

- 3.4.25. The Compulsory Acquisition of land can engage various relevant Articles under the Human Rights Act 1998. The implications of this are considered later in Chapter 7 of this Report.

### **Other Environmental Legislation**

- 3.4.26. The following additional legislation contains relevant provisions that must be met and are considered:

- Protection of Badgers Act 1992;
- Hedgerows Regulations Act 1997;
- The Environment Act 1995;
- Environmental Protection Act 1990;
- Environmental Permitting (England and Wales) Regulations 2016;
- Control of Pollution Act 1974; and
- Pollution Prevention and Control Act 1999.

## **3.5. MADE DEVELOPMENT CONSENT ORDERS**

- 3.5.1. There is nothing in the application documents or other submissions made to the Examination to indicate that the Proposed Development would substantively affect, or be affected by, other made Development Consent Orders (DCO).

- 3.5.2. The Applicant made reference to a number of made Orders under PA2008 to support the application, including:

- The A1 Birtley to Coal House Development Consent Order 2021;
- The A303 Sparkford to Ilchester Dualling Development Consent Order 2021;
- The M42 Junction 6 Development Consent Order 2020;
- The A30 Chiverton to Carland Cross Development Consent Order 2020;
- The A19 Downhill Lane Junction Development Consent Order 2020;
- The A63 (Castle Street Improvement, Hull) Development Consent Order 2020;
- A303 (Amesbury to Berwick Down) Development Consent Order 2020 (quashed by the High Court on 30 July 2021);
- The A19 / A184 Testo's Junction Alteration Development Consent Order 2018;
- The Silvertown Tunnel Order 2018;
- The National Grid (Richborough Connection Project) Development Consent Order 2017;
- The North London Heat and Power Generating Station Order 2017;
- M20 Junction 10a Development Consent Order 2017;
- The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016;

- The A19 / A1058 Coast Road (Junction Improvement) Development Consent Order 2016;
- The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016;
- River Humber Gas Pipeline Replacement Order 2016;
- Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014; and
- The National Grid (North London Reinforcement Project) Order 2014.

### **3.6. TRANSBOUNDARY EFFECTS**

- 3.6.1. A transboundary screening under Regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) was undertaken by the Planning Inspectorate (the Inspectorate) on behalf of the SoS on 9 April 2018 following the Applicant's request for an EIA Scoping Opinion.
- 3.6.2. The Inspectorate concluded that, having taken into account information contained in the Applicant's Scoping Report and having regard to the location of the Proposed Development, its characteristics and the environmental importance of the receiving environment, the Proposed Development would be unlikely to have a significant effect either alone or cumulatively on the environment in another European Economic Area State.
- 3.6.3. In reaching this conclusion, the Inspectorate identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. The Inspectorate considered that the likelihood of transboundary effects resulting from the Proposed Development would be so low that it does not warrant further detailed transboundary screening.
- 3.6.4. The Regulation 32 duty is an ongoing duty, and on that basis, I have considered whether any facts have emerged to change these screening conclusions, up to the point of closure of the Examination. No mechanisms whereby any conceivable transboundary effects could occur emerged. I therefore find no need to reconsider the SoS's transboundary screening opinion.

### **3.7. OTHER RELEVANT POLICY STATEMENTS**

- 3.7.1. Other national and regional policies that give rise to important and relevant considerations for the SoS include the following<sup>2</sup>:

#### *National policies*

- Department for Transport (DfT) Road Investment Strategy (RIS) 1 (2014) and RIS2 (2020);
- The National Planning Policy Framework (NPPF) 2021;

---

<sup>2</sup> Policies raised and referred to by the Applicant in its Case for the Scheme [REP1-042]

- The Strategic Road Network and the Delivery of Sustainable Development (DfT Circular 02/2013);
- National Infrastructure Delivery Plan 2016-2021;
- National Infrastructure Strategy Plan 2020;
- Highways England Strategic Business Plan 2015-2020 and 2020-2025;
- Highways England Delivery Plan 2015-2020 and 2020-2025; and
- The Highways England Licence 2015.

#### *Regional policies*

- New Anglia Strategic Economic Plan 2014;
- New Anglia Local Enterprise Partnership (LEP) Norfolk and Suffolk Unlimited Economic Strategy 2017;
- New Anglia LEP Integrated Transport Strategy 2018;
- New Anglia Norfolk and Suffolk Limited Draft Local Industrial Strategy 2020;
- Norwich Area Transportation Strategy 2003, updated in 2004 with Implementation Plan in 2010;
- Greater Norwich Infrastructure Plan 2020;
- Norfolk County Council Local Transport Plan 2011-2026; and
- Norfolk County Council Environment Policy 2019<sup>3</sup>.

### **3.8. THE NATIONAL PLANNING POLICY FRAMEWORK**

3.8.1. The NPPF (July 2021) and its accompanying Planning Practice Guidance (PPG) set out the Government's planning policies for England and how these are expected to be applied, for the purposes of making Development Plans and deciding applications for planning permission and related determinations under the Town and Country Planning Act 1990 (as amended) (TCPA1990). Paragraph 5 of the NPPF makes it clear that it does not contain specific policies for NSIP decision-making as these are determined in accordance with the decision-making framework in PA2008 as well as relevant NPSs and any other matters which are relevant, which may include the NPPF.

3.8.2. Paragraphs 1.17 to 1.20 of the NNNPS further describe the relationship between the NPPF and the NNNPS. In summary, these paragraphs provide:

- The NPPF may be an important and relevant consideration in decisions on NSIPs, but only to the extent relevant to a particular project;
- The NPPF is not intended to contain specific policies for individual NSIPs where particular considerations can apply. The NNNPS performs that function;
- The NPPF provides a framework within which responses to individual project effects can be considered, but that in relation to particular tests or standards to be met, these are normally derived from the NNNPS.

---

<sup>3</sup> Cited by Norfolk County Council in its Local Impact Report [REP1-072]



- 3.8.3. Although the NPPF has been revised three times (July 2018, February 2019 and July 2021) since the NNNPS was published (December 2014), I conclude that NNNPS paragraphs 1.17 to 1.20 remain as a complete statement of the relationship between the two documents.
- 3.8.4. NPPF policies have been considered in respect of all planning issues addressed in Chapter 4 of this Report. They are drawn out there only where they identify different or additional considerations from those arising from the NNNPS.

### **3.9. LOCAL IMPACT REPORTS**

- 3.9.1. PA2008 states, under s104(2), that in deciding the application the SoS must have regard to any Local Impact Reports (LIRs) within the meaning of s60(3). There is a requirement under s60(2) of PA2008 to give notice in writing to each local authority falling under s56A inviting them to submit LIRs. This notice was given on 27 April 2021 [PD-005].
- 3.9.2. LIRs have been received from the following relevant local authorities:
- Broadland District Council (BDC) [REP1-066 / REP1-067]; and
  - Norfolk County Council (NCC) [REP1-072].
- 3.9.3. The issues raised within the LIRs are summarised in Chapter 4 of this Report and considered in further detail in respect of relevant planning issues in the same chapter.

### **3.10. THE DEVELOPMENT PLAN**

- 3.10.1. In its LIR, BDC states that the current development plan for Broadland District comprises:
- The Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014) (JCS);
  - The Broadland District Council Development Management DPD 2015 (DMDPD);
  - The Broadland District Council Site Allocations DPD 2016 (SADPD);
  - The Broadland District Council Growth Triangle Area Action Plan 2016 (GTAAP);
  - Blofield Parish Neighbourhood Plan 2016 (BPNP); and
  - Acle Neighbourhood Plan 2015 (ANP).
- 3.10.2. Relevant policies listed in BDC's LIR include the following, and are referred to as required in Chapter 4 of this Report:
- JCS Policy 1: Addressing climate change and protecting environmental assets;
  - JCS Policy 2: Promoting good design;
  - JCS Policy 5: The economy;
  - JCS Policy 6: Access and transportation;
  - JCS Policy 7: Supporting communities;
  - DMDPD Policy GC1: Presumption in favour of sustainable development;

- DMDPD Policy GC2: Location of new development;
- DMDPD Policy GC4: Design;
- DMDPD Policy EN1: Biodiversity and habitats;
- DMDPD Policy EN2: Landscape;
- DMDPD Policy EN4: Pollution;
- DMDPD Policy TS2: Travel plans and transport assessments;
- DMDPD Policy TS3: Highway safety;
- DMDPD Policy CSU5: Surface water drainage; and
- ANP Policy 5: Improving links to the countryside and surrounding villages.

3.10.3. BDC's LIR states that there are no relevant GTAAP, SADPD or BPNP policies.

3.10.4. BDC notes in its LIR that whilst the emerging Greater Norwich Local Plan (GNLP) is being prepared, which includes BDC's administrative area, it carries very limited weight given its early stage of preparation. The only policy referred to is GNLP draft Policy 4: Strategic Infrastructure.

## **4. THE PLANNING ISSUES**

### **4.1. MAIN ISSUES IN THE EXAMINATION**

4.1.1. I made an Initial Assessment of Principal Issues (IAPI) based on the application documents and the relevant representations (RRs), in accordance with s88 of the Planning Act 2008 (PA2008) and Rule 5 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR). This was done within 21 days of the day after the receipt of the s58 certificate of compliance with s56(a) of the PA2008 provided by the Applicant. The assessment was published with the Rule 6 letter on 27 April 2021 [PD-005]. The issues were in alphabetical order and did not imply any order of importance. The main headings of the issues were as follows:

- Air quality and emissions;
- Biodiversity, ecology and the natural environment;
- Climate change;
- Compulsory acquisition (CA) and / or temporary possession (TP);
- Cultural heritage;
- Draft development consent order (dDCO);
- Geology and soils;
- Landscape and visual;
- Material assets and waste;
- Noise and vibration;
- Population and human health;
- Scope of development and environmental impact assessment (including cumulative and combined effects);
- Transportation and traffic; and
- Water environment.

4.1.2. The IAPI was raised at the Preliminary Meeting (PM) [EV-002, EV-003 and EV-004]. No comments were made by any of the participants on the main headings of issues. However, Norfolk County Council (NCC) commented that there was a need to consider matters around the transfer of assets under 'Transportation and traffic'. In addition, Dr Andrew Boswell of Climate Emergency Planning and Policy (CEPP), commented that cumulative effects should be considered under 'Climate change'. John Randlesome and Richard Hawker also made some comments on matters they wished to be addressed within the IAPI, including in respect of CA and transportation and traffic respectively. However, having had regard to all comments made, I was satisfied that the matters raised fell under the broad headings of the IAPI and would be dealt with during the Examination.

4.1.3. The IAPI provided a general structure for my written questions and informed the selection of topics for oral Hearings. However, matters relating to 'Scope of development and environmental impact assessment' are considered in this Chapter within the other specific issues where appropriate. Matters relating to the dDCO are similarly addressed in this Chapter within the framework of the individual planning issues to which they relate. Matters relating to CA, TP and other land or rights

considerations are dealt with in Chapter 7. The dDCO itself is reported on in Chapter 8 of this Report.

4.1.4. I have considered the planning issues in the following order in this Chapter, although no significance should be attached to the order:

- Transportation and traffic;
- Air quality and emissions;
- Biodiversity, ecology and the natural environment;
- Climate change;
- Cultural heritage;
- Geology and soils;
- Landscape and visual;
- Material assets and waste;
- Noise and vibration;
- Population and human health; and
- Water environment.

4.1.5. In addition to the planning issues, this chapter also addresses the following topics arising from the conduct of the Examination:

- issues arising in written and oral submissions;
- issues arising in Local Impact Reports (LIRs);
- conformity with National Policy Statements (NPSs);
- conformity with the development plan;
- the application of other policies; and
- Environmental Impact Assessment (EIA).

## **4.2. ISSUES ARISING IN WRITTEN AND ORAL SUBMISSIONS**

4.2.1. The key events in the Examination are summarised in Chapter 1 and set out more fully in Appendix A. In total there were seventy-five relevant representations (RRs), two LIRs (from Broadland District Council (BDC) and NCC), seven Statements of Common Ground (SoCG) (four signed and three unsigned) and a number of other written submissions at each deadline (Deadline (DL) 1 to DL10) within the Examination timetable. A number of oral submissions were made during hearings.

### **Relevant Representations**

4.2.2. The RRs [RR-001 to RR-075] can be summarised as follows:

#### **Statutory Parties**

- BDC [RR-001]: Support in principle for the Proposed Development; potential for economic benefits and more reliable and shorter journey times; recognises some landscape and visual, noise and vibration and air quality impacts but no specific objections on this basis; concern around the severance of footpath Burlingham FP3 (FP3), the lack of a central footbridge over the proposed A47 and the resultant detour length for its users; a desire for a dedicated cycling and walking route between North Burlingham and Acle.

- NCC [RR-002]: The principle of dualling the A47 is fully supported and has been a long-standing objective; potential for significant economic benefits, journey time savings and reliability improvements; additional and new non-motorised travel, commuting and longer-distance recreation choices would be created, however, the principal concern relates to the lack of provision proposed for non-motorised users wishing to cross the A47 in the middle of the Proposed Development; no agreement has been reached with the Applicant on the transfer of assets; the Transport Assessment (TA) is reasonable but some concerns around increases in congestion around the A47 / Brundall roundabout; no significant air quality effects are predicted but continued monitoring during operation would be preferable; a significant amount of archaeological investigation work has been undertaken and mitigation is acceptable; arboricultural assessments and recommendations should be in accordance with British Standard 5837 2012: Trees in relation to design, demolition and construction; the landscape and visual effects assessment is generally acceptable, though there is potential for light pollution, and there are further opportunities for improvements to Lingwood Community Woodland (LCW); some concerns around protected species surveys; no concerns around geology and soils and the Mineral Impact Assessment is acceptable; potential for some significant beneficial and adverse noise effects during operation for some residential receptors; as Lead Local Flood Authority (LLFA), NCC notes that the drainage design has been tested with a 40% climate change allowance and as a result, is satisfied that there is capacity available within the attenuation features for this allowance; NCC's adopted Environmental Policy 2019 includes a commitment to move towards carbon neutrality across all sectors by 2030; and consideration should be given to impacts on agricultural and allotment land through increased nitrogen oxides (NO<sub>x</sub>) and ozone generation.
- South Norfolk Council [RR-003]: Support in principle for the Proposed Development.
- Hemblington Parish Council (PC) [RR-004]: Queries the need for the proposed B1140 overbridge should production at Cantley sugar factory cease; preference for a roundabout rather than the proposed Blofield overbridge on environmental grounds but reassured by the closure of High Noon Lane; and concern for increased congestion at the A47 / Cucumber Lane roundabout.
- Lingwood and Burlingham PC [RR-005]: Welcomes the dualling of the A47; concern for severance of FP3 and lack of a central footbridge or underpass; desire for a cycling and walking route between North Burlingham and Acle for residents of North Burlingham to access essential amenities without the need to drive; and general inadequacy of walking, cycling and horse riding provision.
- Strumpshaw PC [RR-006]: Welcomes the dualling of the A47; concern around the lack of cycling and footpath route between North Burlingham and Acle; and concern around lack of a central footbridge over the proposed A47.
- Cadent Gas Limited [RR-007]: Protective provisions required for protection of apparatus and land interests and these have not yet been agreed with the Applicant; highlights that its gas pipeline is of

intermediate pressure rather than medium pressure as stated by the Applicant.

- Environment Agency (EA) [RR-008]: General satisfaction with the approach taken to address flood risk, drainage, contamination, waste and ecology; appropriate mitigation secured where required; and some matters raised around certain dDCO provisions, including a request to be included as a named consultee on specified requirements (R).
- Historic England (HiE) [RR-009]: Satisfied with the methodology used in the heritage assessment and agrees with its conclusions; notes that the Proposed Development would result in a change to the setting of the Church of St Andrew Grade (G) I listed building; and notes a direct effect on North Burlingham Park non-designated heritage asset and potential for effects on archaeology.
- Public Health England [RR-010]: Acknowledges that there would be some small or imperceptible deteriorations in air quality but that concentrations would remain compliant with relevant standards.

### **Other Interested Parties**

- 4.2.3. The principle of the dualling of the A47 between Blofield and North Burlingham was generally welcomed by numerous Interested Parties (IPs).
- 4.2.4. However, the dominant and most frequent concern which arose from IPs RRs related to the lack of a central crossing point over or under the proposed A47, including for walkers, cyclists and horse riders. This included RRs from: Burlingham Cottage Gardens Association (BCGA) [RR-011]; Ramblers Norfolk Area [RR-015]; Stephen Eastwood [RR-020]; Christine Dye [RR-021]; Emily Rounce [RR-022]; Jan Sims [RR-023]; Kerry Sturman [RR-024]; Lucy Anderson [RR-025]; Marc Childerhouse [RR-026]; Michael Briggs [RR-027]; Phil Henry [RR-028]; Philip Barnes [RR-029]; Sally Medlar [RR-030]; Sarah L Davison [RR-031]; Sophie Hudson [RR-032]; Stephen Balfe [RR-033]; the Hunt Family [RR-034]; Jan Davis [RR-035]; Margaret Kingston [RR-036]; Nikki Thomas [RR-037]; Simon Weeks [RR-038]; Richard Morton [RR-040]; Diana Kckie [RR-041]; Clare Perkins [RR-042]; John Crosby [RR-044]; Geoff Dickinson [RR-045]; Dr David Ellis [RR-046]; R F Chalk [RR-048]; Helen Ball [RR-050]; Ian Robert Chapman [RR-051]; Caroline Fernandez [RR-055]; David Ball [RR-056]; Richard Hancock [RR-058]; Catherine Howe [RR-060]; Cathy Pye [RR-061]; Chris Gates [RR-062]; Clare Day [RR-063]; Hanne Lene Schierff [RR-065]; Louis Demarco [RR-066]; Louise Davis [RR-067]; Patricia Maureen Pipe-Fowler [RR-069]; Patrick Meo [RR-070]; Paul Walland [RR-071]; Richard Davis [RR-072]; Sheila Gates [RR-073]; Stephen Watts [RR-074]; and Suzanne Lake [RR-075]).
- 4.2.5. Concerns at the lack of a dedicated cycling and walking route between North Burlingham and Acle were also raised by a number of IPs, including BCGA [RR-011], Ramblers Norfolk Area [RR-015], Stephen Eastwood [RR-020], Jan Sims [RR-023], Lucy Anderson [RR-025], the Hunt Family [RR-034], Simon Weeks [RR-038], David Coombes [RR-039], Richard Morton [RR-040], Ian Robert Chapman [RR-051]; Catherine Howe [RR-060] and Chris Gates [RR-062].

4.2.6. Other concerns raised by IPs in RRs included those relating to the following:

- Climate change: including Dr Andrew Boswell of CEPP [RR-012], Stop Wensum Link [RR-014], Eleanor Laming [RR-049], Andrew M Cawdron [RR-052], Richard Hawker [RR-059] and Hanne Lene Schierff [RR-065].
- CA / TP: including The Randlesome Family [RR-043].
- General cycling provision: including Norwich Cycling Campaign (NCyC) [RR-013], Ramblers Norfolk Area [RR-015] and Stephen Eastwood [RR-020].
- Air quality: including Dr Andrew Boswell of CEPP [RR-012] and Bernard Barry Trawford [RR-053].
- Ecology: including Stop Wensum Link [RR-014], Eleanor Laming [RR-049] and Andrew M Cawdron [RR-052].
- Traffic and transport: including Terry Norton [RR-017], The Furr Family [RR-019], Bryan Robinson [RR-054], Mrs Pauline Clark [RR-057], Richard Hawker [RR-059], Catherine Howe [RR-060] and Mrs Jane Jones [RR-068].
- Landscape and visual: including Terry Norton [RR-017] and Paul Walland [RR-071].
- Noise: including the Furr Family [RR-019], Andrew M Cawdron [RR-052], Bernard Barry Trawford [RR-053], Richard Hawker [RR-059], Emma Brookes [RR-064] and Paul Walland [RR-071].
- Agricultural land: including Terry Norton [RR-017].
- Flood risk: including Graham P Cooper [RR-047] and Bernard Barry Trawford [RR-053].

4.2.7. IPs Chris Evans [RR-016] and Martin Thirkettle [RR-018] indicated full support for the Proposed Development

## **Written Representations**

4.2.8. Participants in the Examination were provided with the opportunity to make written representations (WRs) at DL2. WRs were submitted by the EA [REP2-013], HiE [REP2-015], Lingwood and Burlingham PC [REP2-016], BCGA [REP2-017 and REP2-021], Dr Andrew Boswell of CEPP [REP2-018] and NCyC [REP2-019]. These largely expanded on matters raised in RRs. Anglian Water Services Limited [REP2-020] also submitted a WR stating it had no in principle objection to the Proposed Development but was in discussion with the Applicant in respect of a number of matters relating to protective provisions.

## **Other Written Submissions**

4.2.9. Participants in the Examination were provided with an opportunity to comment on RRs at DL1. The Applicant [REP1-060] and the Randlesome Family [REP1-077] provided responses in this regard. At DL1, the Applicant [REP1-061], BDC [REP1-065], Cadent Gas Limited [REP1-068], the EA [REP1-069], HiE [REP1-070], Natural England (NE) [REP1-071], NCC [REP1-073] and NCyC [REP1-075] provided a response to my first written questions (ExQ1). Participants were provided with an opportunity to comment on WRs at D3, with just the Applicant responding [REP3-

025]. Responses to ExQ2 were received from the Applicant [REP5-016], BDC [REP5-017], the EA [REP5-024], NCC [REP5-026], NCyC [REP6-010 to REP6-014] and NE [REP6 015].

4.2.10. Over all deadlines (DL1 to DL10), participants had the opportunity to respond to submissions made to previous deadlines, matters arising at hearings, requests for further information, requests for changes to the application made by the Applicant and Additional Submissions I accepted during the course of the Examination.

4.2.11. Thirty-six Additional Submissions [AS-001 to AS-036] were provided which I accepted and have taken into account, including from the following:

- The Applicant [AS-001 to AS-014, AS-025 to AS-029 and AS-031 to AS-036];
- Transport Action Network [AS-015];
- The Coal Authority [AS-016];
- GTC Pipelines Limited [AS-017];
- Cadent Gas Limited [AS-018];
- Defence Infrastructure Organisation [AS-019];
- John Randlesome [AS-020];
- ESP Connections Limited [AS-021];
- EA [AS-022]; and
- Dr Boswell of CEPP [AS-023, AS-024 and AS-030].

4.2.12. SoCGs were provided throughout the Examination with a list set out in paragraph 1.4.30 of this Report.

## **Oral Submissions**

4.2.13. Those who participated in Open Floor Hearings (OFH) included Chris Gates (on behalf of BCGA and Lingwood and Burlingham PC) and Mrs Jane Jones. Those who participated in Issue Specific Hearings (ISH) included the Applicant, BDC, NCC, Dr Andrew Boswell of CEPP, NCyC, Create Consulting Engineers Ltd (on behalf of BCGA), Jan Davis, Chris Gates and Richard Hawker. Those who participated in Compulsory Acquisition Hearings (CAH) included the Applicant, Tim Knights, John Randlesome, Anna Randlesome and Ryan Woodward. Few new issues were raised in oral submissions which were not addressed in written submissions.

4.2.14. All of the issues raised within written and oral submissions fell within the IAPI set out above. They have been addressed in relation to particular issues set out in sections 4.10 to 4.20 below and are taken into account in the remainder of this Report to the extent that they are important and relevant.

## **4.3. ISSUES ARISING IN LOCAL IMPACT REPORTS**

4.3.1. BDC [REP1-066 / REP1-067] and NCC [REP1-072] produced LIRs which were submitted at DL1 of the Examination. Section 104(2) of PA2008



requires the Secretary of State (SoS) to consider the contents of an LIR when making a decision on an application.

4.3.2. BDC's LIR [REP1-066 / REP1-067] provided information on the following matters:

- Details of the Proposed Development;
- Other relevant development proposals;
- Policy framework;
- Impacts of the Proposed Development; and
- Consideration of the dDCO.

4.3.3. As recorded in Chapter 3 above, BDC's LIR identified that the development plan for the area comprises: The Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014) (JCS); The Broadland District Council Development Management DPD 2015 (DMDPD); The Broadland District Council Site Allocations DPD 2016 (SADPD); The Broadland District Council Growth Triangle Area Action Plan 2016 (GTAAP); Blofield Parish Neighbourhood Plan 2016 (BPNP); and Acle Neighbourhood Plan 2015 (ANP).

4.3.4. In summary, BDC's LIR concluded that:

- There are no other planning applications or proposals in the District which are directly relevant to the Proposed Development.
- The A47 between Blofield and North Burlingham results in frequent delays to its single lane width and with planned growth in the area, this would be exacerbated.
- BDC strongly supports the principle of the Proposed Development on the basis of the potential for economic benefits and more reliable journey times.
- The importance of the economic benefits is increased in the light of the COVID19 pandemic and the need to support the economy as part of the post pandemic recovery.
- The importance of the Proposed Development is reflected in the policies of the current and emerging development plan.
- With regard to heritage, the Environmental Statement (ES) is comprehensive and reasonable in its assumptions and seeks appropriate mitigation where required.
- There is a concern that whilst the current A47 acts as a constraint to north-south movement by non-motorised users, including in respect of the Burlingham Woodland Walks (BWW) (an NCC initiative supported by BDC), it can currently be crossed at a central point from FP3. The Proposed Development would remove this option and would instead direct users to cross the road at the proposed B1140 overbridge. Whilst walking and cycling provision here is welcome, this would create a significant detour. 'Project 5' of the East Broadland Green Infrastructure Project Plan 2015 (EBGIPP) [REP1-067] seeks to deliver a safe crossing over the A47 between Lingwood and North Burlingham to provide a vital link between these settlements and between BWW to the north and south of the A47. This would assist with integrating communities, increasing enjoyment for residents and

has the potential to form a new green corridor if the crossing was a green bridge.

- BDC would welcome the inclusion of a cycling and pedestrian route between North Burlingham and Acle to create sustainable access for those in North Burlingham to a greater range of shops and services in Acle, and to provide enhanced access for residents in the locality to access the BWW in accordance with Policy 5 of the ANP.
- No concerns are raised in respect of the dDCO.

4.3.5. The Applicant and BDC signed a SoCG [REP9-010] identifying matters of agreement and matters remaining in dispute.

4.3.6. NCC's LIR [REP1-072] provided information on the following matters:

- Details of the Proposed Development;
- Local impacts; and
- Discharge of requirements.

4.3.7. In summary, NCC's LIR concluded that:

- The principle of dualling the A47 is fully supported and has been a long-standing objective of NCC.
- There is potential for significant economic benefits, journey time savings and reliability improvements.
- NCC recognises that additional and new non-motorised travel, commuting and longer-distance recreation choices would be created. However, its principal concern relates to the lack of provision proposed for non-motorised users wishing to cross the A47 in the middle of the Proposed Development.
- No agreement has been reached with the Applicant on the transfer of assets.
- The Transport Assessment (TA) is reasonable but NCC has some concerns around increases in congestion around the A47 / Brundall roundabout.
- No significant air quality effects are predicted but continued monitoring during operation would be preferable.
- A significant amount of archaeological investigation work has been undertaken and mitigation is acceptable.
- Arboricultural assessments and recommendations should be in accordance with British Standard 5837 2012: Trees in relation to design, demolition and construction.
- The landscape and visual effects assessment is generally acceptable, though there is potential for light pollution, and there are further opportunities for improvements to Lingwood Community Woodland (LCW).
- NCC has some concerns around protected species surveys.
- NCC has no concerns around geology and soils and considers the Mineral Impact Assessment acceptable.
- NCC recognises potential for some significant beneficial and adverse noise effects during operation for some residential receptors.
- As Lead Local Flood Authority (LLFA), NCC notes that the drainage design has been tested with a 40% climate change allowance and as a

result, is satisfied that there is capacity available within the attenuation features for this allowance.

- NCC highlights that its adopted Environmental Policy 2019 includes a commitment to move towards carbon neutrality across all sectors by 2030.
- NCC suggests consideration should be given to impacts on agricultural and allotment land through increased nitrogen oxides (NO<sub>x</sub>) and ozone generation.
- NCC notes the potential for the discharge of DCO requirements to be undertaken by either the district council and / or itself and is in discussions with the Applicant over this.

4.3.8. An unsigned SoCG [REP9-011] between the Applicant and NCC was provided at DL9 with matters outstanding including the lack of a central crossing point, transfer of assets, congestion at the A47 / Brundall roundabout, air quality monitoring, arboriculture, climate, impacts of NO<sub>x</sub> on agricultural and allotment land and the discharge of requirements.

4.3.9. The overarching support for the Proposed Development of host local authorities (BDC and NCC) has been noted and taken into account. Analysis of detailed matters raised by the LIRs is addressed in the relevant Chapters and sections of this Report to ensure that they are considered as required by the SoS.

## **4.4. CONFORMITY WITH THE NATIONAL POLICY STATEMENT**

4.4.1. The NNNPS includes the following statements regarding the general need for development of the national networks:

- "Well-connected and high-performing networks with sufficient capacity are vital to meet the country's long-term needs and support for a prosperous economy." (paragraph 2.1);
- "There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth." (paragraph 2.2);
- "Whilst advances in mobile technology are important and will influence travel demand, it is difficult to predict by how much. It is expected that technology, both from better information and data and in vehicles (e.g. autonomous cars) to have a significant effect on how the network performs. However, we do not expect this to remove the need for development of the networks. In recent years advances in mobile IT, teleconferencing, email, the internet and social media have occurred alongside growth in travel demand on the national networks." (paragraph 2.5);
- "There is also a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas." (paragraph 2.6); and
- "The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks –

both as individual networks and as an integrated system. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.” (paragraph 2.10).

4.4.2. The NNNPS goes on to comment on the specific need for development of the national road network. Paragraph 2.13 emphasises that a well-functioning strategic road network is critical in enabling safe and reliable journeys and the movement of goods in support of the national and regional economies. Paragraph 2.16 identifies ways in which traffic congestion constrains the economy and impacts negatively on quality of life, including by way of:

- Constraining existing economic activity by increasing costs to businesses damaging their competitiveness;
- A deterioration in the experience of road users, including frustration, stress and inconvenience;
- Constraining job opportunities as workers have more difficulty accessing labour markets; and
- Causing more environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby.

4.4.3. NNNPS paragraph 2.18 states that the pressure on the road network is forecast to increase with economic growth, substantial increases in population and a fall in the cost of car travel from fuel efficiency improvements.

4.4.4. NNNPS Table 1 sets out options for addressing need, comprising: maintenance and asset management; demand management; and modal shift. However, it is recognised that maintenance and asset management will not enhance safety, tackle pressure on the network or unlock economic development. Demand management measures can make more efficient use of capacity while modal shift, which aims to encourage sustainable transport modes, may not be suitable given the nature of some journeys on the strategic road network.

4.4.5. NNNPS paragraph 2.22 notes that without improving the road network it will be difficult to support further economic development and economic growth. Consequently, at a strategic level there is a compelling need for development of the national road network. NNNPS paragraph 2.24 goes on to state the Government’s policy on development of the strategic road network is not that of predicting traffic growth and then providing for that growth regardless. Individual schemes will be brought forward to tackle specific issues rather than to meet unconstrained traffic growth.

4.4.6. The Applicant analysed the performance of the Proposed Development against relevant policies in the NNNPS within its Case for the Scheme [REP1-042]. This document sets out the need for the Proposed Development noting that, along with other improvement schemes along the A47, the dualling of this part of the A47 between Blofield and North Burlingham was announced as part of the Department for Transport’s (DfT) Road Investment Strategy 1 (RIS1) in order to reduce congestion,

delays and accidents. It was then carried forward to DfT's RIS2, which sets out a list of highway schemes to be developed nationally in the period 2020-2025. The Applicant has also provided NNNPS Accordance Tables [APP-121] which provides a high-level assessment of the Proposed Development's strategic alignment and conformity with the policies within the NNNPS.

- 4.4.7. Many Interested Parties (IP), including NCC and BDC, expressed their support in principle for the Proposed Development and did not raise any objections in terms of high-level conformity with the NNNPS. The only representations made against the general principle of the Proposed Development were made by Dr Andrew Boswell of CEPP, primarily relating to the adequacy of the Applicant's cumulative climate change assessment. I have considered these representations later in this Chapter of the Report.
- 4.4.8. I am satisfied that the Proposed Development generally conforms with the high-level policy within the NNNPS. The compliance of the Proposed Development has been examined against specific NNNPS policy details and tests applicable to individual planning issues as set out in sections 4.10 to 4.20 of this Report.

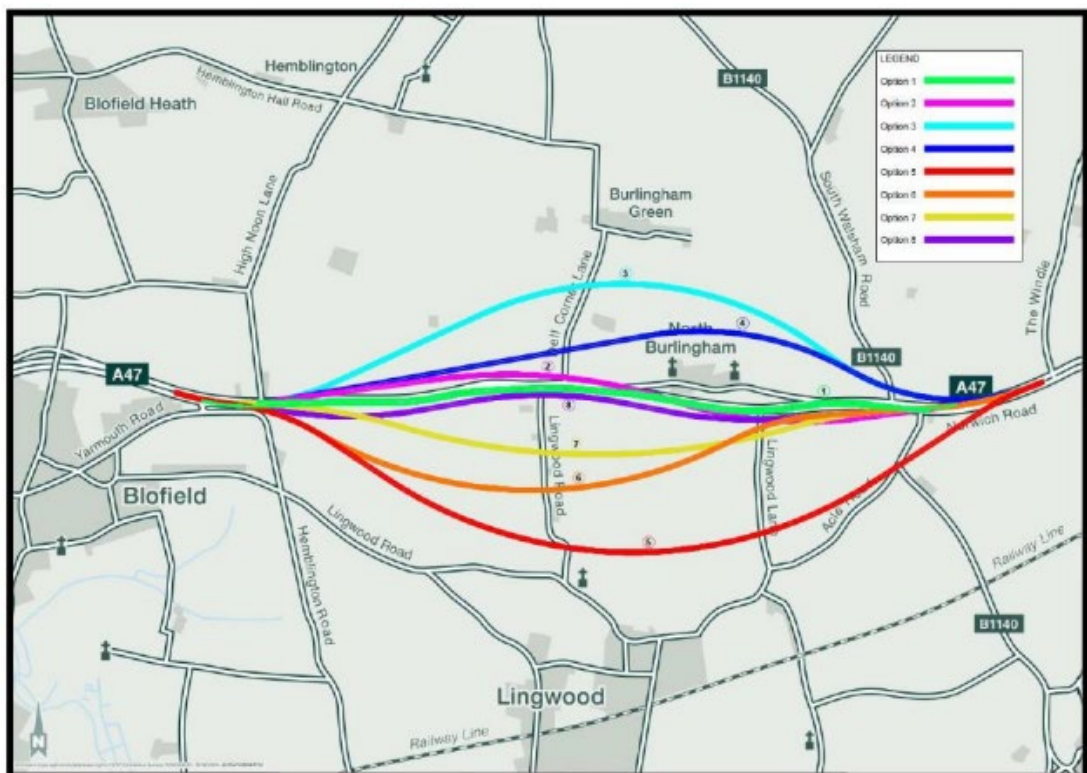
## **4.5. CONSIDERATION OF ALTERNATIVES**

- 4.5.1. NNNPS paragraphs 4.26 and 4.27 deal with the assessment of alternatives. Paragraph 4.26 sets out that the EIA Directive requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.
- 4.5.2. NNNPS paragraph 4.27 states: "All projects should be subject to an options appraisal [...]. Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies [...], option testing need not be considered by the Examining Authority or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken."
- 4.5.3. Schedule 4 of the EIA Regulations requires an ES to provide "A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects".
- 4.5.4. The Applicant's consideration of alternatives is set out in ES Chapter 3: Assessment of Alternatives [REP1-020]. This outlines the main alternatives studied and how the environmental effects of options have

been taken into account. It includes the process for assessing options and arriving at the preferred scheme.

- 4.5.5. In seeking to resolve the transport problems along the A47 between Blofield and North Burlingham, eight potential options were developed, as shown in Figure 4 below. These were assessed to identify their performance against safety, environmental, engineering, transportation and economic criteria so that they could be compared and contrasted. This assessment is included within the Applicant's Scheme Assessment Report 2017<sup>4</sup>. The potential options considered various arrangements for the widening of the existing highway to provide for dualling (online) or the creation of a new dual carriageway (offline).

**Figure 4: Initial route options**



- 4.5.6. Of the eight options, four were taken forward for more detailed assessment and non-statutory public consultation in March and April 2017. The four options, as shown in ES Chapter 3 Figures 0-1 to 0-4 [REP1-020], were identified as:

- Option 1 (initial Option 1): online dualling of the existing A47;
- Option 2 (initial Option 2): offline dualling to the north and south of the existing A47;
- Option 3 (initial Option 7): offline dualling to the south of the existing A47; and

<sup>4</sup> <https://highwaysengland.citizenspace.com/he/a47-blofield-to-north-burlingham-dualling/results/a47blofieldtonorthburlinghama47sarimps2-ame-bb-zz-do-j00061.pdf>

- Option 4 (initial Option 8): offline dualling to the south running near and predominantly parallel to the existing A47.

- 4.5.7. Five options (A-E) were also considered for both the Yarmouth Road and B1140 junctions. These are shown in ES Chapter 3 Figures 0-5 to 0-14 [REP1-020].
- 4.5.8. From the options assessed and consulted upon, a preferred route, Option 4, was selected and announced in August 2017. It was considered this option would have the least impact on the environment and could be constructed with the least disruption to road users during construction, as the existing A47 route could remain open for local traffic. In addition, the Consultation Report [APP-022] indicates that the non-statutory consultation identified that Option 4 received the highest amount of public support. Option A was selected as the preferred junction option for Yarmouth Road and Option E selected for the preferred junction option for the B1140, having regard to their benefits over and above the other options.
- 4.5.9. No significant issues arose during the Examination relating to the Applicant's consideration of alternatives to arrive at the final details of the Proposed Development.
- 4.5.10. In accordance with paragraph 4.26 of the NNNPS the Applicant has included within the ES an outline of the main alternatives studied and provided an indication of the main reasons for choice of the preferred route, taking into account the environmental effects.
- 4.5.11. In accordance with paragraph 4.27 of the NNNPS, I am satisfied that the Proposed Development has been subject to a full options appraisal in achieving its status within RIS2, and that proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process.
- 4.5.12. Taking all these matters into account, I am satisfied that matters concerning the consideration of alternatives do not weigh against the Order being made.

## **4.6. CONFORMITY WITH THE DEVELOPMENT PLAN**

- 4.6.1. The Order land lies wholly within the administrative District of Broadland. As recorded in Chapter 3 above, BDC's LIR [REP1-066] identified that the development plan for the area comprises: the JCS; the DMDPD; the SADPD; the GTAAP; the BPNP; and the ANP.
- 4.6.2. I have reviewed the development plan policies identified in the LIR. I am not aware of any issues arising from them that conflict with relevant policy directions arising from the NNNPS. Whilst the NNNPS is the primary source of policy for a decision under PA2008, development plan policies are important and relevant considerations. None of them indicate against the directions set out in the NNNPS.

- 4.6.3. BDC's LIR does not cite any specific conflict with its development plan policies, and nor does its signed SoCG with the Applicant [REP9-010]. However, these documents highlight BDC's view that whilst the Proposed Development would provide access to local green infrastructure networks, this could be further improved, in accordance with Policy 7 of the JCS, through the inclusion of a central footbridge. The documents also set out that BDC would welcome a dedicated pedestrian / cycle link between North Burlingham and Acle, in accordance with Policy 5 of the ANP.
- 4.6.4. Policy 7 (Supporting communities) of the JCS seeks, amongst other things, to maintain or enhance the quality of life and well-being of communities, setting out that healthier lifestyles will be promoted by maximising access by walking and cycling and providing opportunities for social interaction and greater access to green space and the countryside.
- 4.6.5. Policy 5 (Improving links to the countryside and surrounding villages) of the ANP encourages the provision of new and improved footpaths, footways, cycleways and bridleways connecting Acle with surrounding villages and the countryside. Two priority schemes are identified within the policy, one relating to a footway between Norwich Road in Acle and Acle Academy and another relating to a footpath / cycleway between Acle Bridge and Acle Village. A plan is also provided as part of the policy identifying further proposed links to the countryside and surrounding villages.
- 4.6.6. Given BDC's particular references to these policies, I have had regard to them in more detail in sections 4.10 and 4.19 of this Report, relating to traffic and transportation and population and human health respectively. As can be seen in those sections, I have concluded that the Proposed Development would not materially conflict with these policies. Additionally, the Proposed Development would accord with BDC's local transport policies, including Policy 6 (Access and transportation) of the JCS and emerging Policy 4 (Strategic infrastructure) of the emerging Greater Norwich Local Plan (GNLP), albeit limited weight should be afforded to this draft policy.
- 4.6.7. Accordingly, I am content that the Proposed Development would conform with the development plan as a whole.

## **4.7. APPLICATION OF OTHER POLICIES**

- 4.7.1. Other policies that give rise to important and relevant considerations for the SoS include those raised and referred to by the Applicant and NCC, as identified in section 3.7 of this Report. Those of particular note include the Government's Road Investment Strategy and NCC's Local Transport Plan.

### **Road Investment Strategy (RIS)**

- 4.7.2. The Proposed Development was included in RIS1 and was re-confirmed in RIS2 as a scheme that the Government expects to be built and funded



in the period to 2025. The Proposed Development is thus supported by the RIS.

### **Norfolk County Council Local Transport Plan 2011-2026**

- 4.7.3. This describes NCC's transport strategy and policy framework for delivery up to 2026 with an implementation plan covering the period 2015-2021. Its strategic aims are: managing and maintaining the transport network; sustainable growth; strategic connections; transport emissions; road safety; and accessibility. NCC is currently refreshing its Local Transport Plan to cover the period 2020-2036. I understand it was due for adoption during the course of the Examination but was delayed. The A47 is listed within the draft document as a priority for dualling. The Proposed Development is thus supported by NCC's strategic transport objectives.
- 4.7.4. The SoS may wish to request further information on the status of NCC's Local Transport Plan.

### **Other policies**

- 4.7.5. From the information provided, I am satisfied that the Proposed Development would conform with those other policies listed in section 3.7 of this Report.

## **4.8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.8.1. This section addresses the documents comprising the Environmental Statement (ES) [APP-039 to APP-114]. During the course of the Examination the ES was amended and those changes that relate to the content of the ES are considered to constitute 'any other information' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations). I have concluded that the amendments are relatively minor alterations, and that the overall environmental information submitted is sufficient for the SoS to take into consideration before making a decision in compliance with the EIA Regulations.
- 4.8.2. The ES states that the assessment which it presents follows published guidance, information on best practice and Planning Inspectorate Advice Notes. It aims to identify the changes or impacts that may occur to the receiving environment as a result of the Proposed Development, and to compare the existing environmental conditions (the baseline) with those that would occur in the absence of the Proposed Development (future baseline).
- 4.8.3. The EIA process involves the identification of sensitive receptors that may be affected by impacts resulting from the Proposed Development and assesses the extent to which these receptors may experience significant environmental effects as a result. Where significant effects are identified, the ES proposes mitigation measures to avoid, reduce, or offset the significance of the effects. The remaining effects after taking into account mitigation are expressed as 'residual effects'. Effects that

are assessed as being moderate or major are considered to be significant.

- 4.8.4. The environmental impacts of the Proposed Development are assessed during its construction and operation. Existing baseline conditions have been defined based on desk-based studies and site surveys.
- 4.8.5. A cumulative effects assessment taking into account other relevant developments, and an in combination effects assessment, have been undertaken in ES Chapter 15: Cumulative Effects Assessment [APP-053]. This is supported by ES Appendix 15.1: Cumulative Effects Assessment Stage 2 Screening [APP-113] and ES Appendix 15.2: Cumulative Effects Assessment Shortlist [APP-114].
- 4.8.6. This section also records the environmental management documents proposed to be used by the Applicant in tandem with DCO provisions to secure the construction and operation of the Proposed Development and the application of mitigation within the worst-case parameters assessed in the ES. Such documents include an Environmental Management Plan (EMP), which contains a Record of Environmental Actions and Commitments (REAC), the provisions of which are intended to be secured through the requirements of the dDCO.
- 4.8.7. The ES provided as part of the application submission can be summarised as:
- ES Chapters 1-15 [APP-039 to APP-053];
  - ES Figures [APP-054 to APP-070]; and
  - ES Appendices [APP-071 to APP-114].
- 4.8.8. The ES was supported by the following documents:
- Rights of Way and Access Plans (RoWA Plans) [APP-007];
  - Hedgerow Plans [APP-012];
  - ES Non-Technical Summary [APP-115];
  - EIA Scoping Opinion [APP-116];
  - Statement Related to Statutory Nuisance [APP-117];
  - Masterplan [APP-118];
  - Report to Inform Habitats Regulations Assessment (HRA Report) [APP-119];
  - Case for the Scheme [APP-120];
  - NNNPS Accordance Tables [APP-121];
  - TA [APP-122];
  - Scheme Design Report [APP-123];
  - EMP (including REAC) [APP-124];
  - Outline Traffic Management Plan (oTMP) [APP-125]; and
  - Equality Impact Assessment (EqIA) [APP-126].
- 4.8.9. Following the submission and acceptance of the application, various amendments were made to some ES chapters, appendices, figures and supporting documents. These comprised the following:
- ES Chapter 1: Introduction [REP1-016];

- ES Chapter 2: The Proposed Scheme [REP1-018 and REP4-017];
- ES Chapter 3: Assessment of Alternatives [REP1-020];
- ES Chapter 6: Cultural Heritage [REP1-022, REP3-012 and REP4-019];
- ES Chapter 8: Biodiversity [REP1-024 and REP4-021];
- ES Chapter 10: Material Assets and Waste [REP1-026];
- ES Chapter 11: Noise and Vibration [REP1-028];
- ES Chapter 12: Population and Human Health [REP1-030 and REP4-023];
- ES Chapter 13: Road Drainage and Water Environment [REP1-032];
- ES Chapter 14: Climate [AS-004 and REP2-002];
- ES Figures 8.1-9.1 [REP1-040];
- ES Figures 12.1-12.3 [REP4-034];
- ES Appendix 6.1: Cultural Heritage Information [REP1-034];
- ES Appendix 7.5: Visual Receptors [REP4-025];
- ES Appendix 7.7: Arboricultural Impact Assessment [REP1-036];
- ES Appendix 10.3: Outline Site Waste Management Plan (oSWMP) [REP1-037];
- ES Appendix 11.3: Baseline Noise Survey [REP4-027];
- ES Appendix 13.1: Flood Risk Assessment [REP4-029];
- ES Appendix 13.2: Drainage Strategy [REP4-031];
- ES Non-Technical Summary [REP4-035];
- RoWA Plans [REP1-004, REP3-002, REP4-004 and REP7-004];
- Hedgerow Plans [REP7-006];
- Masterplan [REP1-041, REP4-037, REP5-006 and REP7-011];
- HRA Report [AS-007, REP2-004 and REP4-038];
- Case for the Scheme [REP1-042];
- TA [REP1-045];
- Scheme Design Report [REP1-046];
- EMP (including REAC) [AS-009, REP1-048, REP3-014, REP4-040, REP7-012 and REP9-007];
- oTMP [AS-011 and REP1-050]; and
- EqIA [APP-126 and REP1-052].

- 4.8.10. I refer to the final versions of ES chapters, appendices, figures and supporting documents hereafter where appropriate and explain the reasons for the changes if important and necessary to do so.
- 4.8.11. During the Examination there were no submissions raising concerns about the overall adequacy of the EIA process and the ES from the majority of IPs. Individual submissions raising subject-specific issues bearing on individual planning issues are addressed in sections 4.10 to 4.20 below as necessary.
- 4.8.12. The exception to the above was Dr Andrew Boswell of CEPP, who considered that the ES was inadequate in respect of the assessment of climate change / carbon emissions effects of the Proposed Development [RR-012, AS-023, AS-024, AS-030, REP1-074, REP2-018, REP4-057, REP5-019 to REP5-022, REP6-008 and REP9-022 to REP9-023]. This matter is considered in section 4.13 of this Report.

- 4.8.13. The ES and associated information submitted by the Applicant during the Examination have provided an adequate assessment of the likely significant environmental effects of the Proposed Development which meets the requirements of the EIA Regulations. Full account has been taken of all environmental information in the assessment of the application and in the recommendation to the SoS.

## **4.9. HABITATS REGULATIONS ASSESMENT**

- 4.9.1. The Proposed Development is one that has been identified as giving rise to the potential for likely significant effects on European sites and is therefore subject to HRA. Consequently, the application was accompanied by an HRA Report [APP-119]. The HRA Report was subsequently updated to correct minor errors and inconsistencies with the final version submitted at DL4 [REP4-038].
- 4.9.2. The HRA Report identified an area of search and six relevant European sites but concluded that there are no likely significant effects on those sites or their qualifying features from the Proposed Development.
- 4.9.3. The conclusions of the HRA Report were not a matter that gave rise to any contention or disagreement with the Applicant's position by any IP during the Examination. In addition, the statutory nature conservation body, NE, agreed with its findings. A detailed record of considerations relevant to HRA has been set out in Chapter 5 of this Report.
- 4.9.4. I have considered all documentation relevant to HRA as required by NNNPS paragraphs 4.22 to 4.25 and have taken it into account in the conclusions reached here and in the case for development consent. There are no HRA matters which are required to be considered as part of my reasoning in the planning issue sections of this Report below.

## **4.10. TRANSPORTATION AND TRAFFIC**

### **Introduction**

- 4.10.1. This section considers the effects of the Proposed Development in relation to traffic and transport. Effects on non-motorised users (also interchangeably referred to in the Examination documents as 'walking, cycling and horse-riding' or WCHR) are dealt with in greater detail in section 4.19 of this Report, relating to population and human health.

### **Policy Background**

- 4.10.2. Section 4.4 of this Report introduces the NNNPS and sets out the policy consideration relating to the need for the Proposed Development. Section 4.5 of this Report considers alternatives. The comments on policy in this section should be read alongside those two earlier sections.
- 4.10.3. NNNPS paragraph 2.1 recognises that well connected and high performing networks with sufficient capacity are vital to meet the country's long-term needs and support a prosperous economy. Paragraphs 2.2 to 2.4 note a critical need to improve national networks

to address road congestion to provide safe, expeditious and resilient networks which addresses the forecast rise in road traffic of 30% from 2014 to 2030. Paragraph 2.6 recognises that improved and new transport links can facilitate economic growth.

- 4.10.4. NNNPS paragraphs 2.12 to 2.14 highlight the importance of the strategic road network which provides critical links between areas enabling safe and reliable journeys and the movement of goods in support of the national and regional economies.
- 4.10.5. NNNPS paragraph 2.23 identifies that specific network improvements will be a necessary part of addressing the identified need. Enhancements include junction improvements and new slip roads to address congestion as well as improvements to trunk roads, including the dualling of single carriageways. Paragraph 4.6 sets out that applications for road projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project.
- 4.10.6. The impact of a scheme on wider transport networks and of construction sites on the network whilst a scheme is being developed is recognised in NNNPS paragraphs 5.201 to 5.218. The SoS is required to consider impacts on the local transport network and local transport policies, including those in local plans (NNNPS paragraph 5.211). Paragraphs 5.215-5.216 advise that mitigation should focus on promoting sustainable development and that where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. In particular, there is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated. NNNPS paragraph 3.17 states that there is a direct role for the national road network to play in helping pedestrians and cyclists and that the Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes.
- 4.10.7. In terms of local transport policies, Policy 6 (Access and Transportation) of the JCS seeks to enhance the transport system in order to develop the role of Norwich as a Regional Transport Node. The policy sets out that this would be achieved by, amongst other things, promoting improvements to the A47.
- 4.10.8. The need to deliver improvements to the strategic highway network is echoed in the emerging GNLP, which supports strategic infrastructure improvements that support the growth needs of the area. Draft Policy 4 (Strategic Infrastructure) specifically refers to improvements to the A47 between Blofield to North Burlingham as one of the schemes that will help the emerging plan achieve its aims.
- 4.10.9. Whilst not specifically local transport policies, Policy 7 (supporting communities) of the JCS and Policy 5 (Improving links to the countryside and surrounding villages) of the ANP relate to footpaths, walking and cycling and are therefore of some relevance to this section.

## **The Applicant's Approach**

- 4.10.10. The Applicant's assessment of transportation and traffic effects is primarily contained within the TA [REP1-044], which sets out that its purpose is to assess the impact of the Proposed Development on the strategic and local highway network in respect of traffic congestion and road safety for motorised transport.
- 4.10.11. The TA sets out that in December 2014, DfT published the RIS for 2015-2020. This incorporated a list of highways schemes to be delivered over the period covered by the RIS, including six schemes along the A47 during Roads Period 1 (2015 - 2020) and Roads Period 2 (2020 - 2025). This was in order to improve journeys on the 115 mile section of the A47 between Peterborough and Great Yarmouth. The A47 Blofield to North Burlingham scheme was one of the six A47 schemes identified within the RIS and it was carried forward to DfT's RIS2 for 2020-2025. The road is located approximately 9km to the east of Norwich and comprises a 2.6km stretch of single carriageway, forming part of the main arterial highway route connecting Norwich with Great Yarmouth.
- 4.10.12. The TA notes that whilst around half of the A47 is already dual carriageway, the Blofield to North Burlingham section is not, with studies having identified that the single carriageway section no longer meets the needs of its users. It is also noted that, sandwiched between two dual carriageway sections, this section of the A47 acts as a bottleneck, resulting in congestion and leading to longer and unreliable journey times. Furthermore, that investigations have highlighted that delays tend to be as a result of: difficulty of accessing and crossing the A47 from side road junctions; traffic levels outgrowing the capacity of the road, causing tailbacks and delays; limited opportunities for overtaking slower moving vehicles; and development in the local area.
- 4.10.13. The Blofield to North Burlingham section of the A47 also has a poor safety record, with a total of 42 collisions recorded on the section between 2014 and 2018 (giving an average of nearly 9 collisions per year).
- 4.10.14. Key objectives of the Proposed Development, which would provide an offline dual carriageway to the south of the existing A47, along with new junctions and overbridges, are identified as: to support economic growth; to make a safer network; to make a more free-flowing network; to protect the environment; to provide an accessible and integrated network; and to ensure value for money.
- 4.10.15. With regard to road safety, the Case for the Scheme [REP1-042] identifies that by de-trunking the existing A47 alignment to local road status and providing new cycling and walking infrastructure, the Proposed Development would improve safety for non-motorised users. The Case for the Scheme also identifies that safety along the A47 for road users would be improved by providing an upgraded dual carriageway alignment and an upgraded A47 / B1140 interchange junction and that, in total, analysis indicates that over a 60-year timeframe, the improvements should save a total of 190 accidents, 29 of

which would have resulted in death or serious injury. Moreover, the monetary savings in terms of accidents would be approximately £8.5 million.

- 4.10.16. The TA highlights that the transportation and traffic assessment for the Proposed Development involved the collection of relevant volumetric traffic count data, network data and vehicle journey time data. This data was then used to calibrate and validate the baseline in order to provide a stable basis to undertake the future year assessment of the Proposed Development. In addition to the traffic data collection, reported accident data information was sourced to inform the road safety assessment. Public transport, walking, cycling and horse-riding information was also sourced to inform the assessment of WCHR impacts.
- 4.10.17. Traffic modelling was used as the basis to derive forecasted traffic impacts of the Proposed Development's performance across the wider area. The strategic model utilised for the assessment is the Norwich Area Transport Strategy Model (NATS Model). The NATS Model was developed in line with DfT's Transport Appraisal Guidance (TAG). Local traffic modelling has also been utilised. Traffic forecasts took account of household and employment growth as well as relevant developments with a 'more than likely' or 'near certain' probability of delivery, including other major road schemes (Norwich Western Link (NWL), the A47 North Tuddenham to Easton NSIP and the A47 / A11 Thickthorn Junction NSIP). The do-minimum (DM) scenario for the road network assumptions thus includes all those relevant developments and this is compared to the do-something (DS) scenario which includes all relevant developments and the Proposed Development to determine the traffic and transportation impacts of the Proposed Development.
- 4.10.18. The TA concludes the following:
- In the current situation, the single carriageway section of the A47 between Blofield and North Burlingham acts as a bottleneck, resulting in congestion and leading to longer and unreliable journey times;
  - In the DM scenario, traffic growth would cause the single carriageway section of the A47 between Blofield and North Burlingham to go over capacity, resulting in users experiencing even longer and more unreliable journey times;
  - Compared to the DM scenario, the DS scenario, with the introduction of the Proposed Development, would remove overcapacity delays on the A47 between Blofield and North Burlingham and would markedly reduce the total journey time along this section of road including during peak AM and PM hours. This would also be the case between the A47 / Acle roundabout to the east of the Proposed Development and the A47 / Brundall roundabout to the west;
  - Overall, across all assessed routes, the DS journey times would be reduced to levels either comparable to or below the baseline;
  - The Proposed Development would reduce the number of road accidents;

- The congestion relief provided by the Proposed Development would benefit bus transport users and rail transport services would not be affected;
- The Proposed Development would have a minimal impact on the operational performance of the local road network;
- The additional capacity to the strategic highway network as a result of the Proposed Development would encourage economic growth across the region;
- In the DM scenario, the A47 / Brundall roundabout would be operating over capacity and this would be exacerbated by the Proposed Development in the DS scenario during AM and PM peak hours. However, the Applicant is committed to working with NCC regarding this roundabout to explore potential congestion relief measures that could be taken forward independent of the Proposed Development;
- The Proposed Development would result in the severance of FP3 at its northern end which would prevent users crossing the new A47 at this point and would also result the loss of the northern sections of the permissive footpath routes which form circular routes to the immediate south of the existing A47 alignment and which link with FP3 (within LCW). However, new and improved walking and cycling infrastructure would be provided as part of the Proposed Development;
- The benefits of the Proposed Development are demonstrated by its inclusion within DfT's RIS1 and RIS2 and within national, regional and local transport and planning policy; and
- The Proposed Development would fulfil its key objectives.

4.10.19. An oTMP [REP1-050] has been provided. This provides a framework for managing traffic, including construction traffic, during the construction of the Proposed Development, to minimise health and safety risks and disruption to road users, local businesses and communities. A Traffic Management Plan, reflecting the contents of the oTMP, is specified in G5 of the REAC within the EMP [REP9-007] and secured under R5 and R10 of the dDCO [REP10-002].

### **Issues Arising During the Examination**

4.10.20. NCC's RR [RR-002] and LIR [REP1-072] set out that the principle of dualling the A47 is fully supported and has been a long standing objective of NCC. NCC acknowledges that the TA sets out projected changes to traffic patterns and the likely impacts on local roads and communities and that it is satisfied that the extent of the impacts does not warrant further mitigation beyond that proposed. Furthermore, that the analysis indicates that the forecasted local and regional traffic growth will cause the existing A47 single carriageway section to be over capacity. NCC recognises potentially significant economic benefits, journey time savings and reliability improvements as a result of the Proposed Development.

4.10.21. As identified in section 4.19 of this Report, NCC's principal concern relates to the lack of provision proposed for non-motorised users wishing to cross the A47 in the middle of the Proposed Development, in the vicinity of North Burlingham. NCC's LIR also raises some concerns around



the effect of the Proposed Development on congestion at the A47 / Brundall roundabout (other IPs including Hemblington PC [RR-004] and Catherine Howe [RR-060] also raised this as an issue). In addition, NCC highlights in its RR and LIR that following completion of the Proposed Development, those parts of the existing A47 that would no longer form part of the trunk road network would be de-trunked and responsibility for ongoing management and maintenance of these sections of road would fall on NCC as the local highway authority. No agreement was reached between the Applicant and NCC on this matter at the close of the Examination, despite ongoing negotiations.

- 4.10.22. BDC's LIR [REP1-066] notes that the current route of the A47 between Blofield and North Burlingham results in frequent delays and high levels of slow-moving traffic due to its single lane width and with planned growth in the area, it is anticipated that these issues would be exacerbated. BDC sets out that it strongly supports the principle of the Proposed Development on the basis of the potential for economic benefits and more reliable journey times. BDC highlights that the importance of the Proposed Development is reflected in the policies of the current and emerging development plan and that it would comply with Policy 6 (Access and Transportation) of the JCS and draft Policy 4 (Strategic Infrastructure) of the emerging GNLP. BDC's signed SoCG [REP9-010] with the Applicant reiterates these points.
- 4.10.23. As with NCC, and as identified in section 4.19 of this Report, BDC's LIR identifies that one of its principal concerns with the Proposed Development relates to the lack of a central crossing over the A47. BDC also sets out in its LIR that it would welcome the inclusion of a cycling and pedestrian route between North Burlingham and Acle to create sustainable access for those in North Burlingham to a greater range of shops and services in Acle, and to provide enhanced access for residents in the locality to access the BWW in accordance with Policy 5 of the ANP. BDC's signed SoCG [REP9-010] with the Applicant identifies that these matters remain in dispute between the parties.
- 4.10.24. Many other RRs and WRs received raised concerns at the lack of a central crossing point with some also raising concerns with the lack of a footpath / cycle link between North Burlingham and Acle.
- 4.10.25. The Furr Family [RR-019] raised a concern relating to the safe use of The Windle when exiting the A47. Mrs Jane Jones [RR-068] highlighted that there is currently an access from one of her agricultural fields to the north of the A47 onto an existing layby which allows slow moving agricultural vehicles to enter moving traffic on the A47 with momentum. Without such access and retention of part of the layby, which is due for closure and landscaping, Mrs Jane Jones raises a concern that these vehicles would instead need to use the Windle junction to enter the A47 and as such, they would be entering it from a standing start, with resulting highway safety implications. Mrs Jane Jones also requested access be maintained to Acle Hall Farm to the south of the A47 and attended Open Floor Hearing 3 (OFH3) [EV-040 and EV-041] to discuss highway safety concerns orally.

- 4.10.26. The congestion issue at the A47 / Brundall roundabout featured in some of my written questions [PD-006] and discussions at ISH3 [EV-30 to EV-36]. I am satisfied that the cause of congestion would not be solely as a result of the Proposed Development. Additionally, any improvement works to this roundabout is outside the scope of the application and would be a matter for the Applicant and NCC to address separately. The Applicant indicated it would discuss the potential for future monitoring of the roundabout with NCC [REP4-051] and NCC welcomed this, accepting that the Applicant cannot commit to improvement works at this time [REP4-061].
- 4.10.27. With regard to the junction of The Windle and the A47, there is no substantive evidence before me to demonstrate that its safety would be materially compromised by the Proposed Development. The Applicant responded to the RRs [REP1-060] made by the Furr Family and Mrs Jane Jones, noting the following measures which would, in the Applicant's view, improve the safe use of The Windle:
- Closure of the layby to the west of The Windle, removing the risk of side swipe and shunt type collisions currently associated with the short weaving length between the layby and The Windle;
  - Providing advanced direction signing for The Windle junction which currently does not exist;
  - The continuity of the dual carriageway would provide a more free-flowing network; and
  - The new compact grade separated junction at the B1140 would create an alternative safe means of crossing the A47.
- 4.10.28. I have no substantive reasons to take a different view than that of the Applicant on the matter of the safe use of The Windle. I am also satisfied that adequate access to Acle Hall Farm to the south of the A47 would be maintained, with central reservations on the A47 remaining open in its vicinity.
- 4.10.29. Matters relating to non-motorised users are primarily addressed in section 4.19 of this Report relating to population and human health. I therefore do not intend to go into great detail on these matters in this section. Nonetheless, on the basis of my conclusions in section 4.19, the severance of FP3 and the increased walking distance to cross the A47 would remain a significant effect which would weigh negatively in the transportation and traffic case. It is disappointing that the Applicant did not seek to fully mitigate this effect with the addition of a central crossing point, whether this be a footbridge or an underpass.
- 4.10.30. However, the general increase in walking and cycling provision, with safe crossings over the two proposed overbridges, would, overall, be an enhancement for non-motorised users and would reduce severance effects in the round. Therefore, for the reasons identified in section 4.19, I am of the view that, notwithstanding the severance of FP3, the Applicant has demonstrated reasonable endeavours to address the needs of pedestrians and cyclists in designing the Proposed Development and as such, it would conform with the NNNPS in respect of non-motorised user matters.

- 4.10.31. Richard Hawker [RR-059] raised a concern about traffic increases to the west of Norwich and suggested that the Proposed Development would negatively impact on the use of a proposed rail station at Broadland Business Park which NCC is planning to build and would go against the Government's own transport policy. However, the inclusion of the Proposed Development in the Government's RIS2 indicates that its delivery is an important objective of the Government. There is little evidence before me to demonstrate the Proposed Development would materially increase traffic to the west of Norwich. Moreover, there are a number of major road schemes planned for that area which are likely to be intended to benefit the strategic road network. I have no substantive details before me relating to plans for a proposed rail station and it is unclear to me the likelihood of it being delivered. In any event, NCC have raised no concerns in this regard. Furthermore, any demand for railway infrastructure does not materially diminish the need for improvements to this part of the strategic road network.
- 4.10.32. Bryan Robinson questioned the Applicant's choice of a compact grade separated junction for the B1140 overbridge [RR-054 and REP7-026]. The Applicant highlighted [REP1-060 and REP8-014] that various junction layouts were assessed, including full grade separation, which would have required additional land take, including the compulsory acquisition of a dwelling, along with greater environmental impacts. On the basis of forecasted traffic flows, road safety considerations, operational modelling and existing constraints, the Applicant thus determined that a compact grade separated junction would be appropriate and would operate safely and effectively. I am satisfied by the Applicant's responses in this regard.
- 4.10.33. Mrs Pauline Clark indicated a concern about traffic and speed limits on the B1140 adjoining the A47 carriageway [RR-057]. However, this was not elaborated on and thus it is unclear to me the reason for the concern. Moreover, the speed limit along the B1140 overbridge and the approaches to it would be limited to 30 miles per hour, as shown on the Traffic Regulations Plans [APP-014], and thus would not be subject to fast moving traffic.
- 4.10.34. Overall, the Proposed Development would comply with Policy 6 of the JCS and with draft Policy 4 of the emerging GNLP (albeit that limited weight is afforded to this policy at this time). I therefore find no conflict with the relevant local transport policies of the development plan / emerging development plan. In addition, as can be seen in section 4.19, I have also found there to be no material conflict with Policy 7 of the JCS or Policy 5 of the ANP, which whilst not specifically local transport policies, relate to footpaths, walking and cycling.

### **Conclusion**

- 4.10.35. NNNPS paragraphs 2.12 to 2.14 highlight the importance of the strategic road network in providing critical links between areas enabling safe and reliable journeys and the movement of goods in support of national and regional economies. The Proposed Development would deliver a significant benefit to the strategic road network to which I afford

significant weight in terms of the overall need for the Proposed Development.

- 4.10.36. I am satisfied that disruption during the construction process can be satisfactorily managed. The oTMP [REP1-050] provides a framework for managing traffic, including construction traffic, during the construction of the Proposed Development, to minimise health and safety risks and disruption to road users, local businesses and communities. A Traffic Management Plan, reflecting the contents of the oTMP, is specified in G5 of the REAC within the EMP [REP9-007] and secured under R5 and R10 of the rDCO.
- 4.10.37. I am also satisfied that the Applicant has used reasonable endeavours to address the needs of cyclists, pedestrians and other non-motorised users in the design of the Proposed Development and that the application was supported by an appropriate local transport model to provide sufficiently accurate details of impacts. In addition, through the creation of new footpaths, footways and cycling routes, along with two new overbridges allowing for the safe crossing of the A47 for walkers and cyclists, overall provision for non-motorised users would be enhanced and severance effects reduced as a result of the Proposed Development.
- 4.10.38. Taking all these matters into consideration I conclude that traffic and transportation matters, including new non-motorised user infrastructure, generally weigh in favour of the Proposed Development. I am also satisfied that the cause of any congestion at the A47 / Brundall roundabout would not be solely as a result of the Proposed Development and thus the matter does not weigh significantly against it.
- 4.10.39. However, the severance of FP3 and the increased walking distance to cross the A47 would be an adverse effect for some non-motorised users which would weigh against the Proposed Development. It is disappointing that the Applicant did not seek to fully mitigate this effect with the addition of a central crossing point, whether this be a footbridge or an underpass.

## **4.11. AIR QUALITY AND EMISSIONS**

### **Introduction**

- 4.11.1. This section considers the effects of the Proposed Development in relation to air quality and emissions. Matters relating to climate change are considered separately in section 4.13 of this chapter.

### **Policy Background**

- 4.11.2. NNNPS paragraphs 5.3 to 5.15 detail the basis for the Examination by the ExA and decisions by the SoS relating to air quality issues.
- 4.11.3. NNNPS paragraph 5.4 notes that current UK legislation sets out health-based ambient air quality objectives. In addition, the EU has established common, health-based and eco-system based ambient concentration limit values (LV) for the main pollutants in the Air Quality Directive.

- 4.11.4. NNNPS paragraph 5.6 requires that where the impacts of the project (both on and off-scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and / or affect the UK's ability to comply with the Air Quality Directive, the Applicant should undertake an assessment of the impacts of the proposed project as part of the ES.
- 4.11.5. NNNPS paragraph 5.10 states: "The Secretary of State should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme..."
- 4.11.6. NNNPS paragraph 5.9 requires that in addition to information on the likely significant effects of a project in relation to EIA, the SoS must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.
- 4.11.7. NNNPS paragraph 5.11 advises that air quality considerations are likely to be particularly relevant where schemes are proposed within or adjacent to an Air Quality Management Area (AQMA).
- 4.11.8. NNNPS paragraph 5.14 states that the SoS should consider whether mitigation measures put forward by the Applicant are acceptable.

#### **Applicant's Approach**

- 4.11.9. The Applicant's assessment of air quality matters is contained within ES Chapter 5: Air Quality [APP-043]. It is supported by ES Appendix 5.1: Air Quality Dispersion Modelling Process [APP-071]; ES Appendix 5.2: Air Quality Verification and Model Adjustment [APP-072]; and ES Appendix 5.3: Air Quality Receptor Results [APP-073].
- 4.11.10. The assessment in ES Chapter 5 [APP-043] includes a review of the existing baseline conditions and considers the potential impacts of air quality associated with the Proposed Development on human health and ecosystems. Air quality pollutants considered include NO<sub>x</sub>, nitrogen dioxide (NO<sub>2</sub>) and particulate matters (PM<sub>10</sub> and PM<sub>2.5</sub>). The approach to the assessment follows the guidance of *Design Manual for Roads and Bridges LA 105: Air Quality* (DMRB LA 105) and *The Department for Environment, Food and Rural Affairs Local Air Quality Management technical guidance (TG16)* (LAQM).
- 4.11.11. ES Chapter 5 [APP-043] identifies that the Proposed Development would not be located within an AQMA, nor do any of the routes within the affected road network (ARN) lie within an AQMA, with the nearest AQMA being located within Norwich city centre, approximately 9.5km to the west of the Order limits. As such, no AQMAs would be affected by the Proposed Development.
- 4.11.12. According to DMRB LA 105, as construction of the Proposed Development is scheduled to last 22 months, and thus less than two years, it is unlikely that construction activities would constitute a significant air quality effect or impinge on the UK's ability to comply with the Air Quality Directive. As such, emissions arising from construction activities, including associated traffic movements, have not been assessed.

- 4.11.13. However, during construction, study areas of 50m, 50-100m and 100-200m radius of the Order limits were selected to identify receptors sensitive to the effects of dust. This identified only human receptors and the locations are shown on ES Figure 5.9 [APP-055]. ES Chapter 5: Air Quality [APP-043] concludes that, with best practice construction measures in place, the impact of construction dust would be highly unlikely to trigger a significant air quality effect and thus no significant effects on sensitive receptors have been identified in this regard.
- 4.11.14. AQ1 of the REAC within the EMP [REP9-007] specifies that construction works would be carried out in accordance with best practice (including relevant Construction Industry Research and Information Association (CIRIA) and Institute of Air Quality Management (IAQM) guidance) to minimise emissions and a Construction Noise and Dust Management Plan (CNDMP) would be produced setting out detailed measures to minimise dust. In addition, emissions and dust during construction would be monitored. An EMP (second iteration) is secured under R4 of the dDCO [REP10-002].
- 4.11.15. During operation, sensitive human receptors and designated sites sensitive to nitrogen deposition within 200m of the ARN are included in the air quality assessment. The ARN is shown on ES Figure 5.2 [APP-055] with sensitive human receptors shown on ES Figure 5.3 [APP-055] and designated sites sensitive to nitrogen deposition shown on ES Figure 5.4 [APP-055] (including Breydon Water Special Protection Area (SPA) and Ramsar, Broadland SPA and Ramsar and The Broads Special Area of Conservation (SAC)). Ecological transects through these designated sites are shown on ES Figure 5.8 [APP-055].
- 4.11.16. As the baseline for PM<sub>10</sub> within the study area (highest annual mean figure of 16.6 µg/m<sup>3</sup>) is well below the threshold of the National Air Quality Objectives (NAQO) (40 µg/m<sup>3</sup>), DMRB LA 105 indicates that this is sufficient to demonstrate no impact on the achievement of NAQO PM<sub>10</sub> thresholds as a result of the Proposed Development. Moreover, it advises that there is no need to model PM<sub>2.5</sub> as the UK currently meets its legal requirements for the achievement of the PM<sub>2.5</sub> NAQO thresholds and modelling of PM<sub>10</sub> can be used to demonstrate that the project does not impact on this. ES Chapter 5: Air Quality [APP-043] thus concludes that if assumed, as worst-case, that all of the predicted PM<sub>10</sub> concentrations were to be PM<sub>2.5</sub> for the baseline at all specified receptors, this would indicate that there would be no exceedances of the PM<sub>2.5</sub> NAQO (25 µg/m<sup>3</sup>).
- 4.11.17. ES Chapter 5 [APP-043] identifies that of the 179 identified sensitive human receptors, 54 would be expected to experience an improvement in air quality with the Proposed Development in operation with 121 expected to experience a deterioration in air quality related to NO<sub>2</sub>. Notwithstanding this, in the locations where a deterioration would be experienced, the predicted air quality concentrations of NO<sub>2</sub> (with a highest annual mean figure of 26.6 µg/m<sup>3</sup>) would remain well below the NAQO annual mean NO<sub>2</sub> concentration threshold (40 µg/m<sup>3</sup>). In accordance with LAQM, only an annual mean concentration figure greater

than 60 µg/m<sup>3</sup> would indicate a possible exceedance of the NAQO one-hour mean concentration threshold of 200 µg/m<sup>3</sup>, so would be unlikely to occur.

- 4.11.18. Of the designated sites sensitive to nitrogen deposition, only the ecological transect through Breydon Water SPA and Ramsar predicted annual mean NO<sub>x</sub> concentration levels greater than the annual mean NO<sub>x</sub> NAQO threshold of 30 µg/m<sup>3</sup>. This included in the baseline (up to 60m from the road), Do-Minimum (up to 30m from the road) and Do-Something (up to 30m from the road) scenarios. The feature of the Breydon Water SPA and Ramsar with the lowest critical load rate and thus the most sensitive to nitrogen deposition, the common turn, was then used as a worst-case to carry out a nitrogen deposition assessment. This assessment concluded that the change in nitrogen deposition resulting from the Proposed Development would be less than 1% of the lowest critical load rate and thus, in accordance with DMRB LA 105, no significant effects would arise to the qualifying feature of the Breydon Water SPA and Ramsar.
- 4.11.19. On the basis of the above, the air quality assessment concludes that the Proposed Development would not give rise to any significant effects in respect of human or ecological receptors.
- 4.11.20. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that as the construction and operational phase traffic data includes traffic associated with other developments, the air quality impact assessment reported within ES Chapter 5 [APP-043] is inherently cumulative.

#### **Issues Arising During the Examination**

- 4.11.21. Public Health England raised no concerns in its RR [RR-010] in respect of air quality and emissions, noting that the application documents indicated that there would be a small or imperceptible deterioration in air quality (NO<sub>2</sub>) at the majority of public health receptors once the Proposed Development was operational, but that concentrations would remain within relevant air quality standards.
- 4.11.22. BDC raised no concerns relating to air quality and emissions in its RR [RR-001] and indicated in its LIR [REP1-066] and signed SoCG with the Applicant [REP9-010] that the Proposed Development would comply with its development plan policies in this regard.
- 4.11.23. Additionally, NCC's RR [RR-002] and LIR [REP1-072] raised no substantive concerns regarding air quality and emissions, though they suggested that air quality monitoring continue beyond construction and during operation and consideration be given to the possible impacts on agricultural and allotment lands through increased NO<sub>x</sub> and associated ozone generation. The unsigned SoCG between NCC and the Applicant [REP9-011] indicated that discussions around these matters were still ongoing between the parties at the close of the Examination.
- 4.11.24. Nonetheless, I have not been presented with any compelling reasons to demonstrate the necessity for ongoing air quality monitoring beyond the

construction period or to indicate that the Proposed Development would be unacceptable without this. As such, this matter does not, in my view, weigh significantly against the Proposed Development. In respect of the effects of NO<sub>x</sub> and associated ozone on agricultural and allotment land, the Applicant responded to NCC and to my written questions [PD-006] on the matter, stating that, as per the guidance of DMRB LA 105, it is only necessary to assess nitrogen sensitivity in relation to relevant designated sites. I have no substantive reasons to take a different view and I am content with this response.

- 4.11.25. During ISH2 [EV-023 to EV-029], IP Tim Knights raised a concern relating to dust, given that his property is located in close proximity to the Proposed Development. The Applicant highlighted that the EMP and R4 of the dDCO make provision for a CNDMP to minimise and mitigate any effects of dust. In addition, the Applicant highlighted that BDC's Environmental Health team would deal with any complaints of dust, should the need arise. BDC orally confirmed the adequacy of mitigation and Tim Knights indicated satisfaction with the Applicant's response. I too am content that dust management and control would be secured through the dDCO [REP10-002], as would the monitoring of dust throughout the construction period.
- 4.11.26. IPs Dr Andrew Boswell of CEPP [RR-012] and Bernard Barry Trawford [RR-053] made reference to air quality in their RRs, as did Andrew M Cawdron in submission [REP8-016]. However, these IPs did not materially expand on the matter and as such presented little evidence to lead me to any different conclusions to those of the Applicant. Matters raised by Dr Andrew Boswell of CEPP relating to greenhouse gas emissions and climate change [RR-012, REP1-074, REP2-018, REP4-057, REP5-019 to REP5-022, REP6-008, REP9-022 and REP9-023] are dealt with in section 4.12 of this Report.
- 4.11.27. I asked a number of written questions [PD-006] in respect of air quality and emissions and addressed matters relating to this during ISH2. I was satisfied with all responses and, as I requested [PD-004], the Applicant updated the EMP at Annex B.5 [AS-009] to provide a greater degree of information in relation to what would be included within the CNDMP.

### **Conclusion**

- 4.11.28. I consider that the ES has adequately considered air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the Proposed Development, and that the Proposed Development is unlikely to lead to a breach of the air quality thresholds set out in legislation. I also agree with the Applicant's assessment that the Proposed Development would not affect the UK's ability to comply with the Air Quality Directive. In addition, I am satisfied that no significant air quality effects would result during construction and operation of the Proposed Development and that the relevant policies of the NNNPS are satisfied. Furthermore, appropriate mitigation and control measures would be contained within the REAC within the EMP [REP9-007] and secured through R4 of the recommended DCO (rDCO).



- 4.11.29. Taking all these matters into consideration, I conclude that air quality matters are a neutral consideration in the planning balance.

## **4.12. BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT**

### **Introduction**

- 4.12.1. This section considers the effects of the Proposed Development in relation to biodiversity, ecology and the natural environment.

### **Policy Background**

- 4.12.2. NNNPS paragraphs 5.20 to 5.38 detail the basis for the Examination by the ExA and decisions by the SoS relating to biodiversity and ecological conservation.
- 4.12.3. NNNPS paragraph 5.22 states that: "Where the project is subject to EIA the applicant should ensure that the ES clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems."
- 4.12.4. NNNPS paragraph 5.25 states that: "Development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided or mitigated, as last resort, appropriate compensation should be sought." Paragraph 5.35 goes on to advise that the SoS should refuse consents where harm would occur "unless the benefits of the developments (including need) clearly outweigh that harm".
- 4.12.5. NNNPS paragraph 5.33 states that: "Development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, the SoS should consider whether the applicant has maximised such opportunities in and around developments."

### **The Applicant's Approach**

- 4.12.6. ES Chapter 8: Biodiversity [REP4-021] assesses the effect of the Proposed Development on biodiversity, ecology and the natural environment during construction and operation. It is accompanied by several appendices, including in respect of legislation and policy [APP-086], methodology [APP-087] and a variety of species surveys and reports [APP-088 to APP-098].
- 4.12.7. The assessment has been undertaken in accordance with the guidance of *Design Manual for Roads and Bridges LA 108: Biodiversity* (DMRB LA 108); *Design Manual for Roads and Bridges LD 118: Biodiversity design*

(DMRB LD 118); and the Chartered Institute of Ecology and Environmental Management *Guidelines for Ecological Impact Assessment 2018*.

- 4.12.8. ES Chapter 8 [REP4-021] notes that the study areas selected differ depending on the biodiversity receptor being considered. Relevant study areas associated with different biodiversity receptors are set out in ES Chapter 8 [REP4-021] Table 8-1. Each receptor identified is afforded a level of importance of negligible, local, county, regional, national or international. This is shown in ES Chapter 8 [REP4-021] Table 8-5. A number of biodiversity receptors have not been taken forward in the assessment as they are considered unlikely to be impacted by the Proposed Development (listed in section 8.8.2 of ES Chapter 8 [REP4-021]). These include internationally designated sites (considered separately in the HRA Report [REP4-038] and Chapter 5 of this Report), nationally designated sites, locally designated sites and a number of habitat types and species. In addition, biodiversity receptors of negligible importance are also not taken forward in the assessment.
- 4.12.9. Activities during construction (temporary and / or permanent) which have the potential to give rise to significant effects on biodiversity are identified as:
- Site clearance and land-take of habitats, and barrier effects upon habitats;
  - Physical damage to vegetation;
  - Loss of foraging and breeding areas due to fragmentation and severance of habitats;
  - Pollution of habitats from increased surface water runoff and accidental chemical and pollutant spillage;
  - Increased atmospheric, noise and light pollution;
  - Direct mortality of local fauna due to site plant collisions; and
  - Spread of invasive non-native species (INNS) and diseases.
- 4.12.10. Activities during operation (permanent) which have the potential to give rise to significant effects on biodiversity are identified as:
- Vegetation clearance for maintenance of roads, verges and associated infrastructure;
  - Tree maintenance associated with road safety;
  - Air quality and noise impacts due to increase in use of the road by vehicles;
  - Barrier effect caused by an increase in road width;
  - Disturbance of breeding species (such as birds and reptiles) and their resting places due to light spill;
  - Mortality of local flora and fauna due to pollution events and spills; and
  - Direct mortality of species due to road traffic collisions.
- 4.12.11. Prior to mitigation, ES Chapter 8 [REP4-021] Table 8-6 identifies likely significant adverse effects on a number of biodiversity receptors during construction, including: LCW; bats; species rich hedgerows; standing water; breeding birds (including barn owl); grassland; wintering birds;

hedgehog; common toad; brown hare; terrestrial invertebrates; great crested newts (GCN); and all biodiversity resources from the transfer of disease and introduction of INNS.

- 4.12.12. Prior to mitigation, ES Chapter 8 [REP4-021] Table 8-6 identifies likely significant adverse effects on a number of biodiversity receptors during operation, including: LCW; bats; species rich and species poor hedgerows; standing water; grassland; scattered trees; and terrestrial invertebrates.
- 4.12.13. ES Chapter 8 [REP4-021] Table 8-7 identifies specific mitigation measures to reduce adverse impacts on biodiversity receptors during construction and operation.
- 4.12.14. During construction, such measures would include: retention and protection of vegetation where feasible; timings of vegetation removal (and under supervision of an Ecological Clerk of Works where necessary); new tree, woodland and hedgerow planting; a new pond; translocation of important hedgerows; new habitat creation; pollution control and water management; noise barriers; planting of extra heavy standard trees in appropriate locations for use as bat hops; bird and bat boxes; sensitive lighting; a biosecurity management plan; an INNS management plan; and securing protected species licences where necessary.
- 4.12.15. During operation, such measures would include: pollution control and water management; the use of bat hops to encourage bats to cross the road above collision risk height; monitoring of bat hops; sensitive lighting; noise barriers; wildlife fencing; maintenance of verges to prevent fauna foraging close to the road; and the on-going management and maintenance of new planting and habitats to assist with its long-term viability.
- 4.12.16. The assessment concludes that, after mitigation, with one exception, no significant residual effects would arise in respect of biodiversity receptors as a result of the Proposed Development. The exception relates to bats, including barbastelle bats. The assessment concludes that for this species, a moderate adverse significance of effect, and thus in EIA terms a significant one, would remain. This would be due to the potential for increased mortality through traffic collisions given the additional lanes of traffic proposed, and is determined on a precautionary basis, given uncertainties around the effectiveness of the bat hops.
- 4.12.17. ES Chapter 8 Table 8-8 [REP4-021] identifies where there would be a net gain and net loss of specific habitat types.
- 4.12.18. Mitigation measures, including the production of a Landscape and Ecology Management Plan (LEMP), are specified within the REAC within the EMP [REP9-007]. An EMP (second iteration) is secured under R4 of the dDCO [REP10-002]. R5 of the dDCO secures a landscape scheme reflecting the mitigation measures of the REAC within the EMP and the Masterplan [REP7-011]. R7 of the dDCO relates to preconstruction protected species surveys. R8 of the dDCO relates to surface water

drainage, including means of pollution control, whilst R12 secures the delivery of a new pond.

- 4.12.19. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that there would be no residual cumulative effects during the construction and operational phases of the Proposed Development beyond that of the effects identified in ES Chapter 8 [REP4-021].

### **Issues Arising During the Examination**

- 4.12.20. Some general concerns around ecology were raised by IPs Andrew M Cawdron [RR-052 and REP8-016] and Eleanor Laming [RR-049]. However, the concerns were not materially expanded upon and did not lead me to any different conclusions to those of the Applicant. IP Stop Wensum Link [RR-014] made reference to the need to consider European sites and protected species. European sites have been considered in Chapter 5 of this Report and protected species are considered below.
- 4.12.21. NCC raised a concern [RR-002 and REP1-072] in respect of the adequacy of protected species surveys on the basis that some of these, particularly in respect of GCN, were not fully completed due to COVID-19 restrictions. I sought to address this through my written questions [PD-006 and PD-011] and at ISH2 [EV-023 to EV-029] and ISH4 [EV-039 and EV-044 to EV-047].
- 4.12.22. The Applicant set out [REP4-051] that the survey window for GCN was April to June and restrictions were in place during these months in 2020 and 2021. As such, full surveys could not be completed for this species during the course of the Examination. Nonetheless, it is the Applicant's view that the data from surveys which were undertaken, which considered a spread of ponds across the Order land and which found no evidence of GCN, provided a sufficiently robust baseline for the ecology assessment. In addition, the Applicant confirmed that further GCN surveys would be carried out between March and June 2022, around 6 months prior to the intended start of construction works, and that this would provide sufficient time to secure a protected species licence from NE should the presence of GCN be confirmed. I sought the views of NCC and NE on the Applicant's approach and both confirmed its acceptability under the circumstances [REP4-061 and REP6-015]. I have no substantive reasons to take an alternative view and note that R7 of the dDCO [REP10-002] makes provision for protected species surveys prior to the commencement of works and the securing of any relevant licences.
- 4.12.23. ES Chapter 8 Table 8-8 [REP4-021] identifies net gain or loss of habitat types associated with the Proposed Development. I asked the Applicant to clarify whether there would be an overall biodiversity net gain and to what extent [PD-006]. The Applicant responded [REP1-061] stating that there would be a net change of greater than 40% using the Department of Environment, Food and Rural Affairs (DEFRA) Metric 2.0, which was the relevant metric in use at the time. I sought clarification that the change was an increase and evidence of the Applicant's calculations. The Applicant clarified [REP4-051] that there would be a greater than 40%

biodiversity net gain and provided evidence of its calculations in support of this (Annex B of [REP4-051]). I have no reason to dispute these calculations and no other parties commented on them.

- 4.12.24. I asked the Applicant [PD-006] whether all potential options been explored to mitigate the moderate adverse and thus significant effect on bats. I was satisfied with the Applicant's response [REP1-061], though sought some further clarification at ISH2 [EV-023 to EV-029] on the potential effectiveness of the proposed bat hops and the timeframe for results of a National Highways pilot scheme, which had been agreed with NE, to use raised netting to encourage a higher flight path for bats to cross roads. The Applicant responded [REP4-051] stating that the pilot scheme was ongoing and was unlikely to be completed before the close of the Examination and that the effectiveness of the bat hops was uncertain as such mitigation had not been monitored on other schemes.
- 4.12.25. NCC raised a concern in its RR [RR-002] and LIR [REP1-072] relating to the extent of the study area, or Core Sustenance Zone, for barbastelle bats in general. The Applicant responded to the RR [REP1-060] and LIR [REP3-023] and the matter was not raised again by NCC during the course of the Examination. I have considered the Applicant's responses and find them acceptable. I also note that the draft SoCG between NCC and the Applicant [REP9-011], albeit unsigned, indicates that the matter has been agreed. This was also the case in a previous version submitted into the Examination [REP7-015] which NCC had an opportunity to comment on.
- 4.12.26. I am also satisfied, as is NE [REP1-071], that any barbastelle bats recorded in the area are unlikely to emanate from Paston Great Barn SAC, where this species is a qualifying feature. This is given its location some 24.5km away from the Order limits and also given that there are other known barbastelle roots in closer proximity. Paston Great Barn SAC is discussed further in Chapter 5 of this Report.
- 4.12.27. In response to my written questions [PD-006], NE requested [REP1-071] the Applicant further justify, in tabular form, its reasons for not carrying forward / scoping out certain biodiversity resources from the assessment. The Applicant provided this at DL4 [REP4-053] and NE confirmed its agreement with this at DL6 [REP6-015].
- 4.12.28. In its response [REP4-051] to my questions at ISH2, the Applicant updated the Consents and Positions Statement [REP4-011] to reflect the potential need for a bat licence from NE should it be required. This is due to the potential for the loss of a tree with a day roost located some 10m from a proposed soakaway, albeit that the Applicant would first seek to retain the tree and avoid disturbance, carrying out relevant works under the supervision of a licenced bat worker.
- 4.12.29. On the basis that the Proposed Development would include numerous landscape and ecological works to mitigate / reduce adverse effects, I requested [PD-004 and PD-006] that the Applicant submit an outline LEMP (oLEMP) to provide a greater degree of confidence at the

Examination stage that such features would function effectively in the long term. This matter was also discussed at ISH2 [EV-023 to EV-029] and ISH4 [EV-039 and EV-044 to EV-047]. The Applicant provided an oLEMP at Appendix B.7 of the EMP [REP9-007] which I am satisfied provides an appropriate framework and suitable objectives on which to develop a more detailed LEMP, as required by the REAC within the EMP and R4 of the dDCO [REP10-002].

### **Conclusion**

- 4.12.30. I am satisfied that the Proposed Development would not give rise to any significant residual effects on statutory or non-statutory wildlife sites, protected species (with the exception of bats) and habitats and other species of notable importance for the conservation of biodiversity. This would be achieved using a variety of mitigation measures.
- 4.12.31. Mitigation measures, including the production of a LEMP are specified within the REAC which forms part of the EMP [REP9-007]. An EMP (second iteration) is secured under R4 of the rDCO [REP10-002]. R5 secures a landscape scheme reflecting the mitigation measures of the REAC within the EMP and the Masterplan [REP7-011]. R7 relates to preconstruction protected species surveys. R8 relates to surface water drainage, including means of pollution control, whilst R12 secures the delivery of a new pond.
- 4.12.32. The Proposed Development would result in a biodiversity net gain of greater than 40%. This weighs in favour of the Proposed Development, albeit that biodiversity net gain is not currently a legal requirement for NSIPs.
- 4.12.33. In respect of bats, a moderate adverse effect, and thus a significant one, would remain due to the potential for increased mortality through traffic collisions given the additional lanes of traffic proposed and uncertainties around the effectiveness of proposed bat hops. This adverse effect weighs against the Proposed Development.
- 4.12.34. Accordingly, in line with NNNPS paragraph 5.35, it is necessary to consider whether the benefits of the Proposed Development (including need) clearly outweigh this harm. I consider this in Chapter 6 of this Report.

## **4.13. CLIMATE CHANGE**

### **Introduction**

- 4.13.1. This section considers the effects of the Proposed Development in relation to climate change, including any potential effects in relation to climate change targets and climate change adaption.

### **Policy Background**

- 4.13.2. NNNPS paragraph 3.8 recognises that transport will play an important part in meeting the Government's legally binding carbon targets and other environmental targets. It states that the shift to ultralow emission

vehicles among other greener technologies and fuels is seen as having a significant role to play in reducing emissions.

- 4.13.3. NNNPS paragraph 3.8 goes on to state that the impact of road development on aggregate levels of emissions is likely to be very small and needs to be seen in the context of significant projected reductions in carbon emissions and improvements in air quality. It notes that the annual carbon dioxide impacts from the delivery of proposed improvements to the strategic road network would be below 0.1% of average annual carbon emissions allowed in the fourth carbon budget. This, it states, would be outweighed by additional support for the ultralow emission vehicles also identified as overall policy.
- 4.13.4. NNNPS paragraph 5.16 refers to the Government's legal requirement to cut greenhouse gas emissions by least 80% by 2050 (the NNNPS predates the latest target discussed below). Paragraph 5.17 identifies that it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets. Paragraph 5.18 makes clear that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from a proposed scheme are so significant that it would have a material impact on the ability of the Government to meet its carbon reduction targets.
- 4.13.5. NNNPS paragraphs 4.36 to 4.47 addresses climate change adaptation noting that adaptation is necessary to deal with the potential impacts of change that are already happening. Through location, design, build and operation, new development is expected to avoid increased vulnerability to the range of impacts from climate change recognising that national networks infrastructure will need to remain operational over many decades. In preparing an ES the Applicant should take account of the latest UK Climate Projections.

### **The Applicant's Approach**

- 4.13.6. ES Chapter 14: Climate [REP2-002] assesses the effects of the Proposed Development on climate change and its vulnerability to climate change. The chapter is supported by ES Appendix 14.1: Carbon Assessment Report [APP-112]. The assessment has been undertaken in accordance with the guidance of *Design Manual for Roads and Bridges LA 114: Climate* (DMRB LA 114).

#### *Climate change emissions*

- 4.13.7. The assessment of the effects of the Proposed Development on climate change has included the following:
- An estimation of the carbon emissions associated with construction of the Proposed Development using the Highways England Carbon Tool v2.3;

- An estimation of the carbon emissions associated with the operational energy, principally lighting, of the Proposed Development using the Highways England Carbon Tool v2.3;
- An estimation of the end user (vehicle) carbon emissions associated with the Proposed Development;
- A comparison between estimated carbon emissions arising from the Proposed Development and the fourth, fifth and sixth UK carbon budgets; and
- Opportunities for mitigation in the design of the Proposed Development.

- 4.13.8. The study area for the construction phase comprises the physical infrastructure assets associated with the Proposed Development. The study area for the operational phase includes operational energy requirements and the ARN.
- 4.13.9. ES Chapter 14 [REP2-002] identifies that embodied carbon emissions from construction materials would be the main contributor to climate change during the construction period (22 months), with additional emissions arising from the direct use of plant and transport of materials. The Carbon Assessment Report [APP-112] concludes that 25,765 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) would be produced during construction. During operation (60 year appraisal period to 2085), there would be an increase of 132,017 tCO<sub>2</sub>e. This takes into account a comparison of the 'do minimum' (DM) and 'do something' (DS) scenarios for vehicle emissions.
- 4.13.10. As construction is not planned to start before winter 2022, the third carbon budget (2018-2022) is not considered as the initial months of work are unlikely to have a material impact. All construction emissions have thus been assessed against the fourth budget (2023-2027) as a worst-case scenario. ES Chapter 14 [REP2-002] (which was updated to address the Government's adoption of the sixth carbon budget in June 2021) concludes that the increase in carbon emissions resulting from the Proposed Development would represent approximately 0.001% of the fourth, fifth (2028-2032) and sixth (2033-2037) carbon budgets. This is set out in Tables 14-9 and 14-10. ES Chapter 14 [REP2-002] concludes that, on this basis, the Proposed Development would not have a material impact on the ability of the UK Government to meet its carbon budgets, and is not anticipated to give rise to a significant effect.
- 4.13.11. The Applicant notes that 39% of the emissions created by the Proposed Development would arise over the published carbon budgets period (to 2037). Thus, the remaining 61% of emissions have no carbon budget for comparison and an assessment of materiality against UK carbon budgets for the complete appraisal period (to 2085) is not possible.
- 4.13.12. The Applicant highlights that the Government's decision to end the sale of new petrol and diesel vehicles by 2030 would reduce end user carbon emissions associated with the Proposed Development. The Applicant also highlights that opportunities for carbon reduction in accordance with PAS



2080<sup>5</sup> have been considered and have resulted in material savings for elements of the Proposed Development and that efficiencies would continue to be made as it progresses to detailed design. C1 and C2 of the REAC within the EMP [REP9-007] relate to minimising and monitoring of carbon emissions during construction. An EMP (second iteration) is secured under R4 of the dDCO [REP10-002].

- 4.13.13. ES Chapter 15: Cumulative Effects Assessment [APP-053] states that as construction and operational phase traffic data includes traffic associated with other developments, the carbon emissions assessment of ES Chapter 14 [REP2-002] is inherently cumulative and is not included in ES Chapter 15 to avoid double counting.

#### *Vulnerability to climate change*

- 4.13.14. The vulnerability assessment considers climate change effects during operation on assets of the Proposed Development, such as pavements, drainage and geotechnical receptors. This is summarised in ES Chapter 14 Table 14-11 [REP2-002]. The most recent UK climate projections (UKCP18) have been used in the assessment.
- 4.13.15. ES Chapter 14 [REP2-002] states that particular attention has been paid to the vulnerability of drainage systems. However, the proposed drainage design includes a 20% climate change allowance to allow for changes in peak rainfall intensity and the sensitivity of the design has been checked with a 40% increase in peak rainfall intensity due to climate change, in line with the EA's upper estimates for the 2080s. Further detail on drainage is included in ES Chapter 13: Road Drainage and the Water Environment [REP1-032], which identifies no significant effects.
- 4.13.16. ES Chapter 14 [REP2-002] concludes that the Proposed Development has been deemed resilient to climate change and thus no significant effects are predicted in this regard. C3 of the REAC within the EMP [REP9-007] makes provision for a review of the Proposed Development's vulnerability to climate change as and when updated UK climate projections become available.

### **Issues Arising During the Examination**

#### *Climate change emissions*

- 4.13.17. A number of IPs raised general concerns around the effects of the Proposed Development on climate change / carbon emissions but did not materially elaborate or provide any detailed evidence on the matter. These IPs included Stop Wensum Link [RR-014], Eleanor Laming [RR-049 and REP7-027], Andrew M Cawdron [RR-052 and REP8-016], Richard Hawker [RR-059] and Hanne Lene Schierff [RR-065]. In addition, I accepted an Additional Submission from Transport Action Network [AS-

---

<sup>5</sup> PAS 2080:2016 Carbon Management in Infrastructure, BSI, 2016

015] (who were not registered as an IP), which also raised general concerns around climate change.

4.13.18. Submissions from Dr Andrew Boswell of CEPP, who also attended ISH2 [EV-023 to EV-029] where climate change matters were discussed, were considerably more detailed on the issue of climate change [RR-012, AS-023, AS-024, AS-030, REP1-074, REP2-018, REP4-057, REP5-019 to REP5-022, REP6-008 and REP9-022 to REP9-023]. From my understanding of Dr Andrew Boswell of CEPP's written and oral submissions, the primary concerns relate to:

- An inadequate assessment of cumulative climate change effects / carbon emissions, having regard to the requirements of the NNNPS, the EIA Regulations and the guidance of DMRB;
- The lack of an assessment of carbon emissions on a local and regional scale, having regard to the EIA Regulations guidance<sup>6</sup>;
- The lack of an assessment of climate change effects / carbon emissions beyond the published carbon budget periods;
- The inadequate use of the ARN as a study area; and
- Lack of information and data in respect of traffic models.

4.13.19. I asked a number of questions on climate change [PD-006] (including cumulative effects), requested further information [PD-007 and PD-015] and addressed the matter at ISH2 and ISH4.

4.13.20. With regard to a local and regional assessment of carbon emissions, the EIA Regulations guidance cited by Dr Andrew Boswell of CEPP (provided at Appendix G of [REP4-057]), advises that an assessment should take relevant greenhouse gas reduction targets at the national, regional, and local levels into account, where available. I note the IEMA guidance<sup>7</sup> provided by Dr Andrew Boswell of CEPP [REP9-022] suggests similar, at Section 6.2 and Box 4, in respect of carbon budgets. However, it is my understanding that there are no carbon budgets adopted at the local and regional levels against which such assessments can be made. Moreover, the EIA Regulations guidance indicates that it is for use by EU Member States, which no longer includes the UK. Furthermore, this is a guidance document in any event, whereas the EIA Regulations and the NNNPS which set the framework for carbon emissions assessments and EIA processes are UK statute and policy respectively and do not specify a requirement for local and regional carbon assessments.

4.13.21. I note that NCC's Environment Policy 2019 sets out that it will work towards carbon neutrality by 2030. Nonetheless, I have no substantive reasons to conclude that the Proposed Development, at which time would be operational, would have a material impact on this objective. NCC also indicated at ISH4 [EV-039 and EV-044 to EV-047] that work had not yet started on how carbon neutrality would be achieved and was not aware

---

<sup>6</sup> Environmental Impact Assessment of Projects – Guidance on the preparation of the Environmental Impact Assessment Report, European Commission, 2017

<sup>7</sup> Assessing Greenhouse Gas Emissions and Evaluating their Significance, Institute of Environmental Management and Assessment, 2017

of any detailed carbon reduction targets to make any kind of assessment against at the regional level. BDC confirmed the same in respect of at the local level.

- 4.13.22. Dr Andrew Boswell of CEPP put forward the use of the authority areas of Broadland, Breckland, South Norfolk and Norwich (BBSNN) as a study area to assess individual and cumulative effects of carbon emissions. The BBSNN and data referred to by Dr Andrew Boswell of CEPP (including suggested carbon budgets) is derived from the Tyndall Centre. Dr Andrew Boswell of CEPP's calculations [REP4-057] indicate that carbon emission associated with the Proposed Development, individually and cumulatively, would comprise a much higher percentage of the BBSNN carbon budget than when considered against the national carbon budgets. Nevertheless, whilst this may be the case, the BBSNN carbon budgets are not adopted and the NNNPS sets out a requirement to consider national carbon budgets only, which the Applicant has done.
- 4.13.23. I am satisfied that carbon emissions specifically associated with the Proposed Development, at around 0.001% of the fourth, fifth and sixth national carbon budgets, would be unlikely to have a material impact on the ability of the UK Government to meet these carbon budgets or to meet the nationally determined contribution under the Paris Agreement (reduction of economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels). Accordingly, the Proposed Development is not anticipated to give rise to any significant effects in this regard.
- 4.13.24. I also accept that given there are no published national carbon budgets beyond 2037, the Applicant cannot make an assessment in this regard for 61% of the Proposed Development's carbon emissions. However, at ISH2, the Applicant suggested that noting 97% of emissions during the period of unpublished carbon budgets would come from tail-end emissions, and having regard to DfT's Transport Decarbonisation Plan and National Highway's net zero highways plan, there is no basis on which to conclude that the Proposed Development, which would not have a material effect on the Government's ability to meet its published carbon budgets, would have a material effect on the ability to meet its future carbon budgets or the Government's carbon reduction 'net zero' target for 2050 as required by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CCA2008 Amendment Order), which came about in response to the Paris Agreement 2015 [REP4-051]. I have no compelling reasons to take a different view on this matter.
- 4.13.25. I asked the Applicant whether it was appropriate to include other major road schemes in the baseline and how, given the change in carbon emissions reported would primarily be as a result of the Proposed Development (DS-DM), this represented a cumulative assessment. On the matter of a cumulative carbon emission / climate change assessment, the Applicant maintained that a cumulative assessment of different projects (together with the Proposed Development) is inherent within the climate assessment methodology, given:

- The inclusion of the Proposed Development and other locally committed development (including the A47 North Tuddenham to Easton NSIP scheme, the A47 / A11 Thickthorn Junction NSIP scheme and the Norwich Western Link) within the traffic model so as to understand the effects of the Proposed Development along with other committed developments in the ARN; and
- Consideration of the Proposed Development against the UK carbon budgets, which are inherently cumulative as they consider and report on the carbon contributions across all sectors.

- 4.13.26. I have no substantive reasons to doubt the reliability of the Applicant's traffic model, the details of which can be found in the TA [REP1-044]. However, I asked the Applicant why, whilst embedded carbon emissions had been taken into account for the Proposed Development, this was not the case for the other committed developments considered, including the major road schemes identified. I also asked the Applicant at ISH2 (Action Point 12 of [EV-036a]) whether a cumulative effects assessment should take into account other proposed major road schemes, such as all those identified within RIS2.
- 4.13.27. The Applicant indicated that whilst such exercises could be carried out, it was not necessary for it to do so. This was primarily given that the Applicant considers its carbon emissions / climate change assessment complies with the NNNPS, EIA Regulations and relevant DMRB guidance. Further justification on this is provided by the Applicant at Appendix A of submission [REP7-025].
- 4.13.28. Furthermore, the Applicant highlighted (Annex B of [REP4-051]) that the judge, in a recent High Court Judgment<sup>8</sup> relating to a challenge against RIS2, had concluded that he saw "... no reason to question the judgment reached by DfT that the various measures of carbon emissions from RIS2 were legally insignificant, or *de minimis*, when related to appropriate comparators for assessing the effect on climate change objectives." and that accordingly, as one scheme within an overall programme that is *de minimis* in terms of its impact upon carbon reduction commitments, the Proposed Development itself can have no greater than a *de minimis* impact on the UK's carbon reduction commitments.
- 4.13.29. The RIS2 High Court Judgment came after the quashing of the A38 Derby Junctions DCO by the High Court on 8 July 2021. This DCO application is to be re-determined by the SoS following further consultation. At the end of this Examination, a decision had not yet been reached on the A38 Derby Junctions DCO. The quashing of the A38 Derby Junctions DCO was addressed by the Applicant at ISH2 (with a written response at Annex B of [REP4-051]). The Applicant did not seek to make any changes to its climate assessment for the Proposed Development because of it.
- 4.13.30. The RIS2 judgment does appear to indicate that the Proposed Development, along with all other schemes associated with RIS2, would

---

<sup>8</sup> R (Transport Action Network Ltd) v The Secretary of State for Transport and Highways England Company Limited [2021] EWHC 2095 (Admin)

be unlikely to give rise to significant climate effects. Nonetheless, given the quashing of the A38 Derby Junctions DCO, the SoS may wish to consider further the adequacy of the Applicant's consideration of cumulative carbon emissions / climate change effects for the purposes of the NNNPS and EIA Regulations.

#### *Vulnerability to climate change*

- 4.13.31. Dr Andrew Boswell of CEPP raised a concern in respect of the Applicant's assessment relating to the vulnerability of the Proposed Development to climate change [REP5-019], particularly relating to cumulative effects. Nonetheless, I am satisfied that the Applicant has adequately demonstrated that the Proposed Development would be resilient to climate change effects and has had regard to the most recent UK climate projections (UKCP18) as part of the assessment. Furthermore, the Applicant has made provision in the REAC within the EMP [REP9-007] to review matters relating to vulnerability to climate change should UK climate projections be updated.

### **Conclusion**

#### *Climate change emissions*

- 4.13.32. NNNPS paragraph 5.17 identifies that it is very unlikely that the impact of an individual road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. Furthermore, NNNPS paragraph 5.18 makes clear that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from a proposed scheme are so significant that it would have a material impact on the ability of the Government to meet its carbon reduction targets.
- 4.13.33. I am satisfied that estimated carbon emissions associated with the Proposed Development, at around 0.001% of the fourth, fifth and sixth national carbon budgets, would be unlikely to have a material impact on the ability of the UK Government to meet these carbon budgets or to meet the nationally determined contribution under the Paris Agreement 2015 (reduction of economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels). Accordingly, the Proposed Development is not anticipated to give rise to any significant effects in this regard.
- 4.13.34. Given there are no published national carbon budgets beyond 2037, an assessment in this regard for 61% of the Proposed Development's operational carbon emissions is not possible. Nonetheless, 97% of emissions during the period of unpublished carbon budgets would be likely to come from tail-end emissions. Having regard to this and to DfT's Transport Decarbonisation Plan and National Highway's net zero highways plan, I would concur with the Applicant that it is unlikely that the Proposed Development of itself would have a material effect on the ability to meet the Government's future carbon budgets or its carbon reduction 'net zero' target for 2050 in accordance with the CCA2008 Amendment Order and Paris Agreement 2015.

- 4.13.35. The recent RIS2 High Court Judgment appears to indicate that the Proposed Development, together with all other schemes associated with the Government's RIS2, would be unlikely to give rise to significant climate effects. Nonetheless, given the quashing of the A38 Derby Junctions DCO by the High Court and that the Applicant's carbon assessment appears to predominantly include changes in carbon emissions arising from just the Proposed Development (notwithstanding some other planned major road schemes are included within the ARN and baseline), the SoS may wish to consider the adequacy of the Applicant's consideration of cumulative carbon emissions / climate change effects for the purposes of the NNNPS and EIA Regulations.

*Vulnerability to climate change*

- 4.13.36. I am satisfied that the Proposed Development would be resilient to climate change over its lifetime. Through the REAC within the EMP [REP9-007], the rDCO would secure the minimisation and monitoring of carbon emissions during the construction of the Proposed Development and would secure a review of its vulnerability to climate change should UK climate projections be updated. The Proposed Development would thus comply with the NNNPS in respect of climate change resilience.

## **4.14. CULTURAL HERITAGE**

### **Introduction**

- 4.14.1. This section considers the effects of the Proposed Development in relation to the historic environment, including both designated and non-designated heritage assets.

### **Policy Background**

- 4.14.2. NNNPS paragraph 5.120 recognises that "The construction and operation of national networks infrastructure has the potential to result in adverse impacts on the historic environment." Paragraph 5.127 sets out that "The applicant should describe the significance of any heritage assets affected, including any contribution made by their setting." Paragraph 5.125 states that "Consideration should also be given to impacts upon other non-designated heritage assets, even though those assets are of lesser value than designated heritage assets". Paragraph 5.127 requires that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation."
- 4.14.3. NNNPS paragraph 5.130 sets out that "In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal." NNNPS paragraph 5.131 states that "When considering the impact of a proposed development on the significance of a designated heritage asset,

the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be.", and that "...harm or loss affecting any designated heritage asset should require clear and convincing justification."

- 4.14.4. NNNPS paragraph 5.134 states that where less than substantial harm would result for the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

#### **The Applicant's Approach**

- 4.14.5. ES Chapter 6: Cultural Heritage [REP4-019] assesses the effect of the Proposed Development on cultural heritage during construction and operation. It is supported by ES Appendix 6.1: Cultural Heritage Information [REP1-034], ES Appendix 6.2: Geophysical and Metal Detector Survey [APP-075] and ES Appendix 6.3: Geophysical Survey [APP-076].
- 4.14.6. The assessment has been undertaken in line with the guidance of *Design Manual for Roads and Bridges LA 106: Cultural Heritage Assessment* (DMRB LA 106).
- 4.14.7. The study area for heritage assets comprises the footprint of the Proposed Development, other areas which may be physically affected and the Zone of Visual Influence. Heritage assets which may potentially be affected by noise were also considered. Designated heritage assets identified within the study area are shown on ES Figure 6.1 [APP-056] whilst non-designated heritage assets are shown on ES Figure 6.2 [APP-056]. Sources for the identification of heritage assets include the National Heritage List for England (NHLE), Norfolk Historic Environmental Record (HER) and fieldwork, geophysical surveys and trial trenching.
- 4.14.8. A total of 142 heritage assets were identified within the study area. These comprised 25 designated heritage assets (GI or GII listed buildings) and 117 non-designated heritage assets (including buildings, archaeological features, findspots, landscapes and structures, such as milestones and guideposts). No world heritage sites, GII\* listed buildings, scheduled monuments, registered parks and gardens, registered battlefields or conservation areas were identified within the study area.
- 4.14.9. Further to a screening exercise (ES Appendix 6.1 Table 5 [REP1-034]), the following designated and non-designated heritage assets were identified which may experience significant effects. These include:
- The Church of St Andrew (North Burlingham) (GI);
  - The Church of St Peter (North Burlingham) (GII);
  - Owls Barn, Blofield (GII);
  - House at Owls Barn, Blofield (GII);
  - Poplar Farm;
  - Oaklands Former Rectory;
  - Old Post Office;

- Beighton House (also known as the White House);
  - North Burlingham Park;
  - a guidepost on Acle Road;
  - a milestone on Yarmouth Road, Blofield;
  - a milestone on Main Road, North Burlingham; and
  - a number of archaeological remains, geophysical anomalies, cropmarks and findspots.
- 4.14.10. As all the heritage assets which are buildings lie outside of the Order limits and would not be affected directly, it is the impact of the Proposed Development on their settings which is considered in the assessment.
- 4.14.11. Potential temporary construction effects have been identified for a number of heritage assets, as follows:
- A slight adverse effect on the Church of St Andrew (GI), Owls Barn (GII), House at Owls Barn (GII), Poplar Farm, Beighton House, Oaklands Former Rectory, the two milestones and North Burlingham Park, primarily due to noise, lighting, plant movement, siting of compounds, siting of haul roads or traffic diversions within their settings.
- 4.14.12. Potential permanent construction effects prior to mitigation have been identified for a number of heritage assets, as follows:
- A slight adverse effect on the Church of St Andrew (GI), the Church of St Peter (GII), Owls Barn (GII), House at Owls Barn (GII), Beighton House and Poplar Farm due to impacts to their settings from the presence of new road structures, which would add urbanizing elements and remove parts of the existing rural landscape;
  - A slight adverse effect on Oaklands Former Rectory due to impacts on its setting from the severance of the historic route between itself and the Church of St Andrew in North Burlingham;
  - A slight adverse effect on North Burlingham Park due to the physical loss of part of its south-eastern corner to accommodate a new junction and the impact this would have on the setting of the remainder of this heritage asset;
  - A moderate adverse effect on the guidepost on Acle Road given the need for this to be removed to accommodate the Proposed Development;
  - A moderate to large adverse effect on identified and potential archaeological remains, given these have been assessed, as a worst-case, as being either removed from or disturbed within the whole of the Order limits; and
  - A slight beneficial effect on the Old Post Office due to an increase in distance from a busy carriageway and the reinstatement of a pedestrian link to Blofield, thus enhancing its setting.
- 4.14.13. Potential operational effects prior to mitigation have been identified for a number of heritage assets, as follows:
- A slight adverse effect on Owls Barn (GII), House at Owls Barn (GII), Old Post Office, Poplar Farm, Oaklands Former Rectory and North



Burlingham Park, largely due to increased traffic noise and lighting exerting an urbanizing influence within their settings.

- 4.14.14. Measures proposed to reduce and mitigate potential adverse effects primarily include the sensitive design of planting of vegetation along the road corridor to soften the effect of the dual carriageway and to provide screening between it and relevant heritage assets. Construction would be carried out using industry best practice to minimise noise and vibration. Milestones would be protected and restored and the guidepost reinstated close to its original location. Additional views towards, and provision of interpretation to increase public awareness of North Burlingham Park would be provided. Archaeological features would be preserved by record where removal or disturbance is necessary and preserved in situ where possible.
- 4.14.15. With these measures, ES Chapter 6 [REP4-019] concludes that predicted residual construction and operational effects on heritage assets would include:

*Construction*

- A slight adverse effect on Poplar Farm, North Burlingham Park, Beighton House, Oaklands Former Rectory and the guidepost on Acle Road due to impacts on their settings, and in respect of North Burlingham Park, an element of physical loss also;
- A slight beneficial effect on North Burlingham Park due to provision of additional views towards and provision of interpretation to increase public awareness of this heritage asset;
- A moderate beneficial effect on the two milestones due to their restoration; and
- A slight beneficial effect on the Old Post Office due to an increase in distance from a busy carriageway and the reinstatement of a pedestrian link to Blofield, enhancing its setting; and
- A neutral effect for all other heritage assets.

*Operation*

- A slight adverse effect on Poplar Farm, North Burlingham Park and Beighton House due to impacts on their settings, and in respect of North Burlingham Park, due to an element of physical loss also;
- A moderate beneficial effect on the Church of St Andrew (GI), primarily due to the location of the proposed A47 route further away and to the south of the existing A47 and new landscape planting, enhancing the setting of this heritage asset;
- A slight beneficial effect on the Church of St Peter (GII), primarily due to the location of the proposed A47 route further away and to the south of the existing A47 and new landscape planting, enhancing the setting of this heritage asset;
- A slight beneficial effect on North Burlingham Park due to additional views towards and provision of interpretation to increase public awareness of this heritage asset;

- A slight beneficial effect on the Old Post Office due to an increase in distance from a busy carriageway and the reinstatement of a pedestrian link to Blofield, enhancing its setting; and
  - A neutral effect for all other heritage assets.
- 4.14.16. Specific measures intended to reduce and mitigate effects on heritage assets are included within CH1 to CH8 of the REAC within the EMP [REP9-007]. Measures relating to noise and vibration are also included in the REAC within the EMP. An EMP (Second iteration) is secured under R4 of the dDCO [REP10-002] and a Written Scheme of Investigation (WSI) is secured under R9 of the dDCO. R5 of the dDCO relates to landscaping.
- 4.14.17. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that there would be no residual cumulative effects during the construction and operational phases of the Proposed Development beyond that of the effects identified in ES Chapter 6 [REP4-019].

### **Issues Arising During the Examination**

- 4.14.18. No significant matters of concern were raised by IPs in RRs and WRs in respect of cultural heritage.
- 4.14.19. Historic England's (HiE) RR [RR-009] acknowledged that the Proposed Development would result in a change to the setting of the Church of St Andrew in North Burlingham (GI listed). I posed a question [PD-006] to HiE for clarification on its views as to what effect this change would have on the setting and significance of the Church of St Andrew. HiE responded [REP1-070] stating that the setting would change due to the introduction of new infrastructure into the wider landscape context of this designated heritage asset but that the Proposed Development would result in the line of the A47 being moved to the south, placing it further away from the Church of St Andrew. HiE took the view that given this increased distance of the A47 from the church, and with additional mitigation planting in place as proposed, the overall effect on this designated heritage asset would be positive.
- 4.14.20. HiE's WR [REP2-015] reaffirmed its view that the Proposed Development would have a positive effect on the setting and significance of the Church of St Andrew. It also set out that HiE agreed with the baseline data of the heritage assessment, the assessment methodology and the list of designated and non-designated heritage assets considered in ES Chapter 6 [REP4-019]. HiE raised no concerns regarding archaeology but requested it be added as a consultee on the WSI secured under R9 of the dDCO. The Applicant updated the dDCO at DL3 [REP3-004] to include HiE as a consultee in this requirement.
- 4.14.21. NCC [RR-002] acknowledged that a significant amount of archaeological investigation work had been undertaken within the Order limits and agreed with the Applicant's mitigation proposals. This was reiterated in its LIR [REP1-072], which also noted the Applicant's conclusions on heritage assets. In response to my written questions, NCC confirmed [REP1-073] it was satisfied with the heritage assets considered in the assessment and the results. I posed a question to the Applicant and NCC

in respect of whether provision should be made within R9 of the dDCO for the publication and archiving of WSI findings. NCC agreed that it should be [REP1-073] and the Applicant made provision for this within the REAC within the EMP.

- 4.14.22. BDC's RR [RR-001] raised no heritage concerns. In response to my written questions, BDC indicated its agreement with the Applicant's heritage assessment [REP1-065]. BDC's LIR [REP1-066] set out that, with regard to heritage, the ES was considered to be comprehensive and reasonable in its assumptions. However, the LIR also appeared to suggest that BDC considered there may be a negligible to slight adverse impact on the Church of St Andrew, the Church of St Peter, Owls Barn and House at Owls Barn listed buildings, with reference to paragraph 6.8.12 of ES Chapter 6 [REP4-019].
- 4.14.23. I sought to address this matter during ISH2, which BDC attended, and I asked a number of questions relating to effects on heritage assets, with particular focus on the four relevant listed buildings. The Applicant clarified at the hearing that paragraph 6.8.12 of ES Chapter 6 [REP4-019] related to the assessment of construction effects before mitigation. During the discussions, BDC accepted that the Proposed Development would have a neutral effect on the significance of the Church of St Peter, Owls Barn and House at Owls Barn listed buildings, but maintained a concern that it would have a negligible adverse effect on the significance of the Church of St Andrew through impacts on its setting, which is wider reaching than the other listed buildings. I queried whether a negligible adverse effect might fall under 'less than substantial harm' in the context of the NNNPS and NPPF. BDC suggested it might do but that in some cases could also be construed as 'no harm'. BDC recognised during the hearing that there would also be some positive effects from moving the road away from the church and the provision of new landscaping. In addition, BDC noted that in its view, the character of the affected southeast corner of North Burlingham Park, which largely comprises an agricultural field, is quite separate from and not recognisable as part of the wider historic parkland associated with this non-designated heritage asset.
- 4.14.24. The Applicant and BDC continued discussions in respect of effects on the Church of St Andrew after the hearing. In the Applicant's written summary of the hearing [REP4-051], it indicated that BDC had accepted that the setting of the church would remain preserved, the overall residual effect on it would be positive, and consequently there would be no harm to its significance. I requested that BDC confirm this view, which it subsequently did [REP5-017]. This was reiterated in its signed SoCG with the Applicant [REP9-010].
- 4.14.25. For my own contentment, I explored further the effects of the Proposed Development on the significance of the Church of St Andrew, the Church of St Peter, Owls Barn and House at Owls Barn listed buildings during ISH4 [EV-044 to EV-048]. The Applicant responded in writing to my questions [REP7-025]. To reach my own view of the effects on these

listed buildings, I considered all the evidence submitted, along with my own observations during my unaccompanied site inspection.

- 4.14.26. The Church of St Peter is disused and in ruins. It is not particularly apparent in views from the wider area. The fields to the south of the existing A47 which would accommodate the Proposed Development contribute little to its setting and to its significance. It is my view that the Proposed Development would thus not have a harmful impact on the setting or significance of the Church of St Peter.
- 4.14.27. Owls Barn and House at Owls Barn are bound to the east and west by modern residential development which stretches east of Blofield, although the fields to the north and south reinforce their rural setting. Views of these listed buildings are best experienced from the road frontage and from a footpath (Blofield BOAT 11) which runs alongside the field to the south. The Proposed Development would occupy the northern edge of the large field to the north of Owls Barn and House at Owls Barn. Given the size of the field and the degree of distance between the Proposed Development and Owls Barn and House at Owls Barn, and taking into account the modern residential development which immediately adjoins them, I would concur that, with additional planting, the setting of these listed building would be preserved and no harm to their significance would arise.
- 4.14.28. The Church of St Andrew is enclosed to the north, east and west by mature woodland, and a paddock to its frontage sets it back from Main Road. These factors, combined with its strong relationship to the settlement of North Burlingham contribute positively to its immediate setting and to its significance. The existing A47 and movement of cars along it are somewhat screened from the church by existing vegetation and dwellings along the opposite side of Main Road, but exert a degree of urban influence into the church's setting. The tower of the church is a noticeable feature in wider views from local roads and the footpath network to the south. The existing A47 and movement of cars feature in some of these views. The fields to the south of the existing A47 contribute to the wider rural setting of the church.
- 4.14.29. The movement of traffic further to the south of the Church of St Andrew and the introduction of additional landscaping would benefit its immediate setting. Although the Proposed Development would occupy fields which contribute to the wider rural setting of the church, these fields comprise only a small part of its wider setting and the Proposed Development would be unlikely to have a material impact on the attainment of views of the church's tower from the wider area. It is therefore my view that the Proposed Development would not have a detrimental impact on the setting of the Church of St Andrew and would not result in harm to its significance. Rather, as concluded by the Applicant, HiE, NCC and BDC, the Proposed Development would give rise to some positive effects in this regard.
- 4.14.30. ES Chapter 6 [REP4-019] was updated during the Examination for the purposes of clarity and consistency following my written questions and

discussions at hearings. I also requested the Applicant provide a figure, in addition to Figures 6.1 and 6.2, to show more clearly, and on a single plan, those designated and non-designated heritage assets discussed in ES Chapter 6 [REP4-019]. This was provided by the Applicant at DL1 [REP1-039].

## **Conclusion**

- 4.14.31. As required by Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, I have had regard to the desirability of preserving listed buildings and / or their settings. I consider that the information provided in the ES and during the Examination is sufficiently comprehensive for me to take account of the significance of the heritage assets considered and to understand the impacts of the Proposed Development on that significance.
- 4.14.32. I am satisfied that there would be no residual harm to the significance of any designated heritage assets, including The Church of St Andrew (GI); The Church of St Peter (GII); Owls Barn (GII) and House at Owls Barn (GII), and that in respect of The Church of St Andrew and The Church of St Peter, there would be a degree of improvement to their settings from the movement of the A47 further away from them.
- 4.14.33. There would be some beneficial residual effects during construction and operation on the significance of a number of non-designated heritage assets. There would also be some residual adverse effects on others, including North Burlingham Park, Poplar Farm, Beighton House, Oaklands Former Rectory and a guidepost. Nonetheless, I am content that effects on non-designated heritage assets would not be significant and do not weigh materially in favour of or against the Proposed Development.
- 4.14.34. Measures to reduce and mitigate potential adverse effects on designated and non-designated heritage assets are adequately identified in the REAC within the EMP and secured through the relevant requirements of the rDCO.
- 4.14.35. In addition, I am satisfied that the potential for the loss of some archaeological remains from the construction of the Proposed Development would be adequately addressed and mitigated through R9 (archaeological remains) of the rDCO, which requires a WSI, reflecting the relevant measures set out in the REAC within the EMP.
- 4.14.36. Accordingly, I take the view that the Proposed Development would accord with the requirements of the NNNPS relating to heritage.

## **4.15. GEOLOGY AND SOILS**

### **Introduction**

- 4.15.1. This section considers the effects of the Proposed Development on geology and soils, including agricultural land.

## **Policy Background**

- 4.15.2. NNNPS paragraph 5.168 sets out that applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC)). It goes on to state that where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed.
- 4.15.3. NNNPS paragraph 5.168 makes reference to soil contamination. It advises that where possible developments should be on previously developed sites provided that it is not of high environmental value. In such circumstances, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.
- 4.15.4. NNNPS paragraph 5.20 identifies that geological conservation relates to sites that are designated for their geology and / or their geomorphological importance. Paragraph 5.22 requires an applicant to set out any likely significant effects on designated sites of geological conservation importance.

## **The Applicant's Approach**

- 4.15.5. ES Chapter 9: Geology and Soils [APP-047] addresses effects on geology and soils, including agricultural land, relating to the construction and operation of the Proposed Development. It is supported by ES Appendix 9.1: Contaminated Land Preliminary Assessment (CLPA) [APP-099]. Effects on mineral resources are addressed in section 4.16 (material assets and waste) of this Report.
- 4.15.6. The assessment in respect of geology and soils has been undertaken in line with *Design Manual for Road and Bridges LA 109: Geology and soils* (DMRB LA 109). It is noted in ES Chapter 9 [APP-047] that the Proposed Development: would not impact on any geological sites as there are none within the study area; would not affect the function or quality of soil as a resource outside of its function for agriculture; would not be likely to disturb historical contamination, as supported by the findings of the CLPA [APP-099]; and would not introduce significant sources of contamination, given the best practice and pollution prevention measures outlined within the EMP [REP9-007], including those relating to accidental spillages, dust management, chemical storage / handling and drainage.
- 4.15.7. The majority of the Proposed Development would occupy undeveloped agricultural land which is currently in commercial use. NE's Provisional ALC map indicates that the agricultural land affected is all Grade 1 and Grade 2, that is, the best and most versatile (BMV). Given that the Provisional ALC map is intended for general guidance, the assessment has assumed a worst-case that all affected agricultural land is Grade 1.

- 4.15.8. During construction, the Proposed Development would result in both permanent and temporary land take of Grade 1 agricultural land. The permanent land take has been assessed as having a significant effect on agricultural land, as it would be greater than 20ha. ES Chapter 9 [APP-047] states that, whilst soils would be re-used where possible, there are no measures that could mitigate the permanent loss of Grade 1 agricultural land for commercial use and thus, it would remain a residual significant effect.
- 4.15.9. The temporary land take has also been assessed as having a significant effect on agricultural land during construction. This would be due to the potential for a reduction in soil function due to degradation, compaction and erosion of the soil resource. However, mitigation measures proposed include the careful stripping and storage of the soil, its eventual reinstatement to its baseline condition for agricultural use and its ongoing monitoring.
- 4.15.10. GS1 and GS3 of the REAC within the EMP [REP9-007] relate to the storage and reinstatement of agricultural soils. GS1 of the REAC also specifies the production of a Soil Management Plan, including a Soil Resource Plan and a Soil Handling Strategy, and the production of a Materials Management Plan (MMP) to identify where soils not intended for agricultural reinstatement can be reused elsewhere. An EMP (second iteration) is secured under R4 of the dDCO [REP10-002]. R6 of the dDCO makes provisions for the remediation of any unknown contaminated land, should it be found at any time when carrying out the Proposed Development and R8 of the dDCO relates to surface water drainage, including means of pollution control.
- 4.15.11. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that there would be no residual cumulative effects during the construction and operational phases of the Proposed Development beyond that of the effects identified in ES Chapter 9 [APP-047].

#### **Issues Arising During the Examination**

- 4.15.12. No significant matters of concern were raised by IPs in RRs and WRs in respect of geology and soils, including agricultural land, albeit the RR from Terry Norton [RR-017] referred to 'the loss of good farmland'.
- 4.15.13. A signed SoCG between the Applicant and the EA [REP9-012] confirmed the EA agreed with the Applicant's view that the Proposed Development would be unlikely to disturb historical contamination. In addition, the EA's RR [RR-008] stated that it was generally satisfied with the approach taken and level of detail provided within the application on the issue of contaminated land. However, the EA requested some amendments to the wording of R6 (ground contaminated land and groundwater) of the dDCO during the course of the Examination to ensure it would be party to a risk assessment and any decision taken on it in the event any unexpected contamination is found during construction works [REP2-013 and REP4-058]. The Applicant subsequently updated the dDCO at DL5 to reflect this [REP5-002] with the EA confirming its contentment with the wording [REP5-024 and REP6-009].

- 4.15.14. ES Chapter 9 [APP-047] states that an ALC survey would be carried out prior to construction. This is necessary to confirm the ALC of agricultural land affected by temporary possession, in order to eventually reinstate it to its baseline condition, as required by GS3 of the REAC within the EMP. I posed a question to the Applicant [PD-006] relating to how the ALC survey would be secured and whether this should be specified within the REAC also. The Applicant confirmed that it should be and updated the REAC accordingly at DL1 [REP1-048]. I subsequently requested it be made clear in all columns of the REAC that the ALC survey should be carried out prior to construction, and the REAC was updated at DL4 to take this into account [REP4-040].

### **Conclusion**

- 4.15.15. I am satisfied that the Proposed Development would not result in any significant effects on geology or in respect of ground contamination. R6 of the rDCO makes provisions for the remediation of any unknown contaminated land during construction and R8 relates to surface water drainage, including means of pollution control.
- 4.15.16. The permanent and temporary loss of high quality agricultural land would give rise to significant residual effects. There is no opportunity to reduce the effects in respect of the permanent loss. However, GS1 and GS3 of the REAC within the EMP [REP9-007] require the careful storage and reinstatement of agricultural soils in areas where there would be a temporary loss. GS1 of the REAC specifies the production of a Soil Management Plan, including a Soil Resource Plan and a Soil Handling Strategy, and the production of a MMP to identify where soils not intended for agricultural reinstatement can be reused elsewhere. An EMP (second iteration) is secured under R4 of the rDCO. Such measures would go some way to mitigating the temporary loss of high quality agricultural soils and to ensuring soils for reuse elsewhere, such as in areas for landscaping, are retained in a good condition.
- 4.15.17. It is worth noting that in all options considered in the Applicant's Assessment of Alternatives [REP1-020], there would have been resultant permanent loss of high quality agricultural soils to some degree. Additionally, the Applicant has taken account of the benefits of the best and most versatile agricultural land and has demonstrated that development on such land is necessary, given that the majority of agricultural land in the area is likely to be of high quality. Moreover, the Applicant has identified the effects, and has proposed mitigation measures, where possible, to minimise impacts.
- 4.15.18. Thus, I conclude that the Proposed Development would, in general terms, meet all legislative and policy requirements relating to geology and soils, including those of the NNNPS, albeit that residual adverse effects, primarily relating to the permanent loss of high quality agricultural land, is a disbenefit which weighs against the Proposed Development.



## **4.16. LANDSCAPE AND VISUAL EFFECTS**

### **Introduction**

- 4.16.1. This section considers the landscape and visual effects of the Proposed Development.

### **Policy Background**

- 4.16.2. NNNPS paragraph 5.149 states that “Landscape effects depend on the nature of the existing landscape likely to be affected and the nature of the effect likely to occur” and that “Having regard to the siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”
- 4.16.3. NNNPS paragraph 5.156 notes that “Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.” The NNNPS goes on to set out in paragraph 5.157 that, in taking decisions, the SoS is required to consider whether the project has been designed carefully in landscape terms to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.
- 4.16.4. NNNPS paragraph 5.158 requires the SoS to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, outweigh the benefits.
- 4.16.5. Mitigation is covered by NNNPS paragraphs 5.159 to 5.161 noting that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design and landscaping schemes. Materials and design for infrastructure should always be given careful consideration.

### **The Applicant’s Approach**

- 4.16.6. Landscape and visual effects associated with the construction and operation of the Proposed Development are considered in ES Chapter 7: Landscape and Visual Effects [APP-045]. The Chapter is supported by the following appendices:
- ES Appendix 7.1: Planning Policy Context [APP-078]
  - ES Appendix 7.2: Landscape and Visual Assessment Criteria [APP-079]
  - ES Appendix 7.3: Zone of Theoretical Visibility and Verified Photomontage Methodology [APP-080];
  - ES Appendix 7.4: Landscape Character Areas [APP-081];
  - ES Appendix 7.5: Visual Receptors [APP-082];
  - ES Appendix 7.6: Representative Viewpoints [APP-083];
  - ES Appendix 7.7: Arboricultural Impact Assessment [REP1-036]; and
  - ES Appendix 7.8: Lighting Assessment [APP-085].

- 4.16.7. ES Chapter 7 [APP-045] notes that the assessment has been undertaken in accordance with the guidance of *Design Manual for Roads and Bridges LA 107* (DMRB LA 107), whilst also taking into account other relevant guidance, including *Guidelines for Landscape and Visual Impact Assessment Third Edition 2013* (Landscape Institute & Institute of Environmental Management and Assessment).
- 4.16.8. The assessment considers the Proposed Development at the following points in time:
- Construction (temporary effects)
  - Year one (winter) during operation (temporary effects); and
  - Year 15 (summer) during operation (permanent effects).
- 4.16.9. A Zone of Theoretical Visibility (ZTV) (ES Figure 7.4 [APP-057]) was established using computer modelling to help identify the potential extents from which the Proposed Development may be visible. The extent of potential visibility was then verified in the field to determine how perceptible potential views of the Proposed Development may be. This resulted in a study area extending to typically 1km from the Order limits (ES Figure 7.1 [APP-057]). From this, thirteen representative viewpoint locations (1-7 and A-F) were selected and agreed with BDC to assist in understanding the appearance and visual effects of the Proposed Development. Existing summer and winter photographs and photomontages (Year 1 winter / Year 15 summer) were produced for viewpoints 1-7 [APP-058 to APP-064] with existing summer and winter photographs produced for viewpoints A-F [APP-065 / APP-066]. The locations of viewpoints are shown on ES Figure 7.4 [APP-057], described in ES Appendix 7.6 [APP-083] and summarised in ES Chapter 7 [APP-045] Table 7-4.
- 4.16.10. The assessment also considers a range of visual receptors, including those being associated with residential, footpath, community, commercial and highway locations, as shown in ES Figure 7.5 [APP-057] and described in ES Appendix 7.5 [APP-082].
- 4.16.11. ES Chapter 7 [APP-045] identifies that there are no specific landscape designations within the study area.
- 4.16.12. ES Chapter 7 [APP-045] notes that the existing A47 corridor is located within a largely rural landscape characterised by agricultural land use and dispersed settlements linked by a network of local roads. It is relatively well integrated into its surroundings with extents of mature hedgerows, woodland and trees contributing to this, though less so in the eastern and western extents of the Proposed Development site. The relatively shallow grade of the surrounding landform in combination with areas of woodland and trees in the wider landscape limit potential for extensive views toward the A47 road corridor. The Norwich to Great Yarmouth railway line runs through the south-eastern extents of the study area. Public Rights of Way (PRoW) within the study area tend to be concentrated around the settlement edges of Blofield, Lingwood and North Burlingham.

- 4.16.13. The study area lies within 'National Character Area 79: North East Norfolk and Flegg', characterised by a generally flat, low lying landscape, limited topographic variation, arable farming, small to medium scale fields, high hedgerows, prominent oak trees, isolated farmsteads and small nucleated villages with large medieval churches linked by a dense network of lanes. The existing A47 is noted as presenting a rural disturbance in the area around Blofield.
- 4.16.14. At a local level, the central and western part of the study area lies within the Broadland District Council Landscape Character Assessment 'Blofield Tributary Farmland' Landscape Character Area (LCA), with the eastern part within the 'Freethorpe Plateau Farmland' LCA (ES Figure 7.3 [APP-057]). Characteristics of the Blofield Tributary Farmland LCA include gently undulating landform, small tributary valleys, arable farmland, medium to large fields bound by hedgerows and some woodland cover. The A47 is noted as a major transport route which effectively subdivides the LCA. Areas of tranquillity are characteristic away from major transport routes. Characteristics of the Freethorpe Plateau Farmland LCA include a flat, elevated landform, arable farmland, medium to large fields bound by hedgerows though with many lost, a scattering of small woodland clumps and potential for longer distance views in places.
- 4.16.15. For the assessment, a review of the published landscape character studies, along with site observations, was undertaken, with the following more specific LCAs defined:
- LCA 1: Blofield settlement;
  - LCA 2: Blofield / Lingwood valley;
  - LCA 3: Blofield / Lingwood plateau;
  - LCA 4: Burlingham plantation; and
  - LCA 5: Freethorpe plateau.
- 4.16.16. These are identified on ES Figure 7.3 [APP-057] and described in ES Appendix 7.4 [APP-081], with a summary provided in ES Chapter 7 [APP-045] Table 7-3.
- 4.16.17. ES Chapter 7 [APP-045] recognises that temporary landscape and visual effects during construction may arise from the loss of some woodland (including LCW), hedgerows and trees, earthworks and the presence of site compounds and machinery. Mitigation proposed would include sensitive colouring of welfare facilities and temporary office units, keeping a tidy and organised site, preventing unnecessary stockpiles with materials delivered on an 'as needed' basis, temporary soil storage in areas where this would be beneficial to screening construction works, seeding soil storage mounds to assist with visual integration and protecting vegetation to be retained.
- 4.16.18. ES Chapter 7 [APP-045] recognises that permanent landscape and visual effects during operation may arise from the creation of the new dual carriageway, presence of overbridges, moving traffic (aural and visual), changes to landform, changes to footpaths, loss of vegetation and the introduction of new street furniture and lighting. Mitigation proposed includes the use of screening vegetation where appropriate, use of native

species for landscape integration, inclusion of an earth bund between the existing and proposed A47 to aid screening, smoothly profiled cuttings and embankments to soften earthwork grading and limiting the height of lighting columns to limit light spill.

- 4.16.19. Proposed landscape works are shown on the Masterplan [REP7-011]. Full landscape details, in accordance with the Masterplan, would be secured under R5 of the dDCO, as would a requirement to replace any planting which does not survive beyond five years. The REAC within the EMP [REP9-007] includes provisions for sensitive lighting (G2), 'as needed' materials deliveries (G4), protection of vegetation (G6), a Landscape and Ecology Management Plan (LV1) and an arboricultural method statement and tree protection details (LV2 and LV3). An EMP (second iteration) would be secured under R4 of the dDCO.
- 4.16.20. The assessment concludes that, with mitigation, there would be no significant effects on landscape features or the night-time environment during construction. However, there would be adverse significant effects on LCAs 2-5, viewpoints 1, 2, 3, 6, B, C, and D and a number of visual receptors, including those being associated with 53 residential, one footpath, three community, one commercial and six highway locations.
- 4.16.21. At Year 1 the assessment concludes the same effects for landscape features as during construction. In respect of the night-time environment, adverse significant effects are expected to arise for a small number of residential receptors along Yarmouth Road due to the introduction of new street lighting at the A47 / Yarmouth Road junction. Adverse significant effects for LCAs 2, 3 and 5 are expected to prevail as are adverse significant effects from viewpoints 1, 3, 6, B and C. In respect of visual receptors, significant adverse effects at Year 1 would be limited to 23 residential receptors within the closest proximity to, or with open views towards the new dual carriageway, overbridges and associated works.
- 4.16.22. At Year 15, due to the maturing and establishment of planting, ES Chapter 7 [APP-045] concludes that any residual effects on landscape features, landscape character, viewpoints and visual receptors would be of either slight adverse or neutral significance. Thus, the assessment concludes that the Proposed Development would not result in any residual significant landscape or visual effects.
- 4.16.23. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that there would be no residual cumulative effects during the construction and operational phases of the Proposed Development beyond that of the effects identified in ES Chapter 7 [APP-045].

#### **Issues Arising During the Examination**

- 4.16.24. In response to my written questions [PD-006] BDC confirmed [REP1-065] it was content with the viewpoint and photomontage locations selected by the Applicant. BDC also confirmed the general acceptability of the spatial arrangement and general design of the planting proposals shown on the Masterplan, albeit with the suggestion that some minor

amendments be made to the indicative list of plant species. The Applicant made amendments to this list to reflect BDC's suggestions. As BDC is a consultee on the detailed landscape proposals under R5 of the dDCO, I am satisfied that it will have the opportunity to comment further on the proposals should the Order be made. In addition, BDC confirmed that it was satisfied with the Applicant's approach to defining landscape character areas and that it had no objections to lighting proposals. In its LIR [REP1-066] and signed SoCG [REP9-010] with the Applicant, BDC confirmed that the Proposed Development would not conflict with its development plan policies relating to landscape and design.

- 4.16.25. NCC's RR [RR-002] and LIR [REP1-072] set out that the landscape and visual assessment, including the identification of receptors and their sensitivities, was considered appropriate, as was mitigation proposed for the construction and operation phases of the Proposed Development. NCC recognised that there would be some adverse effects on landscape and visual receptors during construction and on opening but that any adverse effects would decrease to negligible adverse once planting matures. NCC raised a concern relating to the effects of artificial lighting, although it observed that the area is not particularly noted for its dark skies. Reference was also made to the need to ensure all trees for removal had been identified and that those to be retained would be adequately protected. NCC suggested that there was potential for improvements to LCW.
- 4.16.26. IP Emma Brookes [RR-064] made reference to lighting impacts on her property. Terry Norton [RR-017] raised some concerns over the visual impact of the Proposed Development. Paul Walland [RR-071] raised concerns over visual impacts and light pollution in general.
- 4.16.27. In response to my written questions [PD-006] and discussions at hearings, the Applicant explained that new street lighting around the A47 / Yarmouth Road junction at Blofield and new / replacement street lighting at the A47 / B1140 junction and overbridge (where street lighting already exists) would be designed to minimise light spill and is required for highway safety purposes. The Applicant also agreed to include within G2 of the REAC within the EMP a provision for removing some existing streetlighting along the de-trunked section of the A47.
- 4.16.28. Whilst BDC identified no relevant policies of the Blofield Parish Neighbourhood Plan 2016 (BPNP), I note that BPNP Policy ENV5 relates to limiting impact on dark skies and is referenced in the Lighting Assessment [APP-085] and a signed SoCG between Blofield Parish Council (PC) and the Applicant [REP10-006]. Given that streetlighting would be designed to minimise light spill, and that this is specified in G2 of the REAC within the EMP, I am satisfied there would be no conflict with this policy. I am also satisfied that the overall lighting impacts of the Proposed Development would be acceptable in terms of the character of the area and in terms of visual amenity, including for nearby residents.
- 4.16.29. The Applicant provided an Arbricultural Impact Assessment [APP-084] with the application. This was revised [REP1-036] in response to some of

my written questions [PD-006]. I consider it appropriate for the purposes of the Examination of the application and I am content with the provisions of LV2 of the REAC within the EMP [REP9-007] which relates to the completion of arboricultural method statements and tree protection measures in accordance with BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations*.

- 4.16.30. The Masterplan was updated a number of times during the Examination as a result of my written questions, comments from IPs and as a result of the accepted change request relating to the relocation of a gas valve compound. For clarity, I requested the Applicant identify at the front of the plans (and, for that matter, all other plans which were updated) the changes which occurred at each deadline, which it did.
- 4.16.31. Whilst I recognise the notable increase in the quantum of woodland overall, I questioned the Applicant as to what degree new woodland planting elsewhere within the Order limits would assist with mitigating the loss, albeit a modest loss, of woodland from LCW in particular, given the limited connectivity. The Applicant's responses were not particularly convincing and, whilst the effect on LCW would not be significant, I shared NCC's view that some further improvements to the landscape / integrity of LCW could reasonably have been made which would also have provided some benefits for its users. However, I note that on this matter, the SoCG between the Applicant and NCC [REP9-011], though unsigned, does indicate agreement that the Applicant has recently secured some additional funding to review potential biodiversity opportunities and that it would work with NCC to develop a feasibility study to assess further opportunities for LCW.
- 4.16.32. I requested that, as R3 of the dDCO relating to detailed design refers to the 'engineering drawings and sections', the Applicant include within these plans the overbridge design details which, as submitted, were included within the General Arrangement Plans [APP-009]. This was done at DL4 [REP4-005]. I also queried why the General Arrangement Plans were not referenced within R3 of the dDCO given that they provide a greater level of detail than the Engineering Drawings and Sections and the Works Plans also referred to. The Applicant pointed me towards other recently made DCOs which only specified these plans (Ref 2.3 of [REP4-051]) and as such, I consider it appropriate in this instance also.
- 4.16.33. As highlighted in section 4.12 above, on the basis that the Proposed Development would include numerous landscape and ecological works to mitigate / reduce adverse effects, I requested [PD-004 and PD-006] that the Applicant submit an oLEMP to provide a greater degree of confidence at the Examination stage that such features would function effectively in the long term. This matter was also discussed at ISH2 [EV-023 to EV-029] and ISH4 [EV-039 and EV-044 to EV-047]. The Applicant provided an oLEMP at Appendix B.7 of the EMP [REP9-007] which I am satisfied provides an appropriate framework and suitable objectives on which to develop a more detailed LEMP, as required by LV1 of the REAC within the EMP and R4 of the dDCO [REP10-002]. In addition, LV1 of the REAC

makes provision for ensuring all proposed planting reaches maturity and reflects the assessment at year 15.

- 4.16.34. I asked a number of other questions on landscape and visual matters and on design more generally and was satisfied with the responses.

### **Conclusion**

- 4.16.35. Whilst there would be some significant adverse landscape and visual effects during construction and during the early stages of operation, this is to be reasonably expected for a project of this type and scale and I am satisfied that the Applicant's approach to minimising such effects, including through the proposed mitigation, is reasonable and proportionate and secured through R4 and R5 of the rDCO. Moreover, I am satisfied that such adverse effects would diminish considerably by Year 15 once landscaping establishes and matures and would no longer be significant.
- 4.16.36. I thus conclude that the Proposed Development would satisfactorily accord with the relevant aims of the NNNPS with regard to landscape and visual matters and these matters are a neutral consideration in the planning balance.

## **4.17. MATERIAL ASSETS AND WASTE**

### **Introduction**

- 4.17.1. This section considers the material assets and waste implications of the Proposed Development.

### **Policy Background**

- 4.17.2. NNNPS paragraphs 5.39 to 5.45 address waste management. It is recognised that large infrastructure projects may generate hazardous and non-hazardous waste during construction and operation. Sustainable waste management through the 'waste hierarchy' (prevention; preparing for reuse; recycling; other recovery, including energy recovery; and disposal) is identified. The applicant should set out the arrangements that are proposed for managing any waste produced. The SoS is required to consider the extent to which the effective management of waste arising from the construction and operation of the proposed development has been addressed.
- 4.17.3. NNNPS paragraph 5.169 sets out that applicants should safeguard any mineral resources as far as possible, whilst NNNPS paragraph 5.182 requires that where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the SoS should ensure that appropriate mitigation measures to safeguard mineral resources are put forward.
- 4.17.4. NNNPS paragraph 5.19 highlights the use of materials in terms of mitigation to address carbon impacts.

## **The Applicant's Approach**

- 4.17.5. ES Chapter 10: Material Assets and Waste [REP1-026] addresses material assets and waste matters relating to the Proposed Development. The assessment considers: material assets used during the construction phase; the potential sterilisation of mineral sites; and waste generation during the construction phase. In accordance with ES Chapter 10 [REP1-026] Table 10-1, key receptors for the material assets and waste assessment are: regional waste management infrastructure (specifically landfill capacity); mineral and other finite raw material resources; and safeguarded mineral sites.
- 4.17.6. In line with the Scoping Opinion [APP-116], the assessment of material assets and waste during the first year of operational activities has been scoped out. This is because significant environmental effects from the use of material assets and generation of waste during this period are not predicted due to limited material use and waste generation from infrequent maintenance activities.
- 4.17.7. Estimates of earthworks quantities and suitability of material excavated on site during construction have been used to determine the likely percentage of material available for re-use within the Proposed Development. As detailed in Appendix 10.2: Waste Disposal Assessment [APP-101], ground investigation data has been reviewed to assess the potential disposal options for excavated materials unsuitable for retention on site or surplus to requirements. Ground investigation data indicates that all materials tested and assessed were classed as non-hazardous.
- 4.17.8. The assessment establishes two study areas. The first comprises the land within the Order limits. This includes areas where site clearance, earthworks and construction are proposed, materials would be consumed and waste would be generated, as well as where implications for safeguarded minerals would arise.
- 4.17.9. Construction and demolition waste (CDW) would primarily include vegetation and wood from site clearance, asphalt, unbound aggregates, concrete, steel and soil and stone. Material assets used would primarily include asphalt, unbound aggregates, concrete, plastics, timber and steel. The Order limits intersect sand deposits attributed to the Happisburgh Glacigenic Formation (HGF). These sand deposits form part of Norfolk County Council's MSA for sands and gravels.
- 4.17.10. The second study area comprises the east of England region (Norfolk, Bedfordshire, Cambridgeshire, Essex, Hertfordshire and Suffolk) for the source of material assets and for suitable landfill infrastructure that could accept arisings and / or waste generated by the Proposed Development. Regional statistics indicate that the east of England region has a total landfill capacity of approximately 51,145,000m<sup>3</sup> compared to an average of 46,565,000m<sup>3</sup> across other regions in England.
- 4.17.11. The Applicant's Minerals Impact Assessment (MIA) [APP-103] identifies that in some instances, mineral resources within the MSA have already been sterilised by the existing A47 road infrastructure. Furthermore,



extraction in these areas would not be possible given that they would be in use for traffic during off-line construction works and would eventually tie in with the Proposed Development. In other areas the opportunity is presented to undertake prior excavation of the sand deposits of the HGF within the MSA for use in the Proposed Development, which would be exploited. Where deposits of safeguarded minerals are present outside of the boundaries of the Proposed Development the MIA sets out that future extraction of deposits would not be constrained. Accordingly, effects on the MSA would be not significant.

- 4.17.12. ES Chapter 10 [REP1-026] Table 10-6 sets out the main categories and quantities of materials to be used during construction. DMRB LA 110 identifies the recycled content target for aggregates for the east of England region to be 31%. Table 10-6 identifies that for the Proposed Development, it is expected that a recycled content for aggregates of 41% would be achieved.
- 4.17.13. ES Chapter 10 [REP1-026] Table 10-7 sets out the main types and quantities of CDW generated, with recovery rates. The Government's Waste Management Plan for England sets a recovery rate target for CDW of 70% (excluding uncontaminated excavated soil and stone). Table 10-7 identifies that for the Proposed Development, a recovery rate of 87% would be achieved.
- 4.17.14. Construction works are anticipated to generate approximately 108,820m<sup>3</sup> (217,640 tonnes) of uncontaminated soil and stone which would be unsuitable for retention or surplus to requirements and a further 27,350m<sup>3</sup> (81,736 tonnes) of CDW. Table 10-8 of ES Chapter 10 identifies that in the worst-case, that is, for all of this material to be disposed of to landfill, approximately 0.3% of the regional landfill capacity would be utilised.
- 4.17.15. In accordance with DMRB LA 110, where a project achieves a 70-90% recovery rate for CDW, a recycled content for aggregates of 31% and less than or equal to a 1% reduction in the alteration of regional landfill capacity, as would be the case for the Proposed Development, effects would be not significant.
- 4.17.16. The Applicant has provided an oSWMP [REP1-037] detailing measures to minimise and control waste in accordance with best practice and the waste hierarchy. A detailed SWMP is specified in M1 of the REAC within the EMP [REP9-007] and would be secured under R4 of the dDCO [REP10-002], along with a MMP which would detail the procedures and measures to be implemented to classify, track, store, re-use and dispose of all excavated materials encountered during the construction phase.
- 4.17.17. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that as the estimated materials availability and waste capacity data used are based on future regional demand, the assessment in ES Chapter 10 [REP1-026] is inherently cumulative.

### **Issues Arising During the Examination**

- 4.17.18. No significant matters of concern were raised by IPs in RRs and WRs in respect of material assets and waste issues.
- 4.17.19. NCC, as the Mineral Planning Authority for the area, was satisfied with the Applicant's assessment in respect of mineral safeguarding and the potential for minerals excavated from the Order land for use within the Proposed Development. This was set out in its RR [RR-002], LIR [REP1-072] and in response to my written questions on the matter [REP1-072]. In addition, the signed SoCG between the EA and the Applicant [REP9-012] confirms that the EA's Norfolk Waste Team is satisfied with the approach taken to the assessment of waste. The EA also noted in its RR [RR-008] that the oSWMP is comprehensive.
- 4.17.20. During the course of the Examination, I posed some questions [PD-006] to the Applicant relating to material assets and waste. This included a question relating to the construction waste figures shown for 'unbound aggregates' in ES Chapter 10 [APP-048] Table 10-7, which appeared to me to be particularly large in comparison to other figures. The Applicant responded [REP1-061] to confirm the figures were an error and subsequently amended them in the following version of ES Chapter 10 [REP1-026]. The figures were reduced from 512,250 tonnes / 228,683 cubic metres (m<sup>3</sup>) to 20,259 tonnes / 9,044m<sup>3</sup>. At the same time, the Applicant increased the figures for excavations of soils and stone from 109,000 tonnes / 54,545m<sup>3</sup> to 217,640 tonnes / 108,820 m<sup>3</sup>.
- 4.17.21. This did not affect the Applicant's overall assessment that, in the worst-case scenario, the Proposed Development would result in a less than 1% reduction or alteration in the regional capacity of waste infrastructure, with the figure reducing from approximately 0.7% to approximately 0.3% in this regard.
- 4.17.22. The matter was also discussed during ISH3 where I asked the Applicant to further explain the changes to the figures in ES Chapter 10 [REP1-026] and I was satisfied with the Applicant's explanation [REP4-051]. No IPs raised any concerns in respect of the changes to these figures. In addition, I was content with the Applicant's responses to my other questions in respect of material assets and waste.
- 4.17.23. The EA requested [RR-008] that it be added as a consultee on R4 of the dDCO, including in respect of reviewing the SWMP, and the Applicant updated the dDCO at DL1 to incorporate this [REP1-006].

### **Conclusion**

- 4.17.24. I am satisfied that the Proposed Development would not result in any significant effects on material assets or waste during its construction or operation. The oSWMP [REP1-037] details measures to minimise and control waste in accordance with best practice and the waste hierarchy and a detailed SWMP is specified in M1 of the REAC within the EMP and secured under R4 of the rDCO, along with a MMP which would detail the procedures and measures to be implemented to classify, track, store, re-

use and dispose of all excavated materials encountered during the construction phase.

- 4.17.25. Thus, I conclude that the Proposed Development would meet all legislative and policy requirements relating to material assets and waste management, including those of the NNNPS, and that there are no disbenefits which weigh against it in this regard.

## **4.18. NOISE AND VIBRATION**

### **Introduction**

- 4.18.1. This section considers the effects of the Proposed Development in relation to noise and vibration.

### **Policy Background**

- 4.18.2. Noise and vibration matters are set out in NNNPS paragraphs 5.186 to 5.200. In addition to statutory requirements for noise, regard must be had to the relevant sections of the Noise Policy Statement for England (NPSE) and relevant planning policy and guidance on noise. Projects are required to demonstrate good design through the optimisation of scheme layout to minimise noise emissions including measures to reduce noise transmission.
- 4.18.3. NNNPS paragraph 5.195 states that the SoS should not grant development consent unless proposals meet aims in relation to health and quality of life in the context of Government policy on sustainable development. To ensure noise levels do not exceed those described in assessments, NNNPS paragraph 5.196 sets out that consideration should be given to the application of DCO requirements to specify mitigation. Paragraph 5.198 states that mitigation measures should be proportionate and may include containment, noise reducing materials, layout changes and administrative measures including noise and working hours limits.
- 4.18.4. NPPPS Paragraph 5.199 highlights that noise mitigation through increased dwelling insulation and ventilation measures pursuant to the Noise Insulation Regulations and the potential scope for compensation should be considered. In extreme cases mitigation may need to be through the CA of affected properties.

### **The Applicant's Approach**

- 4.18.5. Noise and vibration effects during construction and operation are addressed ES Chapter 11: Noise and Vibration [REP1-028]. The chapter is accompanied by: ES Appendix 11.1: Glossary of Terms [APP-104]; ES Appendix 11.2: Legislation and Policy Framework [APP-105]; ES Appendix 11.3: Baseline Noise Survey [REP4-027]; ES Appendix 11.4: Noise Sensitive Receptors [APP-107]; and ES Appendix 11.5: Construction Noise Assessment [APP-108].
- 4.18.6. ES Chapter 11 [REP1-028] sets out that the assessment has been undertaken in accordance with *Design Manual for Roads and Bridges LA 111: Noise and vibration* (DMRB LA 111), as well as other relevant

legislation and guidance. The assessment considers construction noise and vibration effects, initial short-term operational noise effects (2025 opening year) and final long-term operational noise effects (2040 design year).

- 4.18.7. The following study areas were adopted to identify receptors sensitive to effects of noise and / or vibration:
- 300m from proposed construction activity (construction effects);
  - 30m from proposed construction vibration generating activity (construction effects);
  - 25m from the kerb lines of traffic diversion routes (construction effects); and
  - 600m of new road links or road links physically changed or bypassed by the Proposed Development. This has been extended to include an area 50m either side of road links where a noise change with a possible moderate or major significance of effect is identified (operational effects).
- 4.18.8. A study area of 50m from the kerb line of public roads with the potential for an increase in the baseline noise level of 1dB or more as a result of the addition of construction traffic was identified. However, increases in the baseline noise level due to the addition of construction traffic are predicted to remain below 1dB, given proposed restrictions on construction traffic routes. As such, further assessment of this study area and the identification of receptors within it was unnecessary.
- 4.18.9. In order to establish a baseline, noise monitoring was undertaken, with locations detailed in ES Appendix 11.3 [REP4-027] and shown on ES Figure 11.1 [APP-068]. The noise monitoring results, when compared against the predicted road traffic noise index, were considered robust for the opening year.
- 4.18.10. Five Noise Important Areas (NIAs) (Refs: 5206, 5207, 5208, 5209 and 5210) were identified within the study area. These are also shown on ES Figure 11.1 [APP-068].
- 4.18.11. During construction, ES Chapter 11 [REP1-028] identifies that prior to mitigation, there is the potential for significant adverse effects to arise from: construction activity noise for 15 nearby residential receptors; and increased night-time traffic noise for residential receptors along diversion routes. One residential receptor (R19) is also expected to experience a level of vibration above the Significant Observed Adverse Effect Level (SOAEL), albeit this is not assessed as being significant due to limitations of the duration of the vibratory compaction works.
- 4.18.12. Measures proposed to reduce and mitigate effects of construction related noise and vibration include: working within the hours of 0700 to 1900 on weekdays and 0700 to 1200 on Saturdays unless otherwise consented by the local planning authority; the installation of temporary noise barriers; the installation of permanent noise barriers identified for operational mitigation as early as possible during construction; noise and vibration monitoring; best practice measures including selection of quieter plant;

effective communication including a dedicated site contact and advanced notification of night-time traffic diversions; multiple diversion routes; prior notification where vibration levels might exceed the SOAEL; building condition surveys where necessary; and use of the existing A47 only for construction traffic and not exceeding a specified number of HGV movements.

- 4.18.13. Subject to these measures, no significant residual vibration effects are anticipated. However, significant residual noise effects are predicted for two residential receptors (R12 and R13) due to earthworks and road formation works during construction months 6 to 17. However, works are likely to progress in a linear fashion and noise is thus likely to be more transient than assumed in the assessment. Additionally, monitoring would identify when noise from works approach SOAEL levels, at which time methods of work can be altered.
- 4.18.14. Mitigation measures proposed to reduce effects of operational related noise include: installation of permanent noise barriers in four locations; and low-noise road surfacing along the entire length of the proposed dual carriageway.
- 4.18.15. ES Chapter 11 [REP1-028] identifies that, taking these measures into account, short-term significant adverse noise effects are predicted for 94 residential receptors (moderate or major adverse) and three non-residential receptors (moderate adverse), albeit with noise levels remaining below the SOAEL. One residential receptor (R8), within NIA 5209, is expected to experience noise levels above the SOAEL, albeit this is not assessed as being significant due to the modest degree of change in noise levels and due to noise levels at this location being already above the SOAEL. The reason for these effects would be due to increases in traffic and its speed along the route of the Proposed Development or increases in traffic flows along parts of the surrounding road network from changes in driver behaviour as a result of the Proposed Development.
- 4.18.16. Short-term significant beneficial effects are predicted for 17 residential receptors (moderate or major beneficial), including one in NIA 5208, predominantly due to a reduction in traffic flows along parts of the surrounding road network as a result of the Proposed Development.
- 4.18.17. Long-term significant adverse noise effects are predicted for 55 residential receptors and one non-residential receptor (moderate adverse), albeit with noise levels below the SOAEL. This relates to 37 dwellings in the vicinity of Yarmouth Road and 18 dwellings and a village hall in the vicinity of the B1140 High Road (shown on ES Figure 11.10 [APP-068]). The reason for these effects would primarily be due to increases in traffic flows along parts of the surrounding road network as a result of changes in driver behaviour due to the Proposed Development. The Applicant concludes that these properties would not be eligible for insulation under the Noise Insulation Regulations. It also concludes that noise barriers would not be practical since they would

obstruct driveways and that as the Applicant does not maintain these roads, it not responsible for road surface material type.

- 4.18.18. Long-term significant beneficial effects are predicted for 17 residential receptors (moderate beneficial), including one in NIA 5208, predominantly due to a reduction in traffic flows along parts of the surrounding road network as a result of the Proposed Development.
- 4.18.19. Significant adverse operational effects and noise levels above the SOAEL are also predicted for two residential receptors in NIA 5206. However, an area of the existing A47, within NIA 5206 (outside of the Order limits) is due to be resurfaced with low noise road surfacing as part of general maintenance / improvement works along the A47 prior to the opening year. This would mitigate significant operational noise effects on these receptors.
- 4.18.20. Noise mitigation measures as described are set out in G1, G8 and N1 to N9 of the REAC within the EMP [REP9-007], including the production of a CNDMP. An EMP (second iteration) is secured under R4 of the dDCO. Details of traffic management during construction would be secured under R10 of the dDCO, reflecting the oTMP which specifies HGV routing.
- 4.18.21. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that as the construction and operational phase traffic data includes traffic associated with other developments, the noise and vibration assessment reported within ES Chapter 11 [REP1-028] is inherently cumulative.

#### **Issues Arising During the Examination**

- 4.18.22. BDC and NCC and raised no specific concerns relating to noise and vibration in their RRs [RR-001 / RR-002] or LIRs [REP1-066 / REP1-072].
- 4.18.23. During ISH3 [EV-030 to EV-036] Tim Knights raised a concern [REP4-072] in respect of a lack of provision for the long-term maintenance of low noise road surfacing. The Applicant responded [REP4-051] that it would update the REAC within the EMP to address this concern. An updated version of the EMP [REP4-040] was received at DL4 which included provision at N7 of the REAC for the maintenance of the low road noise surfacing over the lifetime of the Proposed Development.
- 4.18.24. I requested updates on time scales for the proposed resurfacing works in the vicinity of NIA 5206 (due to be completed in September / October 2021), including in my written questions [PD-006 and PD-011] and at ISH3 [EV-030 to EV-036]. This was given that without such works, I could not be certain that significant effects would be avoided for those receptors near to this location. The Applicant confirmed at DL5 [REP5-016] that the low road noise surfacing works at NIA 5206 had been completed. I am therefore satisfied that significant effects would be avoided in this respect.
- 4.18.25. In respect of the long-term likely significant adverse effects on the 55 residential receptors and one non-residential receptor, I asked the Applicant whether it had explored all reasonable options for mitigation in

my written questions [PD-006] and at ISH3 [EV-030 to EV-036]. Having regard to its responses, I am satisfied that noise barriers would not be a practical solution. I also have no reason to dispute the Applicant's assertion that the benefit of low noise road surfacing where traffic speed is low (as I understand to be the case in the vicinity of the majority of these receptors) is limited. Moreover, given the expected façade noise levels, I am content that no properties would be eligible for insulation under the Noise Insulation Regulations.

- 4.18.26. Furthermore, BDC indicated at ISH3 that, albeit a significant effect would arise for these 55 residential receptors and one non-residential receptor due to a change in noise level, this would be unlikely to give rise to any material adverse health impacts and that World Health Organisation (WHO) guidelines might assist with demonstrating this. The Applicant followed this up, setting out that good indoor conditions, as defined within the WHO Guidelines for Community Noise and in 'BS8233:2014', within the properties closest to the B1140 High Road and Yarmouth Road would be achieved. As such, the Applicant concluded that no significant adverse health effects are expected due to levels of road traffic noise and that no mitigation is necessary. BDC agreed with this conclusion in its signed SoCG [REP9-010]. I have no substantive reasons to take a different view on this matter.
- 4.18.27. I asked some questions on the adequacy of and information relating to construction working hours limitations. The Applicant updated G1 of the REAC within the EMP at DL7 [REP7-012] to provide further clarity on this matter and to make provisions for limiting construction works on Sundays and Bank Holidays. This addressed my concerns. I also queried [PD-006 and EV-030 to EV-036] the Applicant's assumption for the noise assessment in ES Chapter 11 [REP1-028] that the number of HGV trips in any phase of construction would be limited to 150 vehicles (or 300 movements). This was given that ES Chapter 2 Table 2-4 [REP4-017] identifies a crossover of phases and thus, on the basis of the information provided in the table, potential for a greater number of daily HGV trips than the 150 (300 movements) reported. To clarify the situation, the Applicant provided a table showing a breakdown of expected maximum daily HGV movements per individual month, showing a peak of 280 movements (140 trips) in months 8 and 11 (Ref 4.1 of [REP4-051]). I am satisfied with the Applicant's response on this matter and that the assumption made in ES Chapter 11 regarding HGV movements is reasonable.
- 4.18.28. IPs Bernard Barry Trawford [RR-053], Emma Brookes [RR-064], Paul Walland [RR-071] and the Furr Family [RR-019] raised concerns relating to noise impacts on their properties, primarily during operation. BDC indicated support for the concerns of the Furr Family in its response to my written questions [REP1-065], noting that some noise data had been omitted from ES Appendix 11.3 [APP-106]. ES Appendix 11.3 was subsequently updated to include this information [REP4-027]. Having regard to the noise assessment undertaken by the Applicant, the responses to my written questions and my exploration of noise matters during ISH3 [EV-030 to EV-036], including around the adequacy of

permanent noise barriers as mitigation (including noise barrier No 4 in the vicinity of the Furr Family's property), I am satisfied that no significant effects would arise for these receptors in respect of noise. This is notwithstanding that noise levels at the façade of the Furr Family's property which faces the A47 would remain above the SOAEL.

- 4.18.29. Whilst the Applicant highlights, in response to discussions at ISH3, that an increase in the height of noise barrier No 4 from 2m to 3m would reduce noise levels for the Furr Family (Ref 4.1 of [REP4-051]), the effect would not be significant. Accordingly, the Applicant takes the view that it has already taken actions which are proportionate and reasonable to avoid significant adverse impacts on health and quality of life from noise, providing compliance with the main objectives of national policy and guidance, including the NNNPS and NPSE. On this matter, BDC, in its signed SoCG with the Applicant [REP9-010], agreed that an increase in the height of noise barrier No. 4 is not required to make the Proposed Development acceptable.
- 4.18.30. Some general noise concerns were raised by IPs Andrew M Cawdron [RR-052 and REP8-016] and Richard Hawker [RR-059]. However, the concerns were not materially expanded upon and did not lead me to any different conclusions to those of the Applicant.

### **Conclusion**

- 4.18.31. During the construction phase, noise and vibration impacts would be largely mitigated, including through adherence to working hours unless otherwise consented by the local planning authority, temporary / permanent noise barriers, noise and vibration monitoring, best practice methods and HGV routing and limiting of HGV numbers. A CNDMP would be produced. Mitigation is specified within G1, G8 and N1 to N9 of the REAC within the EMP [REP9-007] and secured through R4 and R10 of the rDCO. Notwithstanding this, it is likely that two residential receptors would experience significant adverse noise effects during construction. This would be due to earthworks and road formation works in close proximity to their properties.
- 4.18.32. Mitigation measures proposed to reduce effects of operational related noise include permanent noise barriers in four locations and low-noise road surfacing along the entire length of the proposed dual carriageway. This is specified within the REAC within the EMP and secured under R4 of the rDCO. Nevertheless, long-term significant adverse noise effects during operation would be experienced by a number of receptors along Yarmouth Road and the B1140 High Road, due to changes in traffic patterns along these roads as a result of the Proposed Development. I am satisfied that the Applicant has explored all reasonable options to mitigate such effects. Additionally, I am satisfied that the Applicant has demonstrated that noise levels would remain below the SOAEL and would not give rise to any significant health impacts for these receptors. Conversely, there would also be long-term significant beneficial effects for a number of receptors along other local roads, also due to changes in traffic patterns.



- 4.18.33. The Applicant has demonstrated proportionate and reasonable mitigation measures in respect of noise and vibration to avoid significant adverse impacts on health and quality of life which would be secured through the rDCO and as such, the Proposed Development would be in general compliance with the policies of the NNNPS and the NPSE. However, given that there would be some residual significant adverse noise effects for some receptors during construction and operation, these are matters which would weigh against the Proposed Development.

## **4.19. POPULATION AND HUMAN HEALTH**

### **Introduction**

- 4.19.1. This section considers the social, economic, human health and land use effects of the Proposed Development. Matters which are addressed include economic development effects, community effects, effects on PRoW and non-motorised users and effects on human health. Matters relating to PRoW and non-motorised users are also considered in section 4.10 of this Report relating to transportation and traffic. Matters relating specifically to agricultural land are assessed in ES Chapter 9: Geology and Soils [APP-047] and are considered in section 4.15 of this Report.

### **Policy Background**

- 4.19.2. The NNNPS states at paragraph 2.2 that there is a critical need to improve the national networks to address road congestion 'to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth'. It states that 'Improvements may also be required to address the impacts of the national networks on quality of life and environmental factors'.
- 4.19.3. NNNPS paragraph 2.16 identifies the adverse effects of traffic congestion on the strategic road network as follows:
- constraining existing economic activity as well as economic growth, by increasing costs to businesses, damaging their competitiveness and making it harder for them to access export markets. Businesses regularly consider access to good roads and other transport connections as key criteria in making decisions about where to locate;
  - leading to a marked deterioration in the experience of road users. For some, particularly those with time-pressured journeys, congestion can cause frustration and stress, as well as inconvenience, reducing quality of life;
  - constraining job opportunities as workers have more difficulty accessing labour markets; and
  - causing more environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby. This is especially true where traffic is routed through small communities or sensitive environmental areas.
- 4.19.4. NNNPS paragraph 3.3 sets out that, in delivering new schemes, there is an expectation for applicants to avoid and mitigate environmental and

social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.

- 4.19.5. NNNPS paragraph 3.22 recognises that severance can be a problem in some locations and that, where appropriate, applicants should seek to deliver improvements that reduce community severance and improve accessibility. Paragraph 5.205 sets out that applicants should consider reasonable opportunities to support other transport modes in developing infrastructure and should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users. Paragraph 5.216 sets out that where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. Furthermore, that there is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.
- 4.19.6. NNNPS paragraphs 4.3 and 4.4 explain that the potential benefits of proposed developments, including the facilitation of economic development, will be taken into account as part of the overall balance. Environmental, safety, social and economic benefits and adverse impacts, should be considered at national, regional and local levels.
- 4.19.7. NNNPS paragraph 4.79 recognises that national road networks have the potential to affect the health, well-being and quality of life of the population because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests. Paragraph 4.80 identifies that new or enhanced infrastructure may have indirect health impacts including if it affects access to key public services, local transport, opportunities for cycling and walking or the use of open space for recreation and physical activity. The cumulative impacts on human health should be considered (paragraph 4.82).
- 4.19.8. Land use implications are addressed in NNNPS paragraphs 5.162 to 5.185. The applicant should identify existing and proposed land uses near the proposed development and any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing.
- 4.19.9. Policy 7 (supporting communities) of the JCS seeks, amongst other things, to maintain or enhance the quality of life and well-being of communities, setting out that healthier lifestyles will be promoted by maximising access by walking and cycling and providing opportunities for social interaction and greater access to green space and the countryside.
- 4.19.10. Policy 5 (Improving links to the countryside and surrounding villages) of the ANP encourages the provision of new and improved footpaths, footways, cycleways and bridleways connecting Acle with surrounding villages and the countryside. Two priority schemes are identified within the policy, one relating to a footway between Norwich Road in Acle and

Acle Academy and another relating to a footpath / cycleway between Acle Bridge and Acle Village. A plan is also provided as part of the policy identifying further proposed links to the countryside and surrounding villages.

### **The Applicant's Approach**

- 4.19.11. ES Chapter 12: Population and Human Health [REP4-023] presents the results of an assessment of the effects of the Proposed Development during construction and operation on population and human health. The assessment was undertaken in line with the guidance of *Design Manual for Roads and Bridges LA 112: Population and Human Health* (DMRB LA 112) and considers the following:
- Land use and accessibility, including:
    - private property and housing;
    - community land and assets;
    - development land and businesses;
    - agricultural land holdings; and
    - WCHR.
  - Human health, including:
    - health profiles of affected communities;
    - health determinants (including access to healthcare, community, recreation and education facilities, access to green and open space, existing and predicted levels of air and noise pollution, landscape amenity, sources and pathways of potential pollution (such as land and water contamination) and safety); and
    - likely health outcomes.
- 4.19.12. The study area for land use and accessibility extends 500m from the Order limits. The study area for human health includes Blofield with South Walsham ward, Burlingham ward and Acle ward. These study areas (shown on ES Figure 12.1 [APP-069]) have informed the baseline conditions relating to land use and accessibility and human health. The baseline conditions and, where relevant, sensitivity of receptors, are set out in section 12.6 of ES Chapter 12 [REP4-023]. It is noted that there would be no requirement for the demolition of any properties as a result of the Proposed Development.
- 4.19.13. ES Chapter 12 [REP4-023] notes that potential impacts on land use and accessibility during construction may arise from temporary or permanent land-take, temporary or permanent changes to access, temporary or permanent diversions or stopping up of WCHR routes and temporary disruption caused by construction traffic. Potential impacts to human health during construction may arise from visual effects, noise and vibration, changes in air quality, reduced accessibility to facilities and open space and stress, anxiety and related wellbeing effects from exposure to sustained construction activity and traffic.
- 4.19.14. Potential impacts during operation on land use and accessibility include permanent changes to access and permanent changes to and severance

to WCHR routes. Potential impacts for human health during operation include traffic noise, changes to air quality, changes in access to facilities and open space, community severance, psychosocial effects from concerns about changes in the environment, stress, anxiety and wellbeing effects from changes to landscape amenity, secondary impacts from consequential developments, reduced accident rates and severity, increased accessibility to key employment locations, with potential for improved employment opportunities and increased accessibility generally.

- 4.19.15. Measures to mitigate or reduce adverse effects during construction include: traffic management; communication with local residents and the appointment of a Community Liaison Officer; provision of alternative WCHR routes where closures would occur; dust and noise management; and visual screening of works where possible. Such measures form part of the REAC within the EMP [REP9-007] with an EMP (second iteration) secured under R4 of the dDCO. The Applicant also proposes the replacement of vegetation within four residential gardens affected by temporary land take. This is shown on the Masterplan [REP7-011] and would be secured under R5 of the dDCO.
- 4.19.16. During operation, measures to mitigate or reduce adverse effects include: de-trunking of the existing A47 to serve as a local access road; noise management; provision of footpaths and cycleways between Blofield and North Burlingham; provision of a footway to Blofield allotments; provision of a cycle track / footway to the south of the proposed dual carriageway between the proposed Blofield overbridge and B1140 overbridge (connecting with FP3, LCW, Lingwood Lane and Lingwood Road); and a cycle track / footway over the B1140 overbridge. These are shown on the RoWA Plans [REP7-004] and secured within the dDCO.
- 4.19.17. A summary of the Applicant's assessment of likely significant residual effects as reported in ES Chapter 12 [REP4-023] is as follows:
- A major adverse effect on two agricultural holdings due to the degree of permanent land take of high quality agricultural land which would impact on their long-term viability;
  - A moderate adverse effect for four private properties along Yarmouth Road due to temporary land take from residential gardens (with resultant loss of trees and vegetation) to construct a retaining wall;
  - A moderate adverse effect for some private properties along Lingwood Road and Lingwood Lane due to increased severance as a result of the permanent stopping up of the northern end of these roads, resulting in longer journey times in some instances;
  - A moderate adverse effect on Blofield allotments due to permanent land take (0.1ha) to accommodate the Proposed Development;
  - A moderate adverse effect on LCW due to permanent land take (0.3ha) to accommodate the Proposed Development and due to increased severance as a result of the permanent stopping up of the northern end of Lingwood Road, resulting in longer journey times to an access to LCW along this road; and

- A moderate adverse effect on users of FP3 due to its severance at its northern end and the increase in journey length involved for walkers to cross the A47.

4.19.18. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that there would be no residual cumulative effects during the construction and operational phases of the Proposed Development beyond that of the effects identified in ES Chapter 12 [REP4-023].

4.19.19. The Case for the Scheme [REP1-042] is also relevant to this section and worth noting here. It concludes that:

- The existing single carriageway section of the A47 between Blofield and North Burlingham experiences congestion and is currently operating at over capacity, leading to longer and unreliable journey times;
- Further population growth in Peterborough and Norwich and the immediate local area around Blofield will exacerbate this as, in this rural location, car ownership is high;
- Safety of the road is also currently compromised and a high accident rate has been an unfortunate effect; and
- Dualling of this section of the A47 offers a solution to the above issues and, further, would unlock economic growth and development in the area which is considered essential at a regional level.

### **Issues Arising During the Examination**

4.19.20. Concerns raised by IPs in respect of population and human health tended to be focussed on matters relating to effects on and opportunities for non-motorised users / WCHR. In this regard, there is some crossover between this section and section 4.10 (transportation and traffic). I have dealt with the matter of non-motorised users in this section primarily but also address it in section 4.10 where necessary to do so.

4.19.21. NCC's RR [RR-002] and LIR [REP1-072] set out that the principle of dualling the A47 is fully supported and has been a long standing objective of NCC. However, its primary concern relates to the severance of FP3 and lack of provision proposed for non-motorised users wishing to cross the A47 in the middle of the Proposed Development, in the vicinity of North Burlingham. NCC sets out that a crossing here, in the form of a footbridge / green bridge, would provide a much-needed missing link in the network, would offer a safe route for all users and would connect rural paths (including the BWW) bringing communities together. NCC identifies that the BWW (which includes LCW) forms part of the wider NCC Trails network which provides important connections between local settlements and that the scale of planned housing growth in east Broadland has led to a new focus on enhancing and expanding the core of BWW. Moreover, the BWW is considered key in relieving pressure on sensitive designated Broads sites.

4.19.22. NCC also notes in its RR and LIR that few walkers cross the existing A47 and that the existing A47 is likely to be acting as a substantial barrier to walkers. NCC recognises that additional and new non-motorised travel,

commuting and longer-distance recreation choices would be created but considers that 'local, on-the-doorstep, short distance welfare recreation choices' would be further limited. NCC indicates a preference for the east to west footpath to the south of the proposed A47 be upgraded for multi-use and that this route should be safe and attractive for users.

- 4.19.23. BDC's LIR [REP1-066] sets out that it also strongly supports the principle of the Proposed Development. As with NCC, BDC's LIR identifies that one of its main concerns relates to the severance of FP3 and the lack of a central crossing over the A47 to mitigate this. BDC highlights that such a crossing is identified as 'Project 5' within the EBGIPP [REP1-067] produced by NCC on behalf of BDC. BDC considers that whilst the Proposed Development would provide access to local green infrastructure networks, this could be further improved, in accordance with Policy 7 of the JCS, through the inclusion of a footbridge.
- 4.19.24. BDC also sets out in its LIR that it would welcome the inclusion of a cycling and pedestrian route between North Burlingham and Acle (effectively linking North Burlingham with and improving an existing footway along the A47 between The Windle and Acle) to create sustainable access for those in North Burlingham to a greater range of shops and services in Acle, and to provide enhanced access for residents in the locality to access the BWW in accordance with Policy 5 of the ANP.
- 4.19.25. BDC's signed SoCG [REP9-010] with the Applicant identifies that the central footbridge and route to Acle matters remain in dispute between the parties.
- 4.19.26. Many other RRs and WRs received raised concerns at the lack of a central crossing point for non-motorised users with some also raising concerns with the lack of a footpath / cycle link between North Burlingham and Acle along the A47. Chris Gates made reference to a petition relating to a central crossing [RR-062 and EV-035], however, this was not submitted into the Examination to allow me to consider it further. Create Consulting on behalf of Burlingham Cottage Gardens Association (BCGA) put forward some plans for a central underpass and a pedestrian / cycle link between North Burlingham and Acle [REP2-017, REP2-021 and EV-033]. NCyC made representations in respect of proposed cycling provision [RR-013, REP1-075, REP2-019, REP4-062 to REP4-070 and REP6-010 to REP6-014]. Some IPs also raised concerns about the Applicant's methodology to determine non-motorised user / WCHR opportunities as well as the safe use of the proposed B1140 overbridge for cyclists and pedestrians, given the large number of HGVs (associated with a sugar factory in Cantley) which would also use it.
- 4.19.27. It is worth noting here that as a result of my written questions, representations from IPs and discussions during ISH3 and ISH4, a number of updates / improvements were made to the RoWA Plans as submitted [APP-007]. Key updates / improvements included:
  - Upgrading the entire proposed footpath which runs in an east to west direction to the south of the proposed A47 between the Blofield and

the B1140 overbridges to a cycle track (which includes a right of way on foot) [REP4-004];

- Extending the proposed cycle track along the de-trunked section of the existing A47 between Dell Lane Corner and Main Road, north Burlingham (point SU14 to SU15) [REP4-004];
- Extending the proposed cycle track to the south of the B1140 overbridge to Acle Road (point SU12 to SU13) [REP4-004]; and
- Extending the proposed cycle track to the north of the B1140 overbridge / east of North Burlingham to provide a link to the B1140 (point SU7 to SU8) [REP7-004].

4.19.28. The issue of whether there was a need for central crossing point, whether it be an overbridge or underpass, featured in my written questions [PD-006] and at ISH3 / ISH4, as did whether there was a need for a dedicated pedestrian / cycle link from North Burlingham to Acle. The Applicant maintained its position throughout the Examination that, notwithstanding the moderate adverse and thus significant effect of the severance of FP3 and that the existing A47 can currently be crossed informally from this footpath, a central crossing point as part of the Proposed Development was unnecessary and unjustified, as was a dedicated link between North Burlingham and Acle. The Applicant's reasons for its view on these matters are set out in Appendix A of [REP1-060] and were reiterated / expanded upon in subsequent responses and submissions throughout the Examination.

4.19.29. In respect of not providing a central crossing point, the Applicant's reasons can be summarised as:

- Surveys in June 2018 and additionally in May / June 2021 show very low numbers of walkers crossing the A47, including from / to FP3, and the general low usage of this footpath;
- The surveys show low numbers of cyclists crossing the A47, including at the Lingwood Road and Lingwood Lane junctions (though with a higher number of cyclists crossing the A47 between the north and south B1140 staggered junctions);
- The surveys showed no horse riders crossing the A47 and bridleway routes would be maintained;
- Existing walking and cycling facilities along and in the vicinity of the existing A47 can be described as limited and discontinuous;
- The Blofield and B1140 overbridges would provide for the safe crossing of the A47 by walkers and cyclists, thus reducing severance effects;
- Approximately 6km of new infrastructure for pedestrians and cyclists would be provided as part of the Proposed Development, including a cycle track (which includes a right of way on foot) to the south of the proposed A47 between the Blofield and B1140 overbridges and cycle tracks / footways between these overbridges to the north of the proposed A47;
- The Proposed Development would not lead to a marked increase in journey distances for cyclists crossing the A47;
- Most of the BWW network and the majority of its key features are located to the north of the A47, as is a car park and mobility access

paths. Also, given the nature of FP3, it would be unlikely to be navigable route to access these mobility paths with a mobility scooter from Lingwood<sup>9</sup>;

- By contrast, very few key features are located to the south of the A47 in the area between the A47 and Lingwood;
- FP3 is not a practical route for regular utility trips between North Burlingham and Lingwood, given: the distance involved (for example, 2.3km from the centre of North Burlingham to Lingwood railway station via this footpath) exceeds preferred maximum walking distances<sup>10</sup>; the barrier effect of the existing A47; and that it is un-surfaced and the route is through fields – thus this footpath provides more of a leisure route for recreational users;
- The additional walking distance / time taken from, for example, Lingwood railway station to footpath Burlingham FP1 (part of BWW to north of A47) would range between 1.5-2.2km / 18-26 minutes (as shown on Figure C at Annex A of Appendix A of [REP1-060]) – such additional distances and times would be unlikely to deter recreational walkers; and
- Any severance effect of the Proposed Development on existing walkers / pedestrians would be very low and may be considered to be offset by the provision of additional opportunities for walking created by the diversionary routes.

4.19.30. In respect of not providing a dedicated pedestrian / cycle link between North Burlingham and Acle, the Applicant's reasons can be summarised as:

- An attractive walking route between North Burlingham and Acle already exists (as shown on Figure D at Annex A of Appendix A of [REP1-060]);
- There would be other reasonable options for cycling between North Burlingham and Acle with the Proposed Development in place (as shown on Figure D at Annex A of Appendix A of [REP1-060]);
- The distance between North Burlingham and facilities in Acle (such as shops, a railway station and schools) greatly exceeds preferred maximum walking distances and thus any walking trips between the settlements would be more likely to comprise trips for recreational rather than utility purposes; and
- Pinch points around Hall Cottages in the vicinity of The Windle would not allow for a cycle track / footway to be created at this point of a sufficient width to meet current standards.

4.19.31. On the basis of the above, the Applicant considers that it has used reasonable endeavours to address the needs of pedestrians and cyclists in designing the Proposed Development and that this complies with the relevant requirements of the NNNPS.

---

<sup>9</sup> In response to Lingwood and Burlingham Parish Council submission [REP4-059]

<sup>10</sup> As set out in *Guidelines for Providing for Journeys on Foot*, The Institution of Highways and Transportation, 2000



- 4.19.32. I have carefully considered all submissions in respect of non-motorised user matters and discussions held during relevant hearings, which were attended by IPs including the Applicant, NCC, BDC, Create Consulting on behalf of BCGA, NCyC, Jan Davis and Chris Gates. Horse riding opportunities would not be detrimentally affected. I consider that opportunities for cycling would be markedly improved and that overbridges would allow for the safe and convenient crossing of the A47 for cyclists (and pedestrians), sufficiently segregated from vehicles, including HGVs.
- 4.19.33. I recognise that a crossing at the centre of the Proposed Development would assist with creating more direct walking connections between Lingwood and North Burlingham and between BWW to the north and south of the A47. I also recognise that the severance of FP3 has been recorded as a moderate and thus a significant adverse effect in the ES. The NNNPS highlights that there is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated, which in this case, could be achieved, and the Proposed Development enhanced overall, with the addition of a footbridge or underpass, albeit at an increased financial cost (the Applicant estimates around £2.4 million for an overbridge and BCGA estimates around £660,000 excluding land costs for an underpass). It is disappointing that the Applicant did not seek to fully mitigate the effect of the severance of FP3 with the addition of a central crossing point, whether this be a footbridge or an underpass.
- 4.19.34. Nonetheless, FP3 tends to be used for recreational purposes only and the proposed east to west cycle track (for pedestrian use also) to the south of the A47 which would link with FP3 would offer further recreational opportunities, whilst also providing an option, albeit a longer one, to connect with North Burlingham and BWW to the north. This cycle track would be set back from the edge of the road and largely screened from it by new hedgerow, tree or woodland planting. It, and other cycle tracks, would generally be a minimum width of 2.5m, adequate for the rural context and for users to pass one another unencumbered. Such a width would also be compliant with relevant DMRB standards<sup>11</sup> and cycle tracks would, overall, conform with the Government's vision for cycling set out in its publication 'Gear Change'<sup>12</sup> and the broad objectives of the Government's Local Transport Note 1/20<sup>13</sup>. These factors would assist with making the cycle track an attractive route to use. In addition, LCW would remain a circular walk for close-by recreational use for residents of Lingwood. Proposed footways and cycle tracks would also provide better links between Blofield and BWW / LCW. Without any substantive evidence to demonstrate the contrary, it is likely, therefore, that the BWW / LCW routes would continue to be effective for relieving pressure on sensitive designated Broads sites. On the basis of these factors, I find

---

<sup>11</sup> Design Manual for Roads and Bridges CD 143: Designing for walking, cycling and horse-riding

<sup>12</sup> Gear Change: A bold vision for cycling and walking, Department for Transport, 2020

<sup>13</sup> Local Transport Note 1/20: Cycle Infrastructure Design, Department for Transport, July 2020

no material conflict with Policy 7 of the JCS, and nor has BDC specified there would be. Furthermore, BDC confirmed that the EBGIPP does not form part of the development plan for the District and has not been formally adopted. As such, I afford it limited weight.

- 4.19.35. I would concur with the Applicant that walking trips from North Burlingham to Acle are likely to be for recreational rather than utility purposes given the distances involved. I would also concur that there would be alternative routes to cycle and walk to Acle from North Burlingham with the Proposed Development in place and that a dedicated route along the A47 is not necessary. North Burlingham is also a small settlement with a modest sized population and I am unaware of any plans for this to materially change in the future. Moreover, such a route is not one of those identified within Policy 5 of the ANP, or its associated map, and as such, to not provide it would not materially conflict with this policy. In addition, I am satisfied with the Applicant's overall approach to, and findings of, its WCHR Assessment and Review [REP2-012].
- 4.19.36. It is therefore my view that the Applicant has demonstrated reasonable endeavours to address the needs of pedestrians and cyclists in designing the Proposed Development. In addition, through the creation of new footpaths, footways and cycling routes, along with two new overbridges allowing for the safe crossing of the A47 for walkers and cyclists, overall provision for non-motorised users would be enhanced and severance effects reduced as a result of the Proposed Development. As such, the Proposed Development, albeit that it could be further enhanced with the addition of a central footbridge or underpass, would conform with the NNNPS in respect of non-motorised user matters.
- 4.19.37. It is also worth highlighting that I asked NCC at ISH3 whether in its view, the lack of a central crossing point would be sufficient reason to recommend refusal of the Proposed Development. NCC responded to say that it would not be a sufficient reason and reiterated its overall support for the Proposed Development. NCC also indicated that it could explore other opportunities in the future to fund such a project, albeit that these opportunities are likely to be limited.
- 4.19.38. In addition, I asked the Applicant, in the event that I was to find the lack of a central crossing acceptable but the SoS was to take an alternative view, whether there was the option of inserting a requirement into the dDCO to secure one [PD-010]. The Applicant responded [REP5-016] stating that this would be likely to give rise to a material change to the application and could result in greater environmental effects than those reported in the ES (including in respect of landscape and visual, drainage and cultural heritage) and as such considered this an inappropriate option.
- 4.19.39. There was a request from the Randlesome Family [RR-043 and REP1-077] for a footway along the de-trunked section of the A47 between High Noon Lane and the proposed Blofield overbridge and for a gate across the section of de-trunked A47 to the west of High Noon Lane, in the vicinity of Sunny Acres, to assist with avoiding activities such as fly-tipping given

that this section would be a dead end. The footway matter was also discussed at ISH3. The General Arrangement Plans were amended to accommodate the request for a gate at DL4 [REP4-006] and I am satisfied with the Applicant's response and view [REP4-051] that due to expected very low levels of traffic and pedestrian activity, a footway between High Noon Lane and the Blofield overbridge is not justified.

- 4.19.40. Ramblers Norfolk Area [RR-015] suggested linking footpath Blofield FP4a with Plantation Road. However, on the basis that this footpath would not be directly affected by the Proposed Development, I am satisfied with the Applicant's consideration as to why this is not necessary [REP1-060].
- 4.19.41. Noting that ES Chapter 11: Noise and Vibration [REP1-028] identifies a significant adverse residual noise effect during operation for some receptors, I asked the Applicant [PD-006] to further justify its initial conclusion in ES Chapter 12 Table 12-19 [APP-050] that the health outcome for these receptors would be neutral. In response, the Applicant revised ES Chapter 12 at DL1 [REP1-030] to identify a negative health outcome for these receptors. I followed this up at ISH3 to ascertain the likely degree of this predicted negative health impact, given this had not been qualified within ES Chapter 12. Having regard to the Applicant's oral and written responses (Refs 4.4 and 5.12 of [REP4-051]), which I set out in greater detail in paragraph 4.18.26 of this Report, I am content that any negative health outcomes would not be significant.
- 4.19.42. Blofield PC, whilst having no direct involvement in the Examination, signed a SoCG [REP10-006] with the Applicant agreeing all matters relating to Blofield allotments and non-motorised users.

### **Conclusion**

- 4.19.43. I am satisfied that the findings of the ES are reasonable and that, where necessary, mitigation measures, which are proportionate to the adverse effects that would result from the Proposed Development, would be secured through the rDCO.
- 4.19.44. The dualling of the section of the A47 between Blofield and North Burlingham would offer a solution to congestion and safety issues along it, which are otherwise likely to get worse. It would also assist with unlocking economic growth and development in the area, with benefits at a local and regional level. These matters weigh in favour of the Proposed Development.
- 4.19.45. The Applicant has demonstrated reasonable endeavours to address the needs of non-motorised users in designing the Proposed Development. In addition, through the creation of new footpaths, footways and cycling routes, along with two new overbridges allowing for the safe crossing of the A47 for walkers and cyclists, overall provision for non-motorised users would be enhanced and severance effects reduced as a result of the Proposed Development. It is, nonetheless, disappointing that the Applicant did not seek to fully mitigate the effect of the severance of FP3 with the addition of a central crossing point, whether this be a footbridge or an underpass.

- 4.19.46. The significant adverse effects reported in ES Chapter 12 [REP4-023], relating to: two agricultural holdings; temporary land take from four residential gardens (with resultant loss of trees and vegetation); increased severance for some private properties along Lingwood Road and Lingwood Lane; permanent land take from Blofield allotments; permanent land take from and increased severance of LCW; and the severance of FP3 and resulting increase in journey length involved for walkers to cross the A47, would all weigh against the Proposed Development.
- 4.19.47. No significant adverse effects on human health, well-being and general quality of life have been identified and I am satisfied that, with mitigation in place, this would be the case.
- 4.19.48. Overall, I conclude that there would be general accordance with the relevant policies of the NNNPS and that the Proposed Development would provide a number of social and economic benefits. Nonetheless, it would also give rise to some negative effects, as set out above, which need to be weighed in the overall planning balance.

## **4.20. WATER ENVIRONMENT**

### **Introduction**

- 4.20.1. This section considers the effects of the Proposed Development in relation to the water environment, including water quality and flooding.

### **Policy Background**

- 4.20.2. NNNPS paragraphs 5.90 to 5.115 set out the policy considerations relevant to flood risk. Paragraph 5.100 states that for construction work which has drainage implications approval of the drainage system will form part of any development consent whilst provision should also be made for the adoption and maintenance of any sustainable drainage systems. Paragraph 5.101 goes on to note that the SoS should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure.
- 4.20.3. NNNPS paragraph 5.222 states that for those projects that are improvements to existing infrastructure, opportunities should be taken, where feasible, to improve upon the quality of existing discharges where these are identified and shown to contribute towards Water Framework Directive (WFD) commitments.
- 4.20.4. NNNPS paragraph 5.225 identifies the importance of managing impacts that could have an adverse effect on the achievement of WFD objectives. The SoS must be satisfied that all reasonable steps have been taken by the Applicant and the EA to resolve any concerns about water quality and water resources, and that the EA is satisfied with the outcome.
- 4.20.5. NNNPS paragraph 5.227 requires that consideration should be given to proposals put forward by the Applicant to mitigate adverse effects on the

water environment and whether appropriate requirements should be attached to any development consent.

- 4.20.6. NNNPS paragraphs 4.36 to 4.47 deal with climate change adaptation with paragraph 4.38 highlighting the need to deal with the potential impacts with new development planned to avoid increased vulnerability to the range of impacts arising from climate change.

### **The Applicant's Approach**

- 4.20.7. ES Chapter 13: Road Drainage and Water Environment [REP1-032] addresses road drainage the water environment matters during construction and operation of the Proposed Development. It is supported by ES Appendix 13.1: Flood Risk Assessment [REP4-029]; ES Appendix 13.2: Drainage Strategy [REP4-031]; and ES Appendix 13.3: Groundwater Assessment [APP-111]. Effects on aquatic ecology are considered in ES Chapter 8: Biodiversity [REP4-021].
- 4.20.8. The assessment methodology follows the guidance of *Design Manual for Roads and Bridges LA 113: Road drainage and the water environment* (DMRB LA 113). The study area, based on professional judgement, encompasses groundwater and surface water features, including those, subject to the WFD, that could potentially be affected by the Proposed Development. These are shown on ES Figures 13.1 to 13.3 and 13.5 [APP-070] and identified in ES Chapter 13 [REP1-032] Table 13.6.
- 4.20.9. According to the EA's Flood Map, the majority of the study area, and all of the Order land, is located within Flood Zone 1 (ES Figure 13.1 [APP-070]). The EA's Risk of Flooding from Surface Water Map shows that the majority of the study area is at very low risk of pluvial (surface water) flooding, with the exception of some areas of low surface water flood risk crossing the existing A47 and the route of the Proposed Development (ES Figure 13.7 [APP-070]). In addition, the route of the Proposed Development is within an area that has limited potential for groundwater flooding to occur.
- 4.20.10. There are no navigable or commercially used watercourses within the study area and there are no waterbodies identified as used for angling or other recreational purposes.
- 4.20.11. Surface water run-off during construction and operation would be discharged to infiltration basins and trenches with no direct discharges into any watercourses.
- 4.20.12. ES Chapter 13 [REP1-032] identifies potential impacts during construction from:
- increased risk of pollution from accidental spillages or leakage of fuels, oils, chemicals, wastewater, concrete or cement with potential to affect surface and groundwater receptors and the aquatic environment;
  - construction of foundations and piling activities creating pathways for contaminants to groundwater receptors;

- increased flow rate and volume of runoff from increases in hard standing, such as site compounds, with potential to affect surface water receptors, the aquatic environment and local flood risk;
- changes in surface water flow pathways with potential to affect surface water receptors, the aquatic environment and local flood risk; and
- loss of a pond near Lingwood Lane with potential to affect ecology and local flood risk.

4.20.13. ES Chapter 13 [REP1-032] identifies potential impacts during operation from:

- changes in the surface water run-off regime with potential to affect surface water receptors, the aquatic environment and local flood risk;
- increases in hard standing, including the new dual carriageway, with potential to increase flow rate and volume of run-off with potential to affect surface water receptors, the aquatic environment and local flood risk;
- structures extending below the water table, such as overbridge and retaining wall foundations or cuttings, impeding groundwater flows and altering groundwater levels up and down-gradient of the structures;
- subsurface structures creating contamination pathways from surface to groundwater, and between aquifers;
- increases in traffic volumes resulting in an increase in pollutant loads in run-off with the potential to affect groundwater receptors; and
- an increased risk of pollution resulting from accidental spillage or pollution incidents as a result of the increase in the volume of traffic with potential to affect groundwater receptors.

4.20.14. During construction, best practice methods for pollution prevention and water management would be implemented as part of the EMP [REP9-007], as set out within the REAC, and a Water Monitoring and Management Plan prepared (W1, W2, W10 and W11). The REAC also sets out that where construction works are required near to ordinary watercourses or ditches, the necessary consents would be sought from NCC (W3). Treatment trains would be utilised to prevent accidental spillages from reaching surface or groundwater receptors. This would be specified as part of a Temporary Surface Water Drainage Strategy, as would measures to control run-off from changes to flood flow pathways and arising from hard surfacing, including site compounds (W4, W5 and W6). The pond to be lost would be replaced, in the position shown on the Masterplan [REP7-011] (W8). Piling design and methods would be selected to minimise impacts on groundwater receptors and would be subject to a Piling Risk Assessment (W9).

4.20.15. During operation, there would be no surface water outfalls discharging to any watercourses and all road drainage would drain by infiltration methods. This is set out and detailed in the Drainage Strategy [REP4-031]. Surface water run-off would be treated as part of a treatment train.

- 4.20.16. Wherever possible, existing surface water flow pathways would be maintained or facilitated through interception using appropriately designed collection drains and cross-drains, also known as 'dry culverts'. These shall be designed to convey a 1 in 100-year flow including an additional 65% climate change allowance. Infiltration basins and trenches have been designed to attenuate a 1 in 100-year rainfall event including a 20% climate change allowance. Water levels would not exceed ground levels of the infiltration trenches or the capacity of the infiltration basin for a 1 in 100-year storm event including a 40% climate change allowance. W10 of the REAC within the EMP specifies that the drainage system would be managed and maintained in accordance with the management and maintenance measures specified within the Drainage Strategy [REP4-031].
- 4.20.17. With regard to structures, such as overbridges and retaining walls, reinforced concrete piles would be spaced so as do not to impede groundwater flows. In addition, the Proposed Development has been designed to minimise collision risk and therefore also accidental spillage risk to the water environment.
- 4.20.18. The submission of an EMP (second iteration) including a Water Monitoring and Management Plan, for SoS approval following consultation with the EA and NCC as LLFA, is secured under R4 of the dDCO [REP10-002]. Details of surface water drainage, reflecting the Drainage Strategy and the mitigation measures set out in the REAC within the EMP [REP9-007], is secured under R8 of the dDCO. The replacement pond would be secured under R12 of the dDCO.
- 4.20.19. ES Chapter 13 [REP1-032] Tables 13.7 and 13.8 summarise potential effects during construction and operation respectively. Table 13.9 specifically relates to surface and ground water receptors subject to WFD status. It is concluded that, subject to mitigation as specified in the REAC within the EMP, the Proposed Development is not expected to give rise to any significant residual effects on surface or ground water receptors during either the construction or operational stages. Nor, during these stages, would it cause any deterioration in the status of relevant WFD surface or ground water receptors or impact on their ability to achieve their WFD objectives and standards.
- 4.20.20. ES Chapter 15: Cumulative Effects Assessment [APP-053] sets out that the assessment for road runoff and accidental spillages includes traffic associated with other developments and is therefore inherently cumulative.

### **Issues Arising During the Examination**

- 4.20.21. NCC's RR [RR-002] and LIR [REP1-072] noted that the proposed drainage design should apply the latest climate change allowances of 40% rather than the 20% reported, but as the drainage design has been tested with a 40% climate change allowance, NCC accepts that capacity would be available within the proposed attenuation features for this allowance. A SoCG (Rev 3) between the Applicant and NCC was provided at DL9 [REP9-011] and, whilst unsigned, indicated that NCC agreed that

all appropriate water quality considerations, including risk assessment, were detailed in the ES and that storm events had been modelled with 20% and 40% allowances for climate change. This was also identified in the previous two versions of the SoCG submitted at DL4 [REP4-044] and DL7 [REP7-015]. During ISH3, which included discussions around the water environment, NCC raised no concerns in this regard. In addition, I posed a question [ExQ1.15.3 of PD-006] to the Applicant in respect of climate change allowances and was content with its response [REP1-061].

- 4.20.22. NCC requested that it, as LLFA, be included as a consultee in R4 (EMP) and R8 (surface water drainage) of the dDCO. After some discussion around this during ISH1 [EV-011 to EV-017] and ISH3 [EV-030 to EV-036] the Applicant subsequently updated the dDCO at DL4 [REP4-007] to accommodate NCC's request.
- 4.20.23. The EA's RR [RR-008] highlighted that the Order land does not include any designated main rivers and as such, there would be no requirement for any flood risk activity permits to be obtained. It noted that the EA was satisfied with the approach taken by the Applicant in identifying potential adverse effects on surface water and groundwater and with the mitigation measures outlined, which are included in the REAC within the EMP [REP9-007]. It also confirmed that the Order land falls wholly within Flood Zone 1 (low risk) and that this would remain the case when considering climate change allowances. In addition, the RR set out that the EA was satisfied with the groundwater assessment, the WFD assessment and the drainage strategy, noting detailed drainage design is yet to be finalised.
- 4.20.24. The EA requested its inclusion as a consultee in R4 (EMP) and R8 (surface water drainage) of the dDCO, which the Applicant agreed to and amended the dDCO at DL1 [REP1-007] accordingly. The dDCO was also amended at DL1 to reflect my request [PD-006] to ensure the detailed design reflects the drainage strategy [REP4-031] within R8 (surface water drainage). In addition, I requested that the REAC within the EMP specify provision for the long-term management and maintenance of drainage systems, which was included as W12 of the REAC within a revised EMP at DL4 [REP4-040].
- 4.20.25. A signed SoCG between the EA and the Applicant [REP9-012] confirmed there were no outstanding matters in dispute between the parties in respect of the water environment.
- 4.20.26. BDC raised no issues with flood risk in its LIR [REP1-066], provided NCC as the LLFA was content. A signed SoCG [REP9-010] between the Applicant and BDC did not highlight any matters in dispute regarding the water environment.
- 4.20.27. IPs Graham P Cooper [RR-047] and Bernard Barry Trawford [RR-053] raised some concerns around flood risk to properties along Waterlow as a result of the Proposed Development. The Applicant responded [REP1-060] to these concerns and no further submissions were made by these



two IPs. However, BDC indicated it also had some concerns in this regard further to a question I had posed on the matter [REP1-065]. I explored this matter with the Applicant, BDC and NCC during ISH3 [EV-030 to EV-036]. The Applicant explained in detail the drainage proposals in the vicinity of properties along Waterlow, which lie in a natural dip, particularly in respect of soakaways and infiltration basins within a field to the rear of these properties. During the hearing, BDC and NCC subsequently confirmed they were satisfied that the relevant drainage proposals would be adequate to manage flood risk and would provide an improvement over the current situation. I was also content with the outcome of the discussions.

- 4.20.28. I posed a number of other written questions [PD-006] to the Applicant and IPs on matters relating to the water environment and was content with the responses.

### **Conclusion**

- 4.20.29. I am satisfied that the Proposed Development would have no significant effects on the water environment, including in respect of flood risk and WFD matters.
- 4.20.30. I am content that adequate mitigation measures relating to the water environment are identified within the REAC within the EMP [REP9-007] and secured within the rDCO. This includes best practice methods for pollution prevention and water management during construction, the preparation of a water monitoring and management plan, a temporary surface drainage strategy, a materials management plan, provision for a replacement pond, provision for remediation of any unexpected ground contamination of land or groundwater, a piling risk assessment, monitoring and the detailed design of drainage systems and their long-term maintenance (W1-W6 and W8-W12 of the REAC within the EMP and R4, R6, R8 and R12 of the rDCO).
- 4.20.31. In addition, as can be seen in section 4.13 of this Report, I am satisfied that the Applicant has adequately demonstrated that the Proposed Development would be resilient to climate change effects and has had regard to the most recent UK climate projections (UKCP18) as part of the assessment.
- 4.20.32. The Proposed Development would thus accord with relevant legislation and policy requirements, including those of NNNPS and WFD, and the effects on the water environment, including flood risk, are a neutral consideration in the planning balance.

## **4.21. OTHER CONSIDERATIONS**

- 4.21.1. I have given consideration to all other matters arising from the application documentation and raised in representations. I confirm that there are no other matters that appear to indicate against the grant of development consent or indicate a need to change the DCO in respect of them.

- 4.21.2. In addition, albeit noting the implications for climate change emissions, I am satisfied that the Proposed Development would not give rise to any significant cumulative or in-combination effects.

## **5. FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT**

### **5.1. INTRODUCTION**

- 5.1.1. The Secretary of State (SoS) for Transport is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Regulation 63 of the Habitats Regulations states that if a plan or project is likely to have a significant effect on a European site<sup>14</sup> (either alone or in combination with other plans or projects), then the competent authority must undertake an appropriate assessment of the implications for that site in view of its conservation objectives.
- 5.1.2. Regulation 63 of the Habitats Regulations states that in light of the conclusions of the assessment, and subject to Regulation 64 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.
- 5.1.3. Paragraphs 4.22-4.23 of the National Networks National Policy Statement (NNNPS) reiterates the above requirements and sets out that applicants should seek the advice from Natural England (NE) and provide the competent authority with the information required to determine whether an appropriate assessment (AA) is required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site. The information provided may also assist the SoS in concluding that an AA is not required because significant effects on European sites are sufficiently unlikely that they can be excluded.
- 5.1.4. Subsequent to the submission of the application on 30 December 2020, the Habitats Regulations were amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which came into force on Implementation Period Completion Day, 31 December 2020. These amendment regulations reflect the arrangements in light of the UK's departure from the European Union, as discussed in section 3.3 of this Report, including the introduction of new terminology with reference to the 'National Site Network' (NSN) rather than the 'Natura 2000 network' (which remains the collective term for sites in the European Union).
- 5.1.5. Evidence has been sought before and during the Examination from the Applicant, relevant Interested Persons (IPs) and NE through written questions (ExQ1 and ExQ2) and during hearings, with the aim of

---

<sup>14</sup> Including Sites of Community Importance, Special Areas of Conservation (SACs), candidate SACs, Special Protection Areas (SPAs), potential SPAs and Ramsar sites

ensuring that the SoS has the information required to carry out their duties as the competent authority.

## **5.2. PROJECT LOCATION**

5.2.1. The existing single carriageway part of the A47 between Blofield and North Burlingham, approximately 2.6 kilometres (km) in length, is located approximately 9km to the east of Norwich and forms part of the main arterial highway route connecting Norwich and Great Yarmouth. The Proposed Development would be an offline alignment of dual carriageway running parallel to the south of the existing A47, within the district of Broadland.

5.2.2. A detailed description of the Proposed Development is provided in Chapter 2 of this Report.

## **5.3. HRA IMPLICATIONS OF THE PROJECT**

5.3.1. The Applicant submitted a report with its application to inform the HRA entitled 'Report to Inform Habitats Regulations Assessment' (HRA Report) [APP-119]. This was revised during the Examination to correct some minor errors and inconsistencies, with the final version submitted at Deadline (DL) 4 [REP4-038]. The HRA Report [REP4-038] indicates that the Proposed Development would not fall within the boundary of any European sites.

5.3.2. The Applicant states that the HRA Report [REP4-038] was prepared in accordance with *Design Manual for Roads and Bridges LA 115: Habitats Regulations Assessment* (DMRB LA 115) and *Planning Inspectorate Advice Note 10: Habitats Regulations Assessment relevant to Nationally Significant Infrastructure Projects, November 2017* (AN10).

5.3.3. The HRA Report indicates that, in accordance with DMRB LA 115, the screening stage was completed for European sites where the Proposed Development meets any of the following screening criteria:

- is within 2km of a European site or functionally linked land;
- is within 30km of a Special Area of Conservation (SAC), where bats are noted as one of the qualifying interests;
- crosses or lies adjacent to, upstream of, or downstream of, a watercourse which is designated in part or wholly as a European site;
- has a potential hydrological or hydrogeological linkage to a European site containing a groundwater dependent terrestrial ecosystem which triggers the criteria for assessment of European sites under DMRB LA 113; or
- has an affected road network (ARN) which triggers the criteria for assessment of European sites under DMRB LA 105.

5.3.4. From this, the European sites with the potential to be affected, as shown on the maps provided at Appendix D of the HRA Report, are as follows:

- The Broads SAC;
- Broadland Special Protection Area (SPA);

- Broadland Ramsar site;
- Breydon Water SPA;
- Breydon Water Ramsar site; and
- Paston Great Barn SAC.

- 5.3.5. The Broads SAC is a diffuse site across a number of locations, located approximately 1.86km from the Proposed Development at its nearest point. It shares a similar location to that of the Broadland SPA and Broadland Ramsar site. Its qualifying features include its waterbodies, forests, meadows, the Desmoulin's whorl snail, the lesser whirlpool ramshorn snail, fen orchid and otter.
- 5.3.6. Broadland SPA is a low-lying wetland complex located approximately 1.86km from the Proposed Development at its nearest point. Its qualifying features include ruff, Eurasian marsh harrier, hen harrier, Eurasian wigeon, northern shoveler, gadwall, great bittern, Bewick's swan and whooper swan.
- 5.3.7. Broadland Ramsar is a low-lying wetland complex located approximately 1.86km from the Proposed Development at its nearest point. Its qualifying features include its fens, forests, the Desmoulin's whorl snail, Otter, fen orchid, Bewick's swan, Eurasian wigeon, Gadwall, northern shoveler, pink-footed goose and greylag goose.
- 5.3.8. Breydon Water SPA is located on the Norfolk coast and is an inland tidal estuary at the mouth of the River Yare and its confluence with the rivers Bure and Waveney. It is located approximately 6.9km from the Proposed Development. Its qualifying features include common tern, Bewick's swan, golden plover, pied avocet, ruff, lapwing and an internationally important assemblage of waterfowl.
- 5.3.9. Breydon Water Ramsar site has a similar boundary to the Breydon Water SPA. Its qualifying features include Bewick's swan, northern lapwing, pink-footed goose, Eurasian wigeon, northern shoveler, golden plover and black-tailed godwit.
- 5.3.10. Paston Great Barn SAC is located approximately 24.5km from the Proposed Development and is the only known example of a maternity roost of barbastelle bats within a building. A survey in 2015 recorded minimum and maximum numbers of bats within the roost of 11 and 50 respectively.
- 5.3.11. The HRA Report notes that there are no hydrological links, either direct or indirect, to any of the relevant European sites and that on this basis, no pathways exist for potential hydrological effects, including from road drainage works associated with the Proposed Development.
- 5.3.12. Consideration has also been given to whether changes in air quality, during construction and operation, could affect the European sites. It is concluded that given the construction period would be less than two years, and thus short-term, it is unlikely that there would be any significant or long lasting effects on air quality and as such, there would be no harmful effects on any relevant European sites in this regard. In

addition, during operation, any increases in nitrogen deposition arising from the ARN would be less than 1% of the lowest critical load for any of the qualifying features of the relevant European sites. Further details of the consideration of air quality and the ARN in respect of European sites can be found in ES Chapter 5 [APP-043] and its associated Figures [APP-055] and Appendices [APP-071 to APP-073].

- 5.3.13. Given the distance of the European sites from the Proposed Development and on the basis of the noise and vibration assessment in ES Chapter 11 [REP1-028], the HRA Report concludes that there would be no disturbance to the European sites during either construction or operation from noise and vibration. The same conclusion is reached in respect of lighting impacts, given both the distance from the Proposed Development to the European sites and the presence of other lighting sources already present within the surroundings.
- 5.3.14. A small number of bird species, matching those of the qualifying features of some of the European sites, were recorded within, near to or flying over the Order limits of the Proposed Development. However, the HRA Report indicates that any loss of habitat would be minimal and not significant for the species and that the birds recorded are unlikely to have originated from the relevant European sites in any event, given the extent of more favourable foraging habitat closer to them.
- 5.3.15. Barbastelle bats were recorded commuting across the existing A47 to foraging grounds over agricultural areas in its vicinity. However, the HRA Report notes that given the extent of available suitable habitat between Great Paston Barn SAC and the Order land, it is unlikely that bats associated with this SAC frequent the area. Moreover, that as there are known roosts for barbastelle bats much closer to the site of the Proposed Development than the Great Paston Barn SAC, it is more likely the barbastelle bats recorded would originate from these roosts.
- 5.3.16. On the basis of the above, the HRA Report concludes that there would be no likely significant effects on the identified European sites or their qualifying features. This applies in respect of the Proposed Development alone and in combination with other considered developments. Furthermore, it identifies that there is no need for any mitigation measures and therefore the conclusions in the HRA Report are not reliant on such measures. Accordingly, the HRA Report concludes that an AA of likely significant effects upon the European sites is not required.
- 5.3.17. The HRA Report states that NE were consulted on the conclusions of the Report on 28 September 2020 and concurred with its findings. In the absence of evidence of this, I sought confirmation from NE (ExQ1 [PD-006]). NE responded [REP1-071] to confirm it was in agreement with the findings of the HRA Report and the approach taken in respect of all the assessments relating to the identified European sites.
- 5.3.18. No substantive HRA relevant issues were raised by any other IPs.

## **5.4. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS**

- 5.4.1. Having given careful consideration to all relevant evidence and tested the position on HRA in written questions and during hearings, I am satisfied that there are no likely significant effects of the Proposed Development on any European sites or their qualifying features. Accordingly, I took the view that there was no need to prepare a Report on the Implications for European Sites (RIES).

## **5.5. HRA CONCLUSIONS**

- 5.5.1. I conclude as follows in relation to the HRA process:
- There are no likely significant effects of the Proposed Development on any European sites or their qualifying features (and thus no harmful effects on the wider NSN);
  - No mitigation relevant to HRA has been proposed and none is required;
  - The Proposed Development can proceed without an AA being undertaken by the SoS; and
  - The SoS for Transport has sufficient information available to discharge their obligations under the Habitats Regulations.
- 5.5.2. Notwithstanding the above, the Government issued a Written Ministerial Statement<sup>15</sup> on 16 March 2022, shortly before the submission of this Report to the SoS. The Statement relates to protected sites and nutrient pollution. Broadland District has been added to a list of affected areas. The SoS should be aware of this in the event that this matter requires further consideration.

---

<sup>15</sup> Statement UIN HCWS688, Delivering the Environment Act: taking action to protect and restore nature, 16 March 2022

## **6. CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT**

### **6.1. INTRODUCTION**

- 6.1.1. This Chapter sets out my overall assessment of the planning merits of the Proposed Development. This is in the light of the legal and policy context set out in Chapter 3 and individual applicable legal and policy requirements identified in Chapter 4. The designated National Networks Policy Statement (NNNPS) provides the primary basis for the Secretary of State (SoS) to make decisions on development consent applications for national network Nationally Significant Infrastructure Projects (NSIPs) in England. Conclusions on the case for development consent set out in the application are therefore reached within the context of the policies contained in the NNNPS. However, as indicated in Chapters 3 and 4, in reaching my conclusions, I have taken all other relevant law and policy into account.

### **6.2. CONCLUSIONS ON THE PLANNING ISSUES**

- 6.2.1. I have reached a number of conclusions on the effects of the Proposed Development and its performance against relevant policy and legislation which draw on the analysis of the planning considerations in Chapter 4 and the relevant facts and issues documented in the Habitats Regulations Assessment (HRA) in Chapter 5.

#### **THE NEED FOR THE PROPOSED DEVELOPMENT**

- 6.2.2. The Department for Transport's (DfT's) Road Investment Strategy (RIS) 2015-2020 incorporated a list of highways schemes to be delivered over the period covered by the RIS, including six schemes along the A47 during Roads Period 1 (2015 - 2020) and Roads Period 2 (2020 - 2025). This was in order to improve journeys on the 115 mile section of the A47 between Peterborough and Great Yarmouth. The A47 Blofield to North Burlingham scheme was one of the six A47 schemes identified within the RIS and it was carried forward to DfT's RIS2 for 2020-2025. The road is located approximately 9km to the east of Norwich and comprises a 2.6km stretch of single carriageway, forming part of the main arterial highway route connecting Norwich with Great Yarmouth.
- 6.2.3. Whilst around half of the A47 is already dual carriageway, the Blofield to North Burlingham section is not, with studies having identified that the single carriageway section no longer meets the needs of its users. Sandwiched between two dual carriageway sections, this section of the A47 acts as a bottleneck, resulting in congestion and leading to longer and unreliable journey times. Furthermore, investigations have highlighted that delays tend to be as a result of: difficulty of accessing and crossing the A47 from side road junctions; traffic levels outgrowing the capacity of the road, causing tailbacks and delays; limited opportunities for overtaking slower moving vehicles; and development in the local area.



- 6.2.4. The Blofield to North Burlingham section of the A47 also has a poor safety record, with a total of 42 collisions recorded on the section between 2014 and 2018 (giving an average of nearly 9 collisions per year).
- 6.2.5. Key objectives of the Proposed Development, which would provide an offline dual carriageway to the south of the existing A47, along with new junctions and overbridges, are identified as: to support economic growth; to make a safer network; to make a more free-flowing network; to protect the environment; to provide an accessible and integrated network; and to ensure value for money.
- 6.2.6. With regard to road safety, the Case for the Scheme [REP1-042] identifies that by de-trunking the existing A47 alignment to local road status and providing new cycling and walking infrastructure, the Proposed Development would improve safety for non-motorised users. The Case for the Scheme also identifies that safety along the A47 for road users would be improved by providing an upgraded dual carriageway alignment and an upgraded A47 / B1140 interchange junction and that, in total, analysis indicates that over a 60-year timeframe, the improvements should save a total of 190 accidents, 29 of which would have resulted in death or serious injury. Moreover, the monetary savings in terms of accidents would be approximately £8.5 million.
- 6.2.7. Norfolk County Council (NCC) and Broadland District Council (BDC) both support the principle of the Proposed Development. It would meet the objectives of Policy 6 (Access and Transportation) of The Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014) (JCS), which seeks to enhance the transport system in order to develop the role of Norwich as a Regional Transport Node. The policy sets out that this would be achieved by, amongst other things, promoting improvements to the A47. The need to deliver improvements to the strategic highway network is echoed in the emerging Greater Norwich Local Plan (GNLP), which supports strategic infrastructure improvements that support the growth needs of the area. Draft Policy 4 (Strategic Infrastructure) specifically refers to improvements to the A47 between Blofield to North Burlingham as one of the schemes that will help the emerging plan achieve its aims.
- 6.2.8. In Chapter 4 of this Report, I find that the Proposed Development would conform with the Government's vision and strategic objective set out in the NNNPS to delivery national networks that meet the country's long-term needs, supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. It would meet the critical need to improve the national networks to address road congestion.
- 6.2.9. Accordingly, I afford substantial weight to the contribution the Proposed Development would make towards the need set out in the NNNPS to deliver national networks that meet the country's long-term needs as part of a wider transport system.

## **ISSUES ARISING IN WRITTEN AND ORAL SUBMISSIONS**

- 6.2.10. Apart from Dr Andrew Boswell of Climate Emergency Planning and Policy (CEPP), there were no objections in principle to the Proposed Development or representations suggesting that the Proposed Development was inappropriate in policy terms. The majority of representations were related to matters of specific interest, many of which were resolved during the Examination or which did not weigh materially against the Proposed Development.

## **ISSUES ARISING IN LOCAL IMPACT REPORTS (LIRs)**

- 6.2.11. LIRs were received from BDC [REP1-066 and REP1-067] and NCC [REP1-072]. The LIRs indicated general support for the Proposed Development, though NCC and BDC both highlighted a concern over the lack of a crossing of the A47 around the central part of the Proposed Development, with BDC also highlighting a desire to see a dedicated footway / cycle track between North Burlingham and Acle. The LIRs have been taken fully into account in all relevant chapters of this Report.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6.2.12. Other than Dr Andrew Boswell of CEPP in respect of cumulative climate change assessment, no submissions were made which raised substantive concerns about the overall adequacy of the EIA or the Environmental Statement (ES). The ES and associated information submitted by the Applicant during the Examination provided an adequate assessment of the environmental effects of the Proposed Development which meets the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

## **CONFORMITY WITH THE NNNPS**

- 6.2.13. In relation to the NNNPS, I find:
- Other than Dr Boswell of CEPP, as described above, no instances of non-compliance with NPSs were identified by IPs;
  - the need for the Proposed Development is established through the NNNPS;
  - the Proposed Development conforms to high-level policy in the NNNPS; and
  - the compliance of the Proposed Development has been examined against policy detail and tests applicable to individual planning issues as set out in relevant NNNPS paragraphs, with this analysis set out below.

## **CONFORMITY WITH THE DEVELOPMENT PLAN**

- 6.2.14. The Proposed Development conforms with the development plan for BDC and no substantive instances of unaddressed policy conflict have been identified. Moreover, there are no issues arising from development plan policies of BDC that conflict with relevant policy directions arising from the NNNPS. Accordingly, development plan policies would be fully met by a decision that is in accordance with the NNNPS.

## **APPLICATION OF OTHER POLICIES**

- 6.2.15. I have found that the Proposed Development conforms with other relevant policies identified by NCC, BDC and the Applicant. Furthermore, as there are no conflicts between the NNNPS and these other policies they would be addressed by a decision that is in accordance with the NNNPS.

## **HRA CONSIDERATIONS**

- 6.2.16. I am satisfied that the evidence indicates that the Proposed Development would not give rise to any likely significant effects on European sites. I am also satisfied that the SoS has sufficient information available to discharge their obligations on this matter under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).
- 6.2.17. Notwithstanding the above, the Government issued a Written Ministerial Statement on 16 March 2022 relating to protected sites and nutrient pollution. Broadland District has been added to a list of affected areas. The SoS should be aware of this in the event that this matter requires further consideration.

## **OTHER CONSENTS AND LICENCES**

- 6.2.18. In relation to outstanding consents and licences, I have considered the available information bearing on these and, without prejudice to the exercise of discretion by future decision-makers, have concluded that there are no apparent impediments to the implementation of the Proposed Development, should the SoS grant the application.

## **LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT**

- 6.2.19. Unless guided otherwise by the NNNPS or otherwise stated below, the matters that I consider weigh significantly for or against the making of the DCO for each topic are the likely significant beneficial or adverse effects identified in Chapter 4.

## **Transportation and Traffic**

- 6.2.20. NNNPS paragraphs 2.12 to 2.14 highlight the importance of the strategic road network in providing critical links between areas enabling safe and reliable journeys and the movement of goods in support of national and regional economies. The Proposed Development would deliver a significant benefit to the strategic road network to which I afford significant weight in terms of the overall need for the Proposed Development.
- 6.2.21. I am satisfied that disruption during the construction process can be satisfactorily managed. The outline Traffic Management Plan (oTMP) [REP1-050] provides a framework for managing traffic, including construction traffic, during the construction of the Proposed Development, to minimise health and safety risks and disruption to road users, local businesses and communities. A Traffic Management Plan,

reflecting the contents of the oTMP, is specified in G5 of the REAC within the EMP [REP9-007] and secured under R5 and R10 of the rDCO.

- 6.2.22. I am also satisfied that the Applicant has used reasonable endeavours to address the needs of cyclists, pedestrians and other non-motorised users in the design of the Proposed Development and that the application was supported by an appropriate local transport model to provide sufficiently accurate details of impacts. In addition, through the creation of new footpaths, footways and cycling routes, along with two new overbridges allowing for the safe crossing of the A47 for walkers and cyclists, overall provision for non-motorised users would be enhanced and severance effects reduced as a result of the Proposed Development.
- 6.2.23. Taking all these matters into consideration I conclude that traffic and transportation matters, including new non-motorised user infrastructure, generally weigh in favour of the Proposed Development. I am also satisfied that the cause of any congestion at the A47 / Brundall roundabout would not be solely as a result of the Proposed Development and thus the matter does not weigh significantly against it.
- 6.2.24. However, the severance of footpath Burlingham FP3 (FP3) and the increased walking distance to cross the A47 would be an adverse effect for some non-motorised users which would weigh against the Proposed Development. It is disappointing that the Applicant did not seek to fully mitigate this effect with the addition of a central crossing point, whether this be a footbridge or an underpass.

### **Air Quality and Emissions**

- 6.2.25. I consider that the ES has adequately considered air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the Proposed Development, and that the Proposed Development is unlikely to lead to a breach of the air quality thresholds set out in legislation. I also agree with the Applicant's assessment that the Proposed Development would not affect the UK's ability to comply with the Air Quality Directive. In addition, I am satisfied that no significant air quality effects would result during the construction and operation of the Proposed Development and that the relevant policies of the NNNPS are satisfied. Furthermore, appropriate mitigation and control measures would be contained within the Record of Environmental Actions and Commitments (REAC) within the Environmental Management Plan (EMP) [REP9-007] and are secured within Requirement (R) 4 of the recommended DCO (rDCO).
- 6.2.26. Taking all these matters into consideration, I conclude that air quality matters are a neutral consideration in the planning balance.

### **Biodiversity, Ecology and the Natural Environment**

- 6.2.27. I am satisfied that the Proposed Development would not give rise to any significant residual effects on statutory or non-statutory wildlife sites, protected species (with the exception of bats) and habitats and other

species of notable importance for the conservation of biodiversity. This would be achieved using a variety of mitigation measures.

- 6.2.28. Mitigation measures, including the production of a Landscape and Ecology Management Plan (LEMP) are specified within the REAC within the EMP [REP9-007]. An EMP (second iteration) is secured under R4 of the rDCO. R5 secures a landscape scheme reflecting the mitigation measures of the REAC within the EMP and the Masterplan [REP7-011]. R7 relates to preconstruction protected species surveys. R8 relates to surface water drainage, including means of pollution control, whilst R12 secures the delivery of a new pond.
- 6.2.29. The Proposed Development would result in a biodiversity net gain of greater than 40%. This weighs in favour of the Proposed Development, albeit that biodiversity net gain is not currently a legal requirement for NSIPs.
- 6.2.30. In respect of bats, a moderate adverse effect, and thus a significant one, would remain due to the potential for increased mortality through traffic collisions given the additional lanes of traffic proposed and uncertainties around the effectiveness of proposed bat hops. This adverse effect weighs against the Proposed Development.
- 6.2.31. Accordingly, in line with NNNPS paragraph 5.25, it is necessary to consider whether the benefits of the Proposed Development (including need) clearly outweigh this harm. I consider this in my conclusion below.

## **Climate Change**

### *Climate change emissions*

- 6.2.32. NNNPS paragraph 5.17 identifies that it is very unlikely that the impact of an individual road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. Furthermore, NNNPS paragraph 5.18 makes clear that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from a proposed scheme are so significant that it would have a material impact on the ability of the Government to meet its carbon reduction targets.
- 6.2.33. I am satisfied that estimated carbon emissions associated with the Proposed Development, at around 0.001% of the fourth, fifth and sixth national carbon budgets, would be unlikely to have a material impact on the ability of the UK Government to meet these carbon budgets or to meet the nationally determined contribution under the Paris Agreement 2015 (reduction of economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels). Accordingly, the Proposed Development is not anticipated to give rise to any significant effects in this regard.
- 6.2.34. Given there are no published national carbon budgets beyond 2037, an assessment in this regard for 61% of the Proposed Development's operational carbon emissions is not possible. Nonetheless, 97% of

emissions during the period of unpublished carbon budgets would be likely to come from tail-end emissions. Having regard to this and to DfT's Transport Decarbonisation Plan and National Highway's net zero highways plan, I would concur with the Applicant that it is unlikely that the Proposed Development of itself would have a material effect on the ability to meet the Government's future carbon budgets or its carbon reduction 'net zero' target for 2050 in accordance with the CCA2008 Amendment Order and Paris Agreement 2015.

- 6.2.35. The recent RIS2 High Court Judgment appears to indicate that the Proposed Development, together with all other schemes associated with the Government's RIS2, would be unlikely to give rise to significant climate effects. Nonetheless, given the quashing of the A38 Derby Junctions DCO by the High Court and that the Applicant's carbon assessment appears to predominantly include changes in carbon emissions arising from just the Proposed Development (notwithstanding some other planned major road schemes included within the ARN and baseline), the SoS may wish to further consider the adequacy of the Applicant's consideration of cumulative carbon emissions / climate change effects for the purposes of the NNNPS and EIA Regulations.

*Vulnerability to climate change*

- 6.2.36. I am satisfied that the Proposed Development would be resilient to climate change over its lifetime. Through the REAC within the EMP [REP9-007], the rDCO would secure the minimisation and monitoring of carbon emissions during the construction of the Proposed Development and would secure a review of its vulnerability to climate change should UK climate projections be updated. The Proposed Development would thus comply with the NNNPS in this respect.

**Cultural Heritage**

- 6.2.37. As required by Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, I have had regard to the desirability of preserving listed buildings and / or their settings. I consider that the information provided in the ES and during the Examination is sufficiently comprehensive for me to take account of the significance of the heritage assets considered and to understand the impacts of the Proposed Development on that significance.
- 6.2.38. I am satisfied that there would be no residual harm to the significance of any designated heritage assets, including The Church of St Andrew (Grade (G) I listed); The Church of St Peter (GII); Owls Barn (GII) and House at Owls Barn (GII), and that in respect of The Church of St Andrew and The Church of St Peter, there would be a degree of improvement to their settings from the movement of the A47 further away from them.
- 6.2.39. There would be some beneficial residual effects during construction and operation on the significance of a number of non-designated heritage assets. There would also be some residual adverse effects on others, including North Burlingham Park, Poplar Farm, Beighton House, Oaklands

Former Rectory and a guidepost. Nonetheless, I am content that effects on non-designated heritage assets would not be significant and would not weigh materially in favour of or against the Proposed Development.

- 6.2.40. Measures to reduce and mitigate potential adverse effects on designated and non-designated heritage assets are adequately identified in the REAC within the EMP and secured through the relevant requirements of the rDCO.
- 6.2.41. In addition, I am satisfied that the potential for the loss of some archaeological remains from the construction of the Proposed Development would be adequately addressed and mitigated through R9 (archaeological remains) of the rDCO, which requires a Written Scheme of Investigation (WSI), reflecting the relevant measures set out in the REAC within the EMP [REP9-007].
- 6.2.42. Accordingly, I take the view that the Proposed Development would accord with the requirements of the NNNPS relating to heritage.

### **Geology and Soils**

- 6.2.43. I am satisfied that the Proposed Development would not result in any significant effects on geology or in respect of ground contamination. R6 of the rDCO makes provisions for the remediation of any unknown contaminated land during construction and R8 relates to surface water drainage, including means of pollution control.
- 6.2.44. The permanent and temporary loss of high quality agricultural land would give rise to significant residual effects. There is no opportunity to reduce the effects in respect of the permanent loss. However, GS1 and GS3 of the REAC within the EMP [REP9-007] require the careful storage and reinstatement of agricultural soils in areas where there would be a temporary loss. GS1 of the REAC specifies the production of a Soil Management Plan, including a Soil Resource Plan and a Soil Handling Strategy, and the production of a Materials Management Plan to identify where soils not intended for agricultural reinstatement can be reused elsewhere. An EMP (second iteration) is secured under R4 of the rDCO. Such measures would go some way to mitigating the temporary loss of high quality agricultural soils and to ensuring soils for reuse elsewhere, such as in areas for landscaping, are retained in a good condition.
- 6.2.45. It is worth noting that in all options considered in the Applicant's Assessment of Alternatives [REP1-020], there would have been resultant permanent loss of high quality agricultural soils to some degree. Additionally, the Applicant has taken account of the benefits of the best and most versatile agricultural land and has demonstrated that development on such land is necessary, given that the majority of agricultural land in the area is likely to be of high quality. Moreover, the Applicant has identified the effects, and has proposed mitigation measures, where possible, to minimise impacts.
- 6.2.46. Thus, I conclude that the Proposed Development would, in general terms, meet all legislative and policy requirements relating to geology

and soils, including those of the NNNPS, albeit that residual adverse effects, primarily relating to the permanent loss of high quality agricultural land, would be a disbenefit which weighs against the Proposed Development.

### **Landscape and Visual Effects**

- 6.2.47. Whilst there would be some significant adverse landscape and visual effects during construction and during the early stages of operation, this is to be reasonably expected for a project of this type and scale and I am satisfied that the Applicant's approach to minimising such effects, including through the proposed mitigation, is reasonable and proportionate and secured through R4 and R5 of the rDCO. Moreover, I am satisfied that such adverse effects would diminish considerably by Year 15 once landscaping establishes and matures and would no longer be significant.
- 6.2.48. I thus conclude that the Proposed Development would satisfactorily accord with the relevant aims of the NNNPS with regard to landscape and visual matters and these matters are a neutral consideration in the planning balance.

### **Material Assets and Waste**

- 6.2.49. I am satisfied that the Proposed Development would not result in any significant effects on material assets or waste during its construction or operation. The outline Site Waste Management Plan (oSWMP) [REP1-037] details measures to minimise and control waste in accordance with best practice and the waste hierarchy and a detailed SWMP is specified in M1 of the REAC within the EMP [REP9-007] and secured under R4 of the rDCO. Additionally, a Materials Management Plan would detail the procedures and measures to be implemented to classify, track, store, re-use and dispose of all excavated materials encountered during the construction phase.
- 6.2.50. Thus, I conclude that the Proposed Development would meet all legislative and policy requirements relating to material assets and waste management, including those of the NNNPS, and that there are no disbenefits which weigh against it in this regard.

### **Noise and Vibration**

- 6.2.51. During the construction phase, noise and vibration impacts would be largely mitigated, including through adherence to working hours unless otherwise consented by the local planning authority, temporary / permanent noise barriers, noise and vibration monitoring, best practice methods and HGV routing and limiting of HGV numbers. A Construction Noise and Dust Management Plan would be produced. Mitigation is specified within G1, G8 and N1 to N9 of the REAC within the EMP [REP9-007] and secured through R4 and R10 of the rDCO. Notwithstanding this, it is likely that two residential receptors would experience significant adverse noise effects during construction. This would be due to



earthworks and road formation works in close proximity to their properties during Phase 1.

- 6.2.52. Mitigation measures proposed to reduce effects of operational related noise include permanent noise barriers in four locations and low-noise road surfacing along the entire length of the proposed dual carriageway. This is specified within the REAC within the EMP and secured under R4 of the rDCO. Nevertheless, long-term significant adverse noise effects during operation would be experienced by a number of receptors along Yarmouth Road and the B1140 High Road, due to changes in traffic patterns along these roads as a result of the Proposed Development. I am satisfied that the Applicant has explored all reasonable options to mitigate such effects. Additionally, I am satisfied that the Applicant has demonstrated that noise levels would remain below the Significant Observed Adverse Effect Level (SOAEL) and would not give rise to any significant health impacts for these receptors. Conversely, there would also be long-term significant beneficial effects for a number of receptors along other local roads, also due to changes in traffic patterns.
- 6.2.53. The Applicant has demonstrated proportionate and reasonable mitigation measures in respect of noise and vibration to avoid significant adverse impacts on health and quality of life which would be secured through the rDCO and as such, the Proposed Development would be in general compliance with the policies of the NNNPS and the Noise Policy Statement for England (NPSE). However, given that there would be some residual significant adverse noise effects for some receptors during construction and operation, these are matters which weigh against the Proposed Development.

### **Population and Human Health**

- 6.2.54. I am satisfied that the findings of the ES are reasonable and that, where necessary, mitigation measures which are proportionate to the adverse effects that would result from the Proposed Development would be secured through the rDCO.
- 6.2.55. The dualling of the section of the A47 between Blofield and North Burlingham would offer a solution to congestion and safety issues along it, which are otherwise likely to get worse. It would also assist with unlocking economic growth and development in the area, with benefits at a local and regional level. These matters weigh in favour of the Proposed Development.
- 6.2.56. The Applicant has demonstrated reasonable endeavours to address the needs of non-motorised users in designing the Proposed Development. In addition, through the creation of new footpaths, footways and cycling routes, along with two new overbridges allowing for the safe crossing of the A47 for walkers and cyclists, overall provision for non-motorised users would be enhanced and severance effects reduced as a result of the Proposed Development. It is, nonetheless, disappointing that the Applicant did not seek to fully mitigate the effect of the severance of FP3

with the addition of a central crossing point, whether this be a footbridge or an underpass.

- 6.2.57. The significant adverse effects reported in ES Chapter 12 [REP4-023], relating to: two agricultural holdings; temporary land take from four residential gardens (with resultant loss of trees and vegetation); increased severance for some private properties along Lingwood Road and Lingwood Lane; permanent land take from Blofield allotments; permanent land take from and increased severance of LCW; and the severance of FP3 and resulting increase in journey length involved for walkers to cross the A47, would all weigh against the Proposed Development.
- 6.2.58. No significant adverse effects on human health, well-being and general quality of life have been identified and I am satisfied that, with mitigation in place, this would be the case.
- 6.2.59. Overall, I conclude that there would be general accordance with the relevant policies of the NNNPS and that the Proposed Development would provide a number of social and economic benefits. Nonetheless, it would also give rise to some negative effects, as set out above, which need to be weighed in the overall planning balance.

### **Water Environment**

- 6.2.60. I am satisfied that the Proposed Development would have no significant effects on the water environment, including in respect of flood risk and Water Framework Directive (WFD) matters.
- 6.2.61. I am content that adequate mitigation measures relating to the water environment are identified within the REAC within the EMP [REP9-007] and secured within the rDCO. This includes best practice methods for pollution prevention and water management during construction, the preparation of a water monitoring and management plan, a temporary surface drainage strategy, a materials management plan, provision for a replacement pond, provision for remediation of any unexpected ground contamination of land or groundwater, a piling risk assessment, monitoring and the detailed design of drainage systems and their long-term maintenance (W1-W6 and W8-W12 of the REAC within the EMP and R4, R6, R8 and R12 of the rDCO).
- 6.2.62. In addition, I am satisfied that the Applicant has adequately demonstrated that the Proposed Development would be resilient to climate change effects and has had regard to the most recent UK climate projections (UKCP18) as part of the assessment.
- 6.2.63. The Proposed Development would thus accord with relevant legislation and policy requirements, including those of NNNPS and WFD, and the effects on the water environment, including flood risk, are a neutral consideration in the planning balance.

## **OTHER CONSIDERATIONS**

- 6.2.64. I have given consideration to all other matters arising from the application documentation and raised in representations. I confirm that there are no other matters that appear to indicate against the grant of development consent or indicate a need to change the DCO in respect of them.
- 6.2.65. In addition, albeit noting the implications I have highlighted for climate change emissions, I am satisfied that the Proposed Development would not give rise to any significant cumulative or in-combination effects.

## **6.3. THE PLANNING BALANCE**

- 6.3.1. In this Chapter, I have summarised the conclusions reached in relation to each of the sections in Chapters 4 and 5 of this Report. The purpose of this section is to consider them together, in reaching a recommendation as to whether the case is made for granting development consent for the A47 Blofield to North Burlingham Project application.
- 6.3.2. The NNNPS paragraph 4.2 advises that, subject to the provisions of s104 of the Planning Act 2008 (PA2008), the starting point for the determination of an application for a national networks NSIP is a presumption in favour of development.
- 6.3.3. In reaching my conclusions on the case for the Proposed Development, I have had regard to the NNNPS as the relevant NPS, other relevant policy, LIRs and all other matters which I considers both important and relevant to the SoS's decision, including the concerns and objections raised by those who made submissions on the application.
- 6.3.4. I have further considered whether the determination of this application in accordance with the NNNPS would lead the UK to be in breach of any of its international obligations where relevant. I conclude that, in all respects, this will not be the case. Additionally, no HRA effects have been identified and there is no reason for HRA matters to prevent the making of the Order.
- 6.3.5. Bringing the above conclusions together, I note the Government's strong policy support for highway schemes that seek to deliver a well-functioning national road network. The Proposed Development would assist with delivering this policy. It accords with Government policy to deliver national networks that meet the country's long-term needs, supporting a prosperous and competitive economy and, as an improvement to the wider A47 by way of dualling a single carriageway, it would do so as NNNPS paragraph 2.23 prescribes. In addition, the dualling of this part of the A47 is identified in DfT's RIS and RIS2 in order to improve journeys along the whole length of the A47. It would also help achieve the strategic transport objectives of NCC and BDC, in accordance with the relevant transport policies of the development plan.
- 6.3.6. The overall improvement to the road network which is likely to be achieved by the Proposed Development, including in terms of capacity,

resilience and safety, is thus an important positive consideration in favour of the Order being made.

6.3.7. Other positive impacts of note associated with the Proposed Development relate to:

- Overall biodiversity net gain of over 40%;
- Improvements to the setting of The Church of St Andrew (GI) and to a lesser extent, the setting of The Church of St Peter (GII);
- Noise improvements for some residential receptors during operation, in the long-term; and
- The general provision of new cycling and walking infrastructure which would, overall, result in an enhancement for non-motorised users and a reduction in severance effects.

6.3.8. Standing against the Proposed Development are also a number of adverse impacts that would weigh against the Order being made. These relate to:

- Effects on bats;
- Permanent and temporary loss of high quality agricultural land;
- Noise effects for some residential receptors during construction and during operation;
- Effects on two agricultural holdings;
- Temporary land take from four residential gardens;
- Increased severance for some private properties along Lingwood Road and Lingwood Lane;
- Permanent land take from Blofield allotments;
- Permanent land take from and increased severance of LCW; and
- The severance of FP3 and resulting increase in journey length involved for walkers to cross the A47.

6.3.9. In addition to the above, there would be some positive and some negative effects (not significant) on some non-designated heritage assets.

6.3.10. I am satisfied that where mitigation is proposed to mitigate or reduce adverse effects, it would be adequately secured through the rDCO.

6.3.11. NNNPS paragraph 3.4 recognises that some developments will have some adverse local impacts. It states that whilst applicants should deliver developments in accordance with Government policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain.

6.3.12. All the impacts identified fall to be considered together in the context of the Proposed Development as a whole. In my judgement, the strategic benefits of the Proposed Development are such that they would outweigh the adverse impacts which have been identified. In addition, the potential harms would be outweighed by the benefits of the Proposed Development in meeting Government policy as set out in the NNNPS. In addition, I consider that the harmful effects that are likely to arise,

would, overall, be within the scope of the relevant policy provisions of the NNNPS. I am thus satisfied that the Proposed Development would be in conformity with the NNNPS.

- 6.3.13. The increase in carbon emissions resulting from the Proposed Development would be unlikely to be so significant to have a material impact on the ability of the Government to meet its carbon reduction targets. However, the SoS may wish to further consider the adequacy of the Applicant's consideration of cumulative carbon emissions / climate change effects for the purposes of the NNNPS and EIA Regulations.

## **6.4. OVERALL CONCLUSION**

- 6.4.1. For the reasons set out in the preceding chapters and summarised above, I conclude that there is a convincing case for development consent to be granted for the A47 Blofield to North Burlingham Project Development Consent Order application.

## **7. COMPULSORY ACQUISITION AND RELATED MATTERS**

### **7.1. INTRODUCTION**

7.1.1. The application includes proposals for the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights over land. The Applicant is seeking these powers to:

- acquire land permanently within the Order limits;
- temporarily possess land within the Order limits;
- acquire existing rights and restrictive covenants over some of the land within the Order limits;
- extinguish existing rights and restrictive covenants over some of the land within the Order limits;
- create new rights and restrictive covenants over some of the land within the Order limits; and
- temporarily suspend existing rights and restrictive covenants over some of the land within the Order limits,

in order to construct, operate and maintain the Proposed Development or to facilitate it, or is incidental to it.

7.1.2. This Chapter records how those proposals and related issues were examined.

### **7.2. LEGISLATIVE REQUIREMENTS**

7.2.1. The application includes a request for CA and TP powers. The source of those powers is contained in the Applicant's preferred draft Development Consent Order (dDCO) submitted at the end of the Examination [REP10-002]. All further references to the dDCO in this Chapter relate to this version.

7.2.2. The CA powers can only be granted if the conditions set out in s122 and s123 of the Planning Act 2008 (PA2008), together with relevant guidance in "*Guidance Related to Procedures for the Compulsory Acquisition of Land*", DCLG, September 2013 (the former Department for Communities and Local Government) (DCLG CA Guidance) are met.

7.2.3. Section 122(2) of PA2008 states that the land subject to CA must be required for the development to which the development consent relates or must be required to facilitate or be incidental to the development. In respect of land required for the development, the DCLG CA Guidance sets out that the land to be taken must be no more than is reasonably required for the purposes of the development, is no more than is reasonably necessary and is proportionate.

7.2.4. Section 122(3) of PA2008 requires that there must be a compelling case in the public interest to acquire the land compulsorily. The DCLG CA Guidance states at paragraphs 12 and 13 that the Secretary of State (SoS) will need to be persuaded that there is compelling evidence that

the public benefits that would be derived from the CA will outweigh the private loss that would be suffered by those whose land is to be acquired. In balancing public interest against private loss, CA must be justified in its own right.

7.2.5. Section 123 of PA2008 relates to land to which authorisation of CA can relate. S123(1) permits CA if one of the following conditions is met: i) a request was made for CA; ii) that all persons with an interest in the land consent to the inclusion of the provision; or iii) the prescribed procedure has been followed in relation to the land. In the case of the current application the first of these conditions is met. The DCLG CA Guidance also sets out a number of general considerations to be addressed when CA powers are sought. These are that:

- all reasonable alternatives to CA (including modifications to the development) have been explored;
- the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
- the Applicant has a clear idea of how the land which it is proposing to acquire will be used;
- there is a reasonable prospect of the requisite funds becoming available; and
- the purposes for which the CA of land are included in the application are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

7.2.6. Finally, paragraph 25 of the DCLG CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable.

7.2.7. S127 of PA 2008 applies to land acquired by a statutory undertaker (SU) for the purpose of their undertaking where a representation is made about the application for the DCO and not withdrawn. S127(5) states that an order granting development consent may include provision authorising the creation of a new right over SUs' land providing that it can be done without serious detriment to the carrying out of the undertaking or any detriment can be made good by the undertaker.

7.2.8. In line with S135 of PA2008, an order granting development consent may include provision authorising the CA of an interest in Crown land only: i) if the interest is held by or on behalf of the Crown; and ii) that the appropriate Crown authority consents to the acquisition.

7.2.9. S138 of PA2008 provides for an order to include provision for the extinguishment of the relevant rights, or the removal of the relevant apparatus of SUs only if the SoS is satisfied that such actions are necessary for the purposes of carrying out the development to which it relates.

7.2.10. Further to Part 1 of Schedule 5 to PA2008, TP powers are capable of being within the scope of a DCO. PA2008 and the DCLG CA Guidance do not contain the same level of specification and tests to be met in relation to the granting of TP powers, as for CA powers because, by definition,

such powers do not seek to permanently deprive or amend a person's interests in land. However, they must be justifiable and compatible with Human Rights tests as discussed below.

- 7.2.11. The Neighbourhood Planning Act 2017 (NPA2017) has been enacted and contains provisions which amount to a codification of new TP practice. In recognition of the greater extent to which TP is being sought by scheme promoters and of the extended durations to which TP can be sought, the NPA2017 provisions in general terms provide for enhancements to the rights of Affected Persons (APs) subject to TP, with a view to ensuring that they have equivalent or proportionate rights to notice and to relevant compensation to those already available to APs subject to CA. However, at the submission of this Report to the SoS, the relevant provisions had not yet commenced.

### **7.3. THE REQUEST FOR CA AND TP POWERS**

- 7.3.1. The application dDCO [APP-016] and all subsequent versions submitted by the Applicant up to the latest dDCO (Revision 8) [REP10-002] submitted at Deadline (DL) 10 include provisions intended to authorise the CA of land and rights over land. Powers for the TP of land were also sought.
- 7.3.2. Accordingly, the application was accompanied by a Book of Reference (BoR) [APP-021], Land Plans [APP-005], Crown Land Plans [APP-011], Works Plans [APP-006], Rights of Way and Access (RoWA) Plans [APP-007], a Statement of Reasons (SoR) [APP-019] and a Funding Statement [FS] [APP-020]. Taken together, these documents describe the land sought by the Applicant together with the reasons why the land is required and the basis under which compensation would be funded.
- 7.3.3. The Examination and the Applicant's due diligence processes led to changes to some of this documentation. By the close of the Examination, the most up-to date versions were as follows:
- BoR (Revision 7) submitted at DL9 [REP9-005];
  - SoR (Revision 2) submitted at DL4 [REP4-013];
  - Works Plans [REP7-003];
  - FS (Revision 0) [APP-020];
  - Land Plans (Revision 1) submitted at DL4 [REP4-002];
  - Crown Land Plans (Revision 1) [AS-003]; and
  - RoWA Plans (Revision 4) submitted at DL7 [REP7-004].
- 7.3.4. References to the BoR, the Land Plans, the Crown Land Plans, SoR and the FS in this Chapter from this point should be read as references to the latest revisions cited above. It should be particularly noted that all Land Plan plot references employed in this Chapter are correct as per the most recently submitted version at DL4 (Revision 1) [REP4-002].
- 7.3.5. Land over which CA and / or TP powers are sought is referred to in this Chapter as the Order land.



- 7.3.6. It is worth highlighting here that 'Plot 4/7c' is annotated on Inset G on Sheet 4 of the Land Plans [REP4-002]. This is an error (as Plot 4/7c is correctly shown elsewhere on Sheet 4) which I requested the Applicant to amend. Whilst the Applicant indicated it had done so (Ref 3.2 on page 33 of [REP4-051]), this was not the case. The SoS may wish to consider requesting from the Applicant an amended version of the Land Plans to correct this error, if necessary and important to do so.

### **Proposed changes and additional land**

- 7.3.7. PA2008 requires that if changes are sought to the application, the changes, whether material or non-material, must be considered and approved or otherwise by the Examining Authority (ExA). If the changes accepted into the Examination involve CA of additional land and the consent to the provision in the dDCO authorising such CA of all persons with an interest in that land is not obtained by the Applicant, then the prescribed procedures of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) will apply.
- 7.3.8. Paragraphs 2.2.2 and 2.2.3 of this Report detail proposed changes to the application. The change requests primarily involved additional land (though within the existing Order limits) required to relocate a gas valve compound and to provide access to it. The first of these requests I declined to accept on the basis that the prescribed procedures of the CA Regulations would have applied and there was insufficient time left in the Examination to accommodate the procedures. The full and detailed reasons are set out in my Procedural Decision [PD-012]. In respect of the second request, I was satisfied that the Applicant had provided sufficient evidence to demonstrate that all persons with an interest in the land had consented to the inclusion of the provision, thus the prescribed procedures of the CA Regulations were not engaged. I was also satisfied that the proposed change was non-material and would give rise to no additional likely significant environmental effects. Accordingly, I accepted the proposed change into the Examination. The full and detailed reasons are set out in my Procedural Decision [PD-013].

## **7.4. THE PURPOSES FOR WHICH LAND IS REQUIRED**

- 7.4.1. The relevant Order land and purposes for which the CA and TP powers are required are set out in the BoR [REP9-005] and SoR [REP4-013].
- 7.4.2. CA is sought for land that would be required or used permanently for the construction, operation and maintenance of the Proposed Development. The main powers authorising the outright CA of land are contained in Article (Art) 23 (compulsory acquisition of land). This article would allow the undertaker to acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it, subject to the provisions of Art 26 (compulsory acquisition of rights and imposition of restrictive covenants) and Art 33 (temporary use of land for carrying out the authorised development).

- 7.4.3. Art 26 would limit the undertaker's powers of CA to acquire only the rights or impose only the restrictive covenants specified in Schedule 5 of the dDCO relating to the Order land also specified in this schedule.
- 7.4.4. Art 33 would allow the undertaker to enter on and take possession of land set out in Schedule 7 of the dDCO, in order to facilitate the construction of the authorised development. The article would time limit such possession to one year after the date of completion of the relevant part of the authorised development. Art 33 would also prevent the undertaker from acquiring compulsorily this land, except where the acquisition of new rights over any part of this land is also specified in Schedule 5 of the dDCO and in respect of acquiring rights in the subsoil and airspace over that land.
- 7.4.5. The Land Plans [REP4-002] reflect the above and identify the following:
- Land shaded pink - permanent CA of land;
  - Land shaded blue - CA of rights and TP of land;
  - Land shaded green - TP of land only.
- 7.4.6. Other CA powers sought by the Applicant include Art 28 which provides for the extinguishment of all existing private rights over land subject to CA and suspension of those rights over land subject to TP and Art 31 which allows the Applicant to acquire the subsoil beneath, or airspace above, the land, as required. Art 32 would allow the Applicant to appropriate and use land above and below streets in the Order limits without having to acquire any part of the street or easement right in it.
- 7.4.7. The Applicant owns a number plots which are either subject to the rights of others or to unknown rights which are, or may be, incompatible with the construction of the Proposed Development. To ensure that any such rights can be removed (and appropriate compensation provided) the Applicant has included its own land within the land to which the compulsory powers sought would apply.
- 7.4.8. Art 34 provides for the Applicant to take TP of land within the Order limits required for the purpose of maintaining the authorised development and to construct such temporary works as may be reasonably necessary for that purpose. This general power would be restricted to a period of 5 years from the date on which that part of the authorised development is first opened for use and any TP would be time limited for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.
- 7.4.9. Art 35 to Art 37 address the CA of SUs' land, including powers to remove or reposition apparatus belonging to SUs in stopped up streets.
- 7.4.10. CA of interests in Crown land is also sought. Part 4 of the BoR [REP9-005] identifies the plots within which the Crown has an interest, and these are shown on the Crown Land Plans [AS-003]. The land is held by the SoS for Transport, which is the relevant Crown authority. Art 50

includes a provision for the CA of Crown interests. This is discussed further below.

- 7.4.11. No land is included in the dDCO which is classed as special category land for the purposes of s130, s131 and s132 of PA2008.

## **7.5. EXAMINATION OF THE CA AND TP CASE**

- 7.5.1. The examination of the application included consideration of all submitted written material relevant to CA and TP with the processes involved described below.

### **Written process**

- 7.5.2. Of the 75 Relevant Representations (RRs) received, the following were from parties affected by CA or TP (Affected Persons or APs):

- Norfolk County Council [RR-002];
- Lingwood and Burlingham Parish Council [RR-005];
- Cadent Gas Limited [RR-007];
- The Randlesome Family [RR-043];
- Bernard Barry Trawford [RR-053]; and
- Bidwells on behalf of Mrs Jane Jones [RR-068].

- 7.5.3. Having reviewed these RRs, none appeared to me to specifically object to the principle of the Applicant's proposed use of CA and TP powers. My view on this also applies to all other submissions made by these parties during the course of the Examination, including in any oral submissions made during hearings. For the purposes of clarity, I have set out my reasoning for this in the section below titled 'Consideration of Individual Objections and Issues'.

- 7.5.4. Other APs who made written submissions during the course of the Examination included:

- John Randlesome [AS-020 and REP1-076];
- Anna Randlesome [REP9-021];
- Ryan Woodward [REP1-078];
- Tim Knights [REP4-071 and REP4-072]; and
- Anglian Water Services Limited (AWSL) [REP2-020 and REP9-024].

- 7.5.5. John Randlesome, Anna Randlesome, Ryan Woodward and Tim Knights did not appear to me to specifically object to the principle of the Applicant's proposed use of CA and TP powers. I have set out my reasoning for this in the section below titled 'Consideration of Individual Objections and Issues'. With regard to AWSL, some dispute remains between this SU and the Applicant over the wording of protective provisions, which I address in the same section.

- 7.5.6. My first written questions (ExQ1) [PD-006] included questions relevant to the Applicant's case for CA and TP. ExQ1 also requested the Applicant to complete a Compulsory Acquisition Schedule (CA Schedule) taking account of the positions expressed in RRs and to update this during the course of the Examination. Additionally, the Applicant was asked to

prepare and to update as required, tables identifying and responding to any representations made by SUs with land or rights to which PA2008 s127 and s138 apply.

- 7.5.7. The Applicant provided a CA Schedule at DL1 [REP1-062]. It provided an update to, and replaced Annex B of the SoR [APP-019] with a final version submitted at DL10 [REP10-008]. A SUs Progress Schedule identifying and responding to representations made by SUs was also provided at DL1 [REP1-063]. A final version was submitted at DL10 [REP10-010].

### **Hearings**

- 7.5.8. Two Compulsory Acquisition Hearings (CAHs) were held (CAH1 on 18 August 2021 [EV-018 to EV-022] and CAH2 on 9 November 2021 [EV-038, EV-042 and EV-043]) where parties subject to CA and TP proposals could be heard. The hearings were held to orally examine any objections, the Applicant's case for CA and TP powers and to seek updates on negotiations. Matters relating to SUs and protective provisions were discussed at Issue Specific Hearing (ISH) 1 on 17 August 2021 [EV-011 to EV-017] and ISH4 on 9 November 2021 [EV-039 and EV-044 to EV-047].

### **Site Inspection**

- 7.5.9. An Unaccompanied Site Inspection (USI) [EV-001] enabled me to view much of the land subject to CA and TP proposals from public highways and public rights of way. I was also able to gain an appreciation of the general extent of land being sought to be acquired permanently and temporarily.

### **General consideration**

- 7.5.10. The Applicant's general case for CA and TP is set out in Chapter 7 of the SoR [REP4-013] under the following headings:

- The statutory conditions and CA Guidance;
- Need for the land and the purposes for which the CA powers are sought;
- Compelling case in the public interest;
- Consideration of alternatives;
- Reasonable prospect of funding; and
- Negotiations to acquire by agreement.

- 7.5.11. The Applicant concludes that:

- the conditions in s122 of PA2008 are met and the tests in the DCLG CA Guidance are satisfied;
- all of the land subject to CA and TP powers is necessary to construct, operate, maintain and mitigate the Proposed Development and is necessary to achieve its objectives;
- the extent of the land sought for CA and TP is reasonable and proportionate and is no more than is reasonably required for the purposes of the Proposed Development;

- the Applicant has a clear idea of how it intends to use the land which would be subject to CA and TP;
- all reasonable alternatives to CA (including modifications to the Proposed Development) have been explored;
- the Applicant has engaged with all Affected Persons with a view to acquiring their land interests by agreement and is continuing this process;
- there is a reasonable prospect of the necessary funds being available; and
- there is a compelling case in the public interest to include the CA and TP powers sought by the Applicant in the DCO. The exercise of the CA and TP powers that are sought is necessary and proportionate to the extent that interference with private land and rights is required. In the absence of CA and TP powers the Applicant considers that it would not be possible to proceed with the Proposed Development, and the public benefits of the Proposed Development would not be realised.

7.5.12. My first written questions (ExQ1) [PD-006] included questions relevant to the Applicant's case for CA and TP, including justification of the need for the acquisition / possession of specific plots of land and the extent of land within each plot. I also asked the Applicant how and to what extent CA and TP had been taken into account in the consideration in alternatives. I explored the Applicant's case for CA / TP further at CAH1.

7.5.13. Consideration of alternatives is provided in ES Chapter 3 [REP1-020] and provides the scheme evolution, including the options considered, and the reasons for their rejection in favour of the preferred option. The Consultation Report [APP-022] and the Case for the Scheme [REP1-042] also provide information on alternatives. None of the alternative options would obviate the need for CA and the alignment is proposed to be close to the existing route of the A47 to minimise its length, thus minimising the need for CA when compared with most other options. Moreover, the scope of the CA powers is limited to that which is necessary.

7.5.14. Annex A of the SoR [REP4-013] provides the justification for the CA or TP for each plot identified on the Land Plans [REP4-002]. The Applicant has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the Proposed Development, noting that the detailed design is yet to be developed. In that context the limits of deviation have been drawn as tightly as possible so as to avoid unnecessary land take. In the event that less land proves to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that part of the land that is required. The CA powers are also required to override any existing rights and interests in land as well as grant the right to take TP of land for construction and maintenance purposes. Without these rights the Proposed Development could not be delivered. The Applicant has thus sought to ensure that land to be taken is reasonable and proportionate and is the minimum necessary.

7.5.15. Annex A of the SoR [REP4-013] and the Works Plans [REP7-003] demonstrate that the Applicant has a clear idea of how it intends to use

the land which would be subject to CA and TP. I asked the Applicant (ExQ1.5.6 [PD-006]) to further justify the size of Plots 3/2a, 4/7c and 5/1a, proposed for TP, as shown on the Land Plans [REP4-002]. This was on the basis that much of the land within these plots did not appear to have correlating works shown on the Works Plans. The Applicant responded [REP1-061] stating that land is required temporarily for construction activities such as topsoil storage, stockpiling, temporary drainage and that the only available areas are to the south of the main works. Here, Poplar Farm acts as a constraint and with the gas pipeline diversion to the south of this, the Applicant has included the areas of Plots 3/2a, 4/7c and 5/1a to avoid leaving 'land locked' areas with no access during construction, as well as for the abovementioned purposes, and to allow access for the gas pipeline works. The Applicant also highlights that within these plots there are areas of environmental importance (including trees, woodland and hedge) that are to be retained and protected and that the size of these plots would allow unimpeded movement around these areas without impinging on them.

7.5.16. The Applicant undertook diligent inquiry to identify and consult land interests. The SoR [REP4-013] sets out that a shapefile of the search area, being the proposed land requirements, was submitted to the Land Registry so that a search could be completed. Ongoing Land Registry searches have been used to ensure that any changes in title were identified. The official copies of the registered titles and plans were examined to identify all land interests. At completion of this initial desk based exercise it was then possible to identify the extent of unregistered land interests. In order to establish ownership of any unregistered land, public sources of information were used as well as site visits and the posting of site notices. A land charges search was also carried out. Following the initial non-contact methods, all identified / interested parties were issued with a letter and questionnaire requesting return of information about land in which they may have an interest. This was then followed up by telephone and letter contact.

7.5.17. In term of demonstrating a compelling case in the public interest for the acquisition of land, the Applicant highlights [REP4-013, REP1-061 and REP1-042] that:

- The single carriageway section of the A47 between Blofield and North Burlingham experiences congestion and is currently operating at over capacity, leading to longer and unreliable journey times and safety issues;
- The Proposed Development would remedy this and would provide for improved future capacity and resilience;
- The National Networks National Policy Statement (NNNPS) identifies a critical need to improve the national networks to address road congestion, road safety and to stimulate and support economic growth, which the Proposed Development would achieve;
- The Proposed Development is included in the Government's Road Investment Strategy (RIS) 1 and RIS2 and is supported by the transport policies of the development plan for Broadland District;

- Analysis indicates that over a 60-year timeframe, the improvements should save a total of 190 accidents, 29 of which would have resulted in death or serious injury. Moreover, the monetary savings in terms of accidents would be approximately £8.5 million; and
- The Proposed Development represents high value for money as per the Department for Transport's (DfT) Value for Money Framework.

7.5.18. Having regard to the above and to the Applicant's responses to my written questions and discussions at CAH1, I am satisfied with the Applicant's conclusions on the generality of the case. However, the overarching conclusion on CA and TP cannot be reached until any individual objections and all other relevant and important considerations have been addressed.

### **Consideration of Individual Objections and Issues**

7.5.19.

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **Special Land and Rights Provisions**

- 7.5.71. The BoR [REP9-005] and SoR [REP4-013] set out that there is no land within the Order limits which is subject to special parliamentary procedures or is special category land (including National Trust land or land forming part of a common, open space or fuel or field garden allotment).
- 7.5.72. I asked the Applicant to clarify the position in respect of Blofield allotments, which would be partly affected by the Proposed Development. The Applicant clarified [REP4-051] that it was not a fuel or field garden allotment and it did not meet the definition of 'open space' within s131 of PA2008, with reference to s19 of the Acquisition of Land Act 1981, which means any land laid out as a public garden, land used for the purposes of



public recreation or land being a disused burial ground. Given that Blofield allotments is not a public garden or a disused burial ground and that the allotments are held on tenancy arrangements that give possession to private individuals and, thus, there is no access for the public at large, I was content with the response.

- 7.5.73. In light of the above, I am satisfied that there are no special land considerations arising under s130, s131 or s132 of PA2008 that the SoS needs to take into account.

## **SU Land, Rights and Apparatus**

- 7.5.74. S127 of PA2008 applies to land acquired by SUs for the purposes of their undertaking, and places restrictions on the CA, or CA of a new right, of such land where a representation is made in relation to a DCO application and is not withdrawn by the close of the Examination of that application. The dDCO [REP10-002] includes provision to authorise the CA of land and rights held by SUs for the purposes of their undertaking.
- 7.5.75. If s127 applies, CA of SU's land can only be authorised if the SoS is satisfied:
- that the land can be purchased and not replaced without serious detriment to the SU or, if purchased, can be replaced by other land belonging to or available for purchase by the SU without detriment (s127(3)); or
  - the right can be purchased without serious detriment to the SU or, any detriment to the SU, in consequence of the acquisition of the right, can be made good by the SU by the use of other land belonging to or available for acquisition by them (s127(6)).
- 7.5.76. S138 of PA2008 applies where an Order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a relevant right or there is on, under or over the land relevant apparatus.
- 7.5.77. S138(4) provides that an Order may include provision for the extinguishment of the relevant right or the removal of relevant apparatus only if the SoS is satisfied that the extinguishment, or removal, is necessary for the purpose of carrying out the development to which the Order relates.
- 7.5.78. At the close of the Examination the Applicant's position in relation to these matters is contained in the Applicant's SU Progress Schedule [REP10-010].
- 7.5.79. In respect of s127 of PA2008, Cadent Gas Limited were the only relevant SU identified, with a Category 1 ownership interest in Plot 5/2, as shown in the BoR, as well as Category 2 interests in numerous plots in respect of rights relating to underground gas mains. As set out in section 7.5.48 of this Report above and the SU Schedule, the Applicant reached agreement on the wording of protective provisions with Cadent Gas Limited, as per Schedule 9 Part 4 of the dDCO submitted at DL10 [REP10-002]. A letter from Cadent Gas Limited confirms this and

confirms its withdrawal of objections to the Proposed Development [REP10-016]. S127 of PA2008 therefore does not apply and it is not a matter which needs further consideration.

- 7.5.80. In respect of s138(4), I am satisfied that the extinguishment of the relevant rights or the removal of relevant apparatus of SUs is necessary for the purpose of carrying out the development to which the Order relates. As mentioned above, Cadent Gas Limited withdraw its objections to the application. In addition, Openreach Limited, UK Power Networks, Virgin Media Limited, Vodafone Limited and Hutchinson 3G UK Limited made no submissions / raised no concerns in respect of the standard protective provisions within Schedule 9 Part 1 and Part 2 of the dDCO, with the Applicant's SU Schedule highlighting this also. Furthermore, whilst some dispute remained between the Applicant and AWSL at the close of the Examination in respect of three areas of the relevant protective provisions, as can be seen in section 8.4 of this Report, I have found in favour of the Applicant in this regard and consider protective provisions for the benefit of AWSL, as per Schedule 9 Part 3 of the dDCO, to be appropriate and reasonable.

## **Crown Land**

- 7.5.81. Section 135(1) of PA2008 precludes the CA of interests in Crown land unless the land is held "otherwise than by or on behalf of the Crown", and the appropriate Crown authority consents to the acquisition. Section 135(2) precludes a DCO from including any provision applying to Crown land or Crown rights without consent from the appropriate Crown authority.
- 7.5.82. For the avoidance of doubt, it should be recorded that land in the existing highway subject to CA of which National Highways Limited (the Applicant) is recorded as the owner and occupier is not Crown land.
- 7.5.83. The BoR [REP9-005], CA Schedule [REP10-008] and Crown Land Plans [AS-003] identify plots subject to Crown interests, held by the SoS for Transport, and the powers requested by the Applicant, as follows:
- **CA of land:** 1/2a, 1/2b, 1/2c, 1/2i, 2/2d, 2/2k, 2/19, 3/2, 3/3a, 3/3c, 4/3, 4/5b, 4/9a, 5/3, 5/3a, 6/3, 6/3f, 6/15, 8/6b;
  - **TP of land:** 2/19a, 3/2a, 3/4, 3/4a, 3/4b, 3/4d, 4/9, 8/5; and
  - **TP of land and CA of rights:** 2/19b, 3/2b, 3/2c, 3/2d, 3/4c, 6/15a, 6/15b, 8/5a, 8/6.
- 7.5.84. The CA Schedule sets out that the Applicant has consulted the SoS for Transport and has requested approval under s135 of PA2008 for the inclusion in the Order limits of those parcels in which the SoS holds an interest. I requested updates to this situation throughout the Examination and issued a request to the Applicant [PD-015] under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 for further information relating to Crown land consent given the lack of progression on this matter at DL9 in the Examination timetable.

- 7.5.85. At DL10, the Applicant provided a letter from the DfT, signed for and on behalf of the SoS for Transport, authorising the CA of Crown land under s135 of PA2008, with reference to 'The plots as shown on the Crown Land Plans' (Appendix A of [REP10-013]). The letter also confirms agreement to the wording of Article 50 of the dDCO, relating to Crown rights. As such, I am satisfied that matters in respect of the CA of Crown land do not present an obstacle to the SoS granting the DCO.
- 7.5.86. I am satisfied that the rights sought for the CA of Crown rights and interests are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

### **Human Rights Act 1998 considerations**

- 7.5.87. The Human Rights Act 1998 places the European Convention on Human Rights (ECHR) into UK statute. The ECHR is subscribed to by member states of the Council of Europe. ECHR rights are enforceable in the domestic courts but with final recourse to the European Court of Human Rights. The ECHR, the Council of Europe and the European Court of Human Rights are not EU institutions and are unaffected by the UK's decision to leave the EU.
- 7.5.88. Relevant provisions of the ECHR that are normally engaged by CA and / or TP proposals include:
- Article 6 – the right to due process in civil proceedings, including a public hearing before an independent and impartial tribunal;
  - Article 8 – the right to respect for private and family life and the home is relevant where property that is a home is affected; and
  - Protocol 1, Article 1 – the right to the peaceful enjoyment of property and not to be deprived of this other than in the public interest.
- 7.5.89. Chapter 5 of the SoR [REP4-013] deals with human rights and with compliance with the relevant provisions of the ECHR and fair compensation. I also asked a number of written questions [PD-006] on human rights matters, to which the Applicant adequately responded, and addressed human rights matters at CAH1 [EV-018 to EV-022].
- 7.5.90. There are no residential properties to be compulsorily acquired for the Proposed Development, albeit there would be TP of limited amounts of garden land associated with a small number of residential properties along Yarmouth Road (Plots 1/13, 1/14, 1/15 and 1/16 on the Land Plans [REP4-002]).
- 7.5.91. The Applicant concludes that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of CA would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law.
- 7.5.92. I concur with this view, given the need to acquire land to deliver the Proposed Development and the lack of suitable alternatives, and

conclude that the CA and TP sought is compatible with the Human Rights Act 1998 and the ECHR.

## **Availability and Adequacy of Funds**

- 7.5.93. The Applicant, a Government owned company, provided a Funding Statement (FS) [APP-020] which sets out the estimated cost of the Proposed Development (£89.5m), including construction and compensation costs relating to CA and TP and the potential for blight claims. The FS also outlines the position of the Proposed Development within the Government's RIS1 and RIS2 and within the Highways England Delivery Plan 2015-2020. The Applicant thus concludes that the Proposed Development would be fully funded by the Government's DfT and that funding is no impediment to its delivery or to the payment of compensation to persons affected by CA, TP or a blight claim.
- 7.5.94. I requested the Applicant provide separate estimated costs for construction and CA / TP elements and detail how CA / TP costs had been estimated (ExQ1.5.3 [PD-006]). The Applicant was not forthcoming with separated estimated costs but indicated [REP1-061] that compensation and land acquisition costs as part of the overall estimated cost had been informed by land referencing activities, the engagement of professional surveyors from the Valuation Office Agency and information received from engagement with APs. The Applicant also indicated that appraisals of land value, loss or damage, disturbance, injurious affection and fees had been taken into account in line with relevant legislation and guidance.
- 7.5.95. Notwithstanding a lack of separation of construction and CA / TP costs, I consider that the FS adequately demonstrates the availability of funds sufficient to provide confidence in the deliverability of the Proposed Development if consent is granted by the SoS and for the protection of the interests of APs.

## **7.6. CONCLUSIONS**

- 7.6.1. S122 and s123 of PA2008 sets out the purposes for which CA may be authorised. I am satisfied that the legal interests in all the plots of land included in the BoR [REP9-006] and shown on the Land Plans [REP4-002] would be required for the Proposed Development with respect to both CA and TP powers. In respect of land subject to CA for the Proposed Development, the land to be taken is no more than is reasonably required and the proposed land-take is proportionate.
- 7.6.2. I have considered whether the public benefit in delivering the Proposed Development would outweigh the private loss. Having considered individual cases, I am satisfied that this would be the case.
- 7.6.3. Concerning s122(3), I am satisfied, and recommend to the SoS that a compelling case in the public interest exists for the following reasons:

- the development for which the land is sought would be in accordance with national policy as set out in NNNPS and development consent should be granted;
- the NNNPS identifies a critical need for enhancing strategic highway network capacity of the type that is the subject of this application;
- there is a need to secure the land and rights required to deliver the Proposed Development and to construct it within a reasonable timeframe;
- the Proposed Development represents a significant public benefit to weigh in the balance;
- the private loss to those affected has been mitigated through the selection of the land and the minimisation of the extent of the rights and interests proposed to be acquired;
- the private losses suffered are not such as to outweigh the public benefits that would accrue from the grant of the CA and TP powers which are sought;
- the Applicant has, to the extent possible, explored all reasonable alternatives to the CA of the rights and interests sought, although for a project of this nature it is reasonable that the Applicant should retain CA and TP powers in a made Order, as a guarantee against the possible failure of voluntary agreements which if left unmitigated could cause substantial timescale and delivery cost over-runs that would not be in the public interest;
- there are no viable alternatives which ought to be preferred;
- funding is available to meet any compensation liabilities for CA and / or TP and for any blight claims and the standing of the Applicant in relation to public funds is such that there is no need for any special or additional guarantees for this funding; and
- CA for the Proposed Development can be delivered in a manner in full accord with all relevant human rights considerations.

7.6.4. In respect of s127 of PA2008, this provision does not apply given that Cadent Gas Limited confirmed the withdrawal of its objections to the Proposed Development [REP10-016]. In respect of s138 of PA2008, I am satisfied that the extinguishment of the relevant rights or the removal of relevant apparatus of SUs is necessary for the purpose of carrying out the development to which the Order relates, in accordance with s138(4) of PA2008.

7.6.5. With regard to special category land there is no National Trust land that engages s130 of PA2008 and there is no common, open space or related land that engages s131 or s132 of PA2008. There are no other considerations relating to special category land under PA2008 that need to be taken into account.

7.6.6. The appropriate Crown authority has authorised the CA of Crown land (Appendix A of [REP10-013]) and, as such, I am satisfied that the provisions of s135 of PA2008 have been met and that matters in respect of the CA of Crown land do not present an obstacle to the SoS granting the DCO.

- 7.6.7. The case for CA powers needs to be based on the case for the Proposed Development overall. I have shown in Chapter 6 of this Report that I have reached the view that development consent should be granted. As I have set out above, I am satisfied that the CA powers sought by the Applicant are justified and should be granted because I have concluded that there is a compelling case in the public interest for land and interests to be compulsorily acquired and therefore the Proposed Development would comply with PA2008.
- 7.6.8. As far as human rights are concerned, I am satisfied that the Examination has ensured a fair and public hearing, that any interference with human rights arising from implementation of the Proposed Development is proportionate and strikes a fair balance between the rights of the individual and the public interest and that compensation would be available in respect of any quantifiable loss. There is no disproportionate or unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998. I also consider that there are no implications arising which conflict with the Public Sector Equality Duty (PSED) in terms of groups disproportionately affected.

## **8. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS**

### **8.1. INTRODUCTION**

- 8.1.1. A draft Development Consent Order (dDCO) [APP-016] and Explanatory Memorandum (EM) [APP-017] were submitted by the Applicant as part of the application for development consent. The EM describes the purpose of the dDCO as originally submitted, and each of its articles and schedules.
- 8.1.2. The submission version dDCO [APP-016] was broadly based on the Model Provisions (MP), as set out in the now-repealed Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, but departed from those clauses to draw upon drafting used in made Orders for highways development under the Planning Act 2008 (PA2008). There has been a change of approach to the use of MP since the Localism Act 2011, and although they provide a starting point for the consideration of the dDCO, precedent cases are generally more appropriate. The EM [APP-017] notes and explains variations made in the dDCO compared to the MP. The submission version dDCO [APP-016] and subsequent iterations are in the form of a statutory instrument as required by section (s) 117(4) of PA2008.
- 8.1.3. The dDCO was updated several times during the course of the Examination, as was the EM. This chapter provides an overview of the changes made to the dDCO during the Examination process, between the application dDCO [APP-016] and the final dDCO [REP10-002], submitted at Deadline (DL) 10. It then considers changes made to the final dDCO in order to arrive at the recommended Development Consent Order (rDCO) in Appendix D to this Report.

### **8.2. THE DCO AS APPLIED FOR**

- 8.2.1. This section records the structure of the dDCO. It is based on the Applicant's final dDCO [REP10-002] submitted at DL10, and is as follows:
- Part 1 (Preliminary): Article 1 sets out how the Order may be cited and when it comes into force. Article 2 sets out the meaning of the various terms of the Order. Article 3 relates to the disapplication of legislative provisions and Article 4 to responsibilities for maintenance of drainage works;
  - Part 2 (Principal Powers): Articles 5 and 6 provide for the grant of development consent for the Proposed Development and allow it to be constructed and maintained. Article 7 provides for planning permissions to be implemented within the Order limits and Article 8 provides for limits of deviation. Articles 9 and 10 set out who has the benefit of the powers of the Order and how those powers can be transferred;
  - Part 3 (Streets): Articles 11 to 19 provide powers in relation to street works. These include matters relating to the application of the New Roads and Street Works Act 1991 as well as construction and

maintenance, classification, alteration of layout, street works, temporary alteration and diversion and permanent stopping up, access to works and clearways, prohibitions and restrictions;

- Part 4 (Supplemental Powers): Articles 20 to 22 provide supplemental powers relating to the discharge of water, protective works to buildings and the authority to survey and investigate the land;
- Part 5 (Powers of Acquisition): Articles 23 to 37 provide powers in relation to the compulsory acquisition (CA) and temporary possession (TP) of land;
- Part 6 (Operations): Article 38 provides powers in relation to operations affecting trees and hedgerows; and
- Part 7 (Miscellaneous and General): Articles 39 to 50 relate to the application of landlord and tenant law, operational land for the purposes of the Town and Country Planning Act 1990, defence to proceedings in respect of statutory nuisance, no double recovery, disregard of certain improvements, set off for enhancement in value of retained land, traffic regulations, protection of interests, certification of documents, service of notices, arbitration and Crown rights.

8.2.2. There are ten Schedules to the Order, providing for the description of the Authorised Development (Schedule 1), the requirements which apply to it and procedure for their discharge (Schedule 2), the classification of roads (Schedule 3), the permanent stopping up of highways and private means of access and provisions of new highways and private means of access (Schedule 4), land in which only new rights may be acquired (Schedule 5), the modification of compensation and compulsory purchase enactments for creation of new rights (Schedule 6), land of which TP may be taken (Schedule 7), removal of hedgerows (Schedule 8), protective provisions (Schedule 9) and documents to be certified (Schedule 10).

8.2.3. I find that the structure of the Applicant's final dDCO [REP10-002] as outlined above is fit for purpose and no changes to the structure are recommended.

## **8.3. CHANGES DURING EXAMINATION**

8.3.1. The Applicant updated the dDCO several times during the Examination, responding to issues raised in questions, to Written Representations (WRs) and as a consequence of the hearing process. At each revision, the Applicant submitted a clean copy, a copy showing tracked changes from the previous clean copy version and a table of amendments documenting the changes. The versions of the updated dDCO submitted by the Applicant were as follows:

- Version 1 (DL1) [REP1-006] (clean) and [REP1-007] (tracked);
- Version 2 (DL3) [REP3-004] (clean) and [REP3-005] (tracked);
- Version 3 (DL4) [REP4-007] (clean) and [REP4-008] (tracked);
- Version 4 (DL5) [REP5-002] (clean) and [REP5-003] (tracked);
- Version 5 (DL7) [REP7-007] (clean) and [REP7-008] (tracked);
- Version 6 (DL8) [REP8-003] (clean) and [REP8-004] (tracked);
- Version 7 (DL9) [REP9-003] (clean) and [REP8-004] (tracked); and
- Version 8 (DL10) [REP10-002] (clean) and [REP10-003] (tracked).



- 8.3.2. The Applicant's Schedule of Changes to the dDCO submitted at DL10 [REP10-012] provides a documentation of all changes made to the dDCO during the Examination.
- 8.3.3. Similarly, the EM was updated throughout the Examination as the dDCO evolved. The versions of the EM submitted by the Applicant were as follows:
- Version 1 (DL1) [REP1-008] (clean) and [REP1-009] (tracked);
  - Version 2 (DL3) [REP3-006] (clean) and [REP3-007] (tracked);
  - Version 3 (DL4) [REP4-009] (clean) and [REP4-010] (tracked);
  - Version 4 (DL7) [REP7-009] (clean) and [REP7-010] (tracked); and
  - Version 5 (DL8) [REP8-005] (clean) and [REP8-006] (tracked).
- 8.3.4. My Schedule of Changes [PD-014] to the Applicant's dDCO Revision 5 [REP7-007] was published on 26 November 2021 with responses sought by DL8 on 7 December 2021. At DL8 the Applicant provided a response [REP8-015] to my Schedule of Changes.
- 8.3.5. I do not report on every change made in the updated versions of the dDCO, as some were the result of typographical or grammatical errors, were minor changes, reflected updated documents, or were changes in the interests of clarity or consistency following discussion between the Applicant and relevant interested parties, or as a result of my written questions. Accordingly, and in the interest of conciseness, I have focussed on key changes made in the updated versions of the dDCO.
- 8.3.6. The key changes to the dDCO during the Examination, and the reasons for these changes, are set out in Table 1 below.

**Table 1: Key changes to the dDCO during the Examination**

dDCO Version	Key changes
<b>Version 1</b> [REP1-006] (clean) [REP1-007] (tracked)	<p>Article (Art) 3 (disapplication of legislative provisions): removal of paragraphs (2) and (3) relating to the disapplication of legislative provisions regarding flood risk activity and water discharge activity along with supplementary footnotes, as requested by the Environment Agency (EA) [RR-008] and in response to my First Written Question (ExQ1) 1.8.8 [REP1-061];</p> <p>Art 7 (planning permission): relocation of the word 'not' within paragraph (a) to the preceding paragraph to apply the negative to both paragraphs (a) and (b) for interpretation purposes. This was amended in response to ExQ1.8.11 [REP1-061];</p> <p>Schedule (Sch) 1 (authorised development): reference to the diversion of a medium pressure gas main in Work No. 5 amended to the diversion of an intermediate</p>

dDCO Version	Key changes
	<p>pressure gas main, as a result of Cadent Gas Limited highlighting the error and in response to ExQ1.1.8 [REP1-061] on the matter. This was also corrected elsewhere in the dDCO as necessary, including within Sch 5 (rights) and Sch 7 (temporary possession (TP));</p> <p>Sch 1 (authorised development): deletion of 'viaducts' from paragraph (d), deletion of '(g) works to alter the course of or otherwise interfere with a watercourse', addition of 'and laydown areas' to paragraph (j) and amendments to paragraph lettering as a result, in response to ExQ1.8.58 (relating to necessity for 'further development' to include viaducts, pumping stations, cofferdams, outfalls, culverts and works to alter watercourses) and ExQ1.8.64 (relating to consistency with reference to laydown areas in Sch 7);</p> <p>Sch 2, Part (Pt) 1, Requirement (R) 1 (interpretation): addition of 'drainage strategy', 'the masterplan', 'the outline landscape and ecology management plan' (oLEMP) and 'the outline traffic management plan' (oTMP) to reflect updates to R5 and R8 and to aid the interpretation of documents referred to in these requirements (see below);</p> <p>Sch 2, Pt 1, R4 (environmental management plan (EMP)): addition of the EA as a consultee, as a result of the EA's request [RR-008] and in response to ExQ1.8.40 [REP1-061];</p> <p>Sch 2, Pt 1, R4 (EMP): amendments to names of documents in paragraphs (f) and (g) for consistency with names of application documents and in response to ExQ1.8.41 and ExQ1.8.42;</p> <p>Sch 2, Pt 1, R5 (landscaping): addition of reference to the oLEMP in response to ExQ1.8.43 [REP1-061] relating to whether this requirement should include this;</p> <p>Sch 2, Pt 1, R8 (surface and foul water drainage): addition of the EA as a consultee, as a result of the EA's request [RR-008] and in response to ExQ1.8.45 [REP1-061];</p> <p>Sch 2, Pt 1, R8 (surface and foul water drainage): addition of reference for drainage to reflect 'the drainage strategy', in response to ExQ1.15.5 [REP1-061];</p>

dDCO Version	Key changes
	<p>Sch 2, Pt 1, R12 (new pond): addition of the relevant reference in the Record of Environmental Actions and Commitments (REAC) within the EMP in response to my ExQ1.8.50 and ExQ1.8.51 [REP1-061];</p> <p>Sch 3, Pt 1 (trunk roads): amendment of '4.566 kilometre' to '4570 metre' to reflect the length specified in Work No. 1 of Sch 1, in response to ExQ1.8.59 [REP1-061];</p> <p>Sch 3, Pt 4 (speed limits): amendment to title of column (2) of the table to reflect that the information provided includes the length of the road;</p> <p>Sch 3, Pt 7 (roads to be de-trunked): amendment of '3.25km' to '3250 metres' for consistency with other units of measurement within the dDCO;</p> <p>Sch 4, Pt 3 (private means of access): additional new private means of access to agricultural fields added subsequent to agreement with the landowner; and</p> <p>Sch 10 (documents to be certified): some amendments undertaken in response to my ExQ1.8.68 [REP1-061].</p>
<p><b>Version 2</b></p> <p>[REP3-004] (clean)</p> <p>[REP3-005] (tracked)</p>	<p>Art 2 (interpretation): deletion of 'diversion and laying of underground apparatus' from the exclusion of operations under the definition of the term 'commence', in response to my ExQ1.8.7 [REP1-061] relating to my concern that to exclude such an operation here would allow it to be carried out prior to the approval of a Written Scheme of Investigation (WSI), as per R9, with potential detriment to archaeology;</p> <p>Sch 2, Pt 1, R9 (archaeological remains): addition of the Historic Buildings and Monuments Commission for England (Historic England or HiE) as a consultee on the WSI in response to ExQ1.6.7 and ExQ1.8.46 [REP1-061] on the matter and as HiE also confirmed it wished to be added as a consultee in its response to these ExQs [REP1-070];</p> <p>Sch 2, Pt 1, R18 (details of consultation): amendment of the length of the consultation period for relevant parties consulted on details relating to the discharge of requirements from '10 business days' to '28 days', due to concerns raised by Broadland District Council (BDC), the EA, HiE and Norfolk County Council (NCC) in</p>

dDCO Version	Key changes
	<p>response to ExQ1.8.57 to these parties in relation to the consultation period proposed [REP1-065, REP1-069, REP1-070 and REP1-073]; and</p> <p>Sch 3, Pt 6 (footpaths, cycle tracks etc.): addition of reference to footway section 'F9 to F10' and associated information to reflect this section of footway shown on sheets 5 and 6 of the Rights of Way and Access (RoWA) Plans [REP7-004] and the amendment of the lengths of cycle track section SU7 to SU8 as a result.</p>
<p><b>Version 3</b></p> <p>[REP4-007] (clean)</p> <p>[REP4-008] (tracked)</p>	<p>Contents page: Deletion of Article 45 (appeals relating to Control of Pollution Act 1974) (see below) and renumbering of subsequent articles;</p> <p>Art 20 (discharge of water): deletion of references to the use of a 'watercourse' and 'public sewer' for drainage of water, as a response to ExQ1.8.22 [REP1-061] highlighting that the Environmental Statement (ES) [REP1-032] identifies there would be no discharges to watercourses or connections to sewers during either the construction or operation of the Proposed Development and my following up of this matter during Issue Specific Hearing (ISH) 1 [EV-011 to EV-017 and EV-036a] and the Applicant's written response (Ref 2.4 of [REP4-051]);</p> <p>Art 33 (temporary use of land): amendment to paragraph (8)(b) to ensure that TP of rights in subsoil and airspace is limited to the land specified in Schedule 5 (rights), as referred to in paragraph (8)(a), in response to my querying of the wide powers sought under this article during ISH1 [EV-011 to EV-017 and EV-036a];</p> <p>Article 45 (appeals relating to Control of Pollution Act 1974): deletion of this article on the basis of my querying the necessity and appropriateness of making provision for appeals to the Secretary of State (SoS) (ExQ1.8.33) given that there is already a right of appeal to the magistrate's court under s60(7) and s61(7) of the Control of Pollution Act 1974, and my following up of this matter during ISH1 [EV-011 to EV-017 and EV-036a] given what I considered to be the Applicant's insufficient justification in its initial response [REP1-061];</p>

dDCO Version	Key changes
	<p>Sch 1 (authorised development): change of term 'footpath' to 'cycle track' in Work Nos 14A, 14B, 23 and 27 to reflect amendments to the RoWA Plans submitted at DL4 [REP4-004];</p> <p>Sch 1 (authorised development): deletion of 'pumping stations' and 'outfalls' from paragraph (d) relating to 'further development' following my further querying the necessity to make provision for such development during ISH1 [EV-011 to EV-017 and EV-036a];</p> <p>Sch 2, Pt 1, R1 (interpretation): addition of the term 'lead local flood authority' (LLFA) to reflect the inclusion of the LLFA as a consultee in R4 (EMP), following requests from NCC during ISH1 and ISH3 [REP4-060 and REP4-061];</p> <p>Sch 2, Pt 1, R4 (EMP): in addition to adding the LLFA as a consultee, the EA was also included as a consultee in paragraph (4) for consistency with its inclusion as a consultee in paragraph (1);</p> <p>Sch 2, Pt 1, R8 (surface and foul water drainage): deletion of reference to 'foul water' as no foul water drainage is proposed during operation; addition of LLFA as a consultee following requests from NCC during ISH1 and ISH3 [REP4-060 and REP4-061]; and the addition of the EA as a consultee in paragraph (2) for consistency with paragraph (1);</p> <p>Sch 2, Pt 1, R10 (traffic management): addition of the words 'reflecting the outline traffic management plan' to ensure the traffic management plan to be submitted for approval reflects the oTMP, as I requested in ExQ1.8.49 and during ISH1 [EV-011 to EV-017 and EV-036a];</p> <p>Sch 3, Pt 1 (trunk roads): addition of Points E and G and a description of these to reflect those shown on the Classification of Roads Plans [APP-015], as I requested during ISH1 [EV-011 to EV-017 and EV-036a];</p> <p>Sch 3, Pt 6 (footpaths, cycle tracks etc...) and Sch 4 Pt 2 (highways to be stopped up etc.): amendments to reflect the upgrading of a proposed footpath to a proposed cycle track and to address other consistency issues with the RoWA Plans submitted at DL4 [REP4-004];</p>

dDCO Version	Key changes
	<p>Sch 5 (rights) and Sch 7 (TP): amended to reflect the subdivision of plots 5/1a, 5/1b and 5/1c as shown on the original Land Plans [APP-005] as per the first non-accepted change request [REP4-052, REP4-073 and REP4-074] (the second accepted change request had the same implications [REP6-007 and REP7-022]) to create plots 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f and 5/1g as shown on the DL4 Land Plans [REP4-002], with plots 5/1a and 5/1c subject to TP of land only and plots 5/1b, 5/1d, 5/1f and 5/1g subject to TP of land and CA of rights; and to include plot 5/5a as shown on the Land Plans in Sch 7 (TP) as it had been previously omitted;</p> <p>Sch 9, Pt 3 (protective provisions for Anglian Water Services Limited (AWSL)): amendments throughout to reflect ongoing negotiations between the Applicant and AWSL, a statutory undertaker (SU), as detailed in the DL4 SU Progress Schedule [REP4-048 / REP4-049];</p> <p>Addition of Sch 9, Pt 4 (protective provisions for Cadent Gas Limited) to reflect ongoing negotiations between the Applicant and Cadent Gas Limited, a SU, as detailed in the DL4 SU Progress Schedule [REP4-048 / REP4-049]; and</p> <p>Sch 10 (documents to be certified): updates to documents to be certified.</p>
<p><b>Version 4</b></p> <p>[REP5-002] (clean)</p> <p>[REP5-003] (tracked)</p>	<p>Sch 2, Pt 1, R6 (contaminated land and groundwater): amended further to the EA's request [REP2-013 and REP4-058] to ensure the 'risk assessment' and all parties involved would determine any remediation required rather than just the 'undertaker', and to include 'controlled waters' as a resource which requires the prevention of impacts; and</p> <p>Sch 10 (documents to be certified): updates to documents to be certified.</p>
<p><b>Version 5</b></p> <p>[REP7-007] (clean)</p> <p>[REP7-008] (tracked)</p>	<p>Art 2: amended to reflect the Applicant's name change from 'Highways England Company Limited' to 'National Highways Limited' [AS-031 to AS-034];</p> <p>Art 10 (consent to transfer benefit of Order): deletion of the procedure in paragraphs (4) to (10) for consulting with and obtaining the consent of the Secretary of State before entering into an agreement to transfer or grant the benefit of the provisions of the Order, to bring the</p>

dDCO Version	Key changes
	<p>article in line with other made highways DCOs (including A1 Birtley to Coal House, A19 Downhill Lane Junction, A303 Sparkford to Ilchester, A19/A184 Testos Junction, A14 Cambridge to Huntingdon, A19/A1058 Coast Road and M4 Junctions 3 to 12);</p> <p>Sch 2, Pt 1, R3 (detailed design): addition of provision for a 2.5 metre (m) minimum width of cycle tracks, subject to some exceptions where this can be reduced to 2m minimum, in response to discussions during ISH4 [EV-039 and EV-044 to EV-048];</p> <p>Sch 3, Pt 6 (footpaths, cycles tracks etc.): amendments to reflect changes to the RoWA Plans submitted at DL7 [REP7-004];</p> <p>Sch 4, Pt 1 (highways to be stopped up etc.): Incorrect references to 'footpath' changed to 'cycle track' from my highlighting this to the Applicant;</p> <p>Sch 7 (TP): Incorrect references to 'footpath' changed to 'cycle track' from my highlighting this to the Applicant;</p> <p>Sch 9, Pt 4 (Protective provisions for Cadent Gas Limited): amended further to negotiations between the Applicant and Cadent Gas Limited [REP7-019 and REP7-020]; and</p> <p>Sch 10 (documents to be certified): updates to documents to be certified.</p>
<p><b>Version 6</b></p> <p>[REP8-003] (clean)</p> <p>[REP8-004] (tracked)</p>	<p>Art 2 (interpretation): deletion of the term 'watercourse' and its definition given watercourses are not referred to elsewhere in the dDCO due to previous removal, as suggested in my Schedule of Changes [PD-014] to the Applicant's dDCO (Version 5); and</p> <p>Art 49 (arbitration): addition of "(2) This article does not apply where any difference under any provision of this Order is between any person and the Secretary of State.", as suggested in my Schedule of Changes [PD-014] given my concern that the SoS should not be bound by arbitration given that they would be acting as a public law decision-maker and that this was included within the South Humber Bank Energy Centre Order 2021.</p>

<b>dDCO Version</b>	<b>Key changes</b>
<b>Version 7</b>  [REP9-003] (clean)  [REP8-004] (tracked)	Sch 8 (removal of hedgerows): amendment to identify hedgerows H4, H7, H8, H9, H10 and H13 as 'important' under the Hedgerow Regulation 1997, as a result of further assessments and in agreement with BDC in its Statement of Common Ground [REP9-010]; and  Sch 10 (documents to be certified): updates to documents to be certified.
<b>Version 8</b>  [REP10-002] (clean)  [REP10-003] (tracked)	Art 10: (consent to transfer benefit of Order): change of address of registered office of Cadent Gas Limited

## 8.4. DISCUSSION OF MATTERS OF CONTENTION

8.4.1. This section of the Report addresses important matters which have not been agreed between any IP and the Applicant by the end of the Examination and certain matters which have been the subject of my written questions and / or discussion at hearings about potential changes to the Applicant's final dDCO [REP10-002]. Table 2 then sets out those DCO provisions that I recommend are changed. This includes matters raised in my proposed Schedule of Changes to the dDCO [PD-014] that are not included in Table 1 above. For ease of reference in Table 2, text shown emboldened in red identifies insertions of new recommended text, while text shown with a strike through is suggested for deletion. The recommended changes are reflected in the rDCO at Appendix D.

### **Schedule 9 - Protective provisions**

8.4.2. By the end of the Examination, with the exception of AWSL, protective provisions within the dDCO had either been agreed with relevant SUs (such as Cadent Gas Limited), or no objections / representations had been submitted into the Examination in respect of the standard protective provisions by other relevant SUs (including Openreach Limited, UK Power Networks, Virgin Media Limited, Vodafone Limited and Hutchinson 3G UK Limited). The Applicant's SU Progress Schedule [REP10-010] also identifies that none of these SUs requested amendments to the standard protective provisions for SUs within the dDCO or bespoke protective provisions. With regard to British Gas Limited, the SU Progress Schedule identifies that no relevant rights are to be extinguished nor relevant apparatus to be removed in respect of this



SU and any rights identified in the Book of Reference for this SU have been transferred for the benefit of Cadent Gas Limited.

- 8.4.3. AWSL are identified in Part 1 and Part 2 of the BoR as having a Category 2 interest in a number of plots within the Order limits relating to underground water pipelines. AWSL submitted that it had no in principle objection to the Proposed Development but sought to ensure that through the agreement of protective provisions, it could continue to provide customers with uninterrupted water and wastewater services during construction and operation, listing twelve issues it was in discussion with the Applicant on [REP2-020].
- 8.4.4. AWSL was invited to ISH1 and ISH4 (relating to, amongst other things, the dDCO and protective provisions) as well as CAH1 and CAH2. In addition, I specified on the agendas for all these hearings that it would be particularly helpful for AWSL to attend. AWSL did not attend any of the hearings. However, it made a submission at DL9 [REP9-024] setting out that full agreement had not been reached on protective provisions, with outstanding dispute / concerns remaining in three areas. A signed SoCG between AWSL and the Applicant was submitted at DL10 [REP10-005] expanding on these areas of dispute / concern.
- 8.4.5. It is worth noting that the dDCO paragraph reference numbers in the first column of Table 2-3 of the SoCG [REP10-005] appear to me to be incorrect. Rather, it appears to me that reference to dDCO paragraphs '81', '88(5)' and '90' should rather be references to 'Schedule 9, Part 3, paragraph 20', 'Schedule 9, Part 3, paragraph 27(5)' and 'Schedule 9, Part 3, paragraph 29' respectively. Schedule 9, Part 3 of the dDCO relates specifically to the protection of AWSL. I consider the three areas of dispute / concern below, having regard to the SoCG.
- Schedule 9, Part 3, paragraph 20 (on street apparatus)*
- 8.4.6. This provision states that "*This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Anglian Water are regulated by the provisions of Part 3 of the 1991 Act.*" (the '1991 Act' being the New Roads and Street Works Act 1991).
- 8.4.7. AWSL's concern relates to a need for this provision to be clear so that AWSL knows when the 1991 Act would be relied on and when the protective provisions would apply and that as worded, the provision is not sufficiently clear in this regard. AWSL wishes additional wording to identify a default as to which powers would be used. AWSL's suggested text for the provision is "*Where relations in relation to apparatus may be regulated by both this Part of this Schedule and Part 3 of the 1991 Act, they shall be regulated by this Part of this Schedule unless the undertaker shall have given prior written notice to Anglian Water that they are to be regulated by Part 3 of the 1991 Act; in which case they shall be regulated by Part 3 of the 1991 Act to the exclusion of this Part of this Schedule.*"
- 8.4.8. It is the Applicant's view that the wording of Schedule 9, Part 3, paragraph 20 is clear as it is. The Applicant highlights that this is also the

wording used in the standard protective provisions for water (and other) undertakers in Schedule 9, Part 1 of the dDCO and is well precedented, citing other made DCOs<sup>16</sup>. The Applicant sets out that it is not seeking to deviate from the standard position that where the 1991 Act applies it would do so to the exclusion of the protective provisions. The Applicant states that it does not consider that there would be situations where both the 1991 Act and the protective provisions could apply, given that the Applicant's wording would oust the protective provisions where the 1991 Act applies. The Applicant considers that the dDCO includes adequate wording to make clear that the 1991 Act applies as a default and it is only where the 1991 Act does not apply that the protective provisions would apply.

- 8.4.9. Having had regard to AWSL's concerns and the Applicant's views on the matter, I am satisfied that the wording of Schedule 9, Part 3, paragraph 20 is sufficiently clear for its intended purpose. Accordingly, I find no necessity for it to be amended in the way suggested by AWSL.

*Schedule 9, Part 3, paragraph 27(5) (expenses and costs)*

- 8.4.10. This provision states that "*An amount which apart from this sub-paragraph would be payable to Anglian Water in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Anglian Water any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.*" The provision effectively provides for a reduction in payments to AWSL on the basis that the provision of new apparatus would put back the date of when existing apparatus would have to be replaced by AWSL in any event, known as a "deferment of renewal" provision.
- 8.4.11. AWSL takes the view that this provision should be deleted given that: any new apparatus would not be of its choosing and would only be required due to the Proposed Development; AWSL would be paying part of the capital cost of the Proposed Development and whilst the 1991 Act makes provision for such a highway authority privilege (through either cost sharing or deferment), it does not follow that this, which would not be a benefit to AWSL, should be expanded into other exercises of power by highway authorities, such as through a DCO; the consequence of part paying for new assets not sought would be to reduce AWSL's capital available for priority environmental improvement projects which customers prioritise and the regulator requires, with potential impact on future funding; and that the provision would put AWSL in a worse position than a private landowner, who would recover all losses.

---

<sup>16</sup> Including: the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016; the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016; and The A19/A184 Testo's Junction Alteration Development Consent Order 2018

- 8.4.12. The Applicant acknowledges that any apparatus replaced would be due to the Proposed Development, but takes the view that the provision would represent a benefit to AWSL given the delay in the date of when the SU would otherwise have to replace the apparatus. The Applicant sets out that the provision is the wording used in the standard protective provisions for water (and other) undertakers in Schedule 9, Part 1 of the dDCO and is well precedented, again, citing other made DCOs. The Applicant highlights that such a principle is found in statute, for example, under Schedule 12, Part II of the Highways Act 1980 and also under the 1991 Act relating to on-street apparatus. The protective provision would apply the same rule and is anticipated to only apply to approximately 25% of AWSL's apparatus in this regard. The Applicant notes that deferment of renewal calculations are carried out in accordance with well-known and understood principles and that, in practice, for much of the life of apparatus, such payments are relatively low compared to the replacement value of the apparatus, except at the very end of its lifetime. Accordingly, in the long term, the Applicant considers the effect would be cost neutral to AWSL. The Applicant suggests it is more likely for a SU to fund deferment of renewal payments from a maintenance or mains renewal budget rather than from an environmental improvement one. The Applicant also points out that for private landowners, compensation is generally calculated by reference to the diminution in the value of land, which may or may not reflect all financial loss suffered.
- 8.4.13. Having had regard to AWSL's concerns and the Applicant's views on the matter, I am satisfied that the wording of Schedule 9, Part 3, paragraph 27(5) is reasonable and appropriate and the provision would be unlikely to place AWSL at any material financial deficiency or materially affect its undertaking or environmental obligations. Accordingly, I find no necessity for it to be deleted.

*Schedule 9 Part 3 paragraph 29 (cooperation)*

- 8.4.14. This provision states that *"Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 24(2) or Anglian Water makes requirements for the protection or alteration of apparatus under subparagraph (9), the undertaker must use all reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Anglian Water's undertaking and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose."*
- 8.4.15. AWSL states that it has a system and process, known as 'InFlow', that is used where developers and other parties apply for the creation of new water and sewerage infrastructure and that it is used to allocate work in an efficient manner using the right resources, skills and tools. Not using the system without good reason would, in AWSL's view, lead to avoidable inefficiency and confusion and the wording of the provision as proposed does not force the undertaker to use the system in all circumstances but

rather allows for a bespoke process where appropriate. On this basis, AWSL suggests adding the wording "*using existing processes where requested by Anglian Water, provided it is appropriate to do so*" between the words "...Anglian Water's undertaking" and "Anglian Water must use...".

- 8.4.16. It is the Applicant's view that it is not appropriate to use the 'InFlow' system for the Proposed Development and that in practice it does not work adequately and does not reflect how the Applicant works or is able to work. This is on the basis of experience of using it on other highways projects, for the following reasons: it requires an individual log in; it is a sequential portal where progress cannot be made until each step is carried out; the payment system (which requires payment by credit card) does not work for a scheme of the nature of the Proposed Development; and the portal does not allow interaction for problems to be resolved.
- 8.4.17. Having had regard to AWSL's concerns and the Applicant's views on the matter, I am satisfied that the wording of Schedule 9, Part 3, paragraph 29 would be unlikely to affect the safe and efficient operation of AWSL's undertaking and would thus be reasonable and appropriate without an additional requirement for the Applicant to use AWSL's 'InFlow' system. Moreover, given the Applicant's experience, it would appear to be expedient for the Proposed Development, given its scale and complexity, not to include it within the provision. Accordingly, I find no necessity for the provision to be amended.

*Schedule 9, Part 3 conclusion*

- 8.4.18. In light of the above, I am satisfied that the protective provisions, as set out in Schedule 9, Part 3 of the dDCO, for the benefit of AWSL, are reasonable and appropriate overall.

**Article 2(1) - Interpretation**

- 8.4.19. In my first written questions (ExQ1.8.7) [PD-006], based on the submission dDCO [APP-016], I highlighted that the term 'commence' excluded certain works, including 'the diversion and laying of underground apparatus' and 'site clearance'. I asked the Applicant whether the exclusion of such works might mean that they could potentially be carried out to the detriment of any protected species or archaeology prior to the undertaking of further protected species surveys as per Requirement (R) 7 and the submission and approval of a Written Scheme of Investigation as per R9. The Applicant subsequently removed 'the diversion and laying of underground apparatus' from the term 'commence' under Article 2(1) the dDCO as a result. This happened at DL3 [REP3-004].
- 8.4.20. However, it was the Applicant's view that 'site clearance' should be retained as any such works that affect protected species would have to be the subject of applications for licenses for the relevant works if conducted in advance of commencement and on that basis the pre-commencement surveys referred to in R7 would be carried out in advance of any licence application.

- 8.4.21. My concern remained that to exclude site clearance from the term 'commence' might be to the potential detriment of protected species. This was particularly given that the Applicant was unable to undertake full surveys for all protected species due to COVID-19 restrictions, including for great crested newts. I also note that Natural England suggested that the wording in the dDCO should reflect that no preconstruction related activities, including any earth moving or habitat removal, should take place before survey work [REP6-015]. As the wording of the dDCO stands, it would allow for habitat removal, by way of 'site clearance', pre-commencement.
- 8.4.22. Also, R7(1) of the dDCO states that "No part of the authorised development is to commence until, for that part, final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works." Again, if 'site clearance' is excluded from the term 'commence', according to R7(1), this could occur prior to survey works.
- 8.4.23. In my Schedule of Changes [PD-014], I raised the concern again and suggested 'site clearance' be removed from Article 2(1). The Applicant responded [REP8-015] suggesting that site clearance works impacting on protected species would require licences before site clearance could take place and this need would not be affected by the provisions of the Order if made. The Applicant also pointed to other made DCOs where site clearance was excluded from the term 'commence'.
- 8.4.24. Nonetheless, my concern remains that R7 only provides for protected species surveys before works commence, and that if 'site clearance' is excluded from the commencement of works, it could allow for this prior to protected species surveys being undertaken. Also, I have no substantive information relating to whether the other DCO applications referred to be the Applicant had similar protected species survey limitations.
- 8.4.25. I therefore recommend that 'site clearance', as shown in Table 2 below, is deleted from the exclusions under the term 'commence' under Article 2(1).

#### **Minor typographical errors**

- 8.4.26. The Applicant's final dDCO [REP10-002] appears to contain some minor typographical errors, which I have highlighted in Table 2.

**Table 2: dDCO provisions recommended to be changed**

Provision	Suggested change	ExA's comment
Article 2(1)	"commence" means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and preconstruction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings, <del>and site clearance,</del> and the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly;	See paragraphs 8.4.19 to 8.4.25 above
Sch 2, Pt 1, R3(2)	"...at those locations the authorised development must be designed so that those cycle tracks are no less than 2 metres in width for as short a length as is <del>reasonable</del> <b>reasonably</b> possible."	Typographical error
Sch 3, Pt 2 second row	"New B1140 Overbridge and Approach Roads  A 588 metre length of new highway to be classified as part of the B1140 (including existing highway to be improved, as <del>identified in,</del> as identified in sub-paragraph (b) below):	Typographical error

## **8.5. CONCLUSIONS**

- 8.5.1. I have considered all iterations of the dDCO as provided by the Applicant, from the submission version [APP-016] to the final version [REP10-002] submitted at DL10 and I have considered the degree to which the Applicant's final version has addressed outstanding matters.
- 8.5.2. A number of matters are the subject of recommendations in this Chapter and are included in the rDCO in Appendix D of this Report.
- 8.5.3. Taking all matters raised in this Chapter and all matters relevant to the DCO raised in the remainder of this Report fully into account, should the SoS for Transport be minded to make the DCO, it is recommended to be made in the form set out in Appendix D of this Report.

## **9. SUMMARY OF FINDINGS AND CONCLUSIONS**

### **9.1. INTRODUCTION**

- 9.1.1. This Chapter summarises my conclusions arising from the Report as a whole and sets out my primary recommendation to the Secretary of State (SoS) for Transport.

### **9.2. CONSIDERATION OF FINDINGS AND CONCLUSIONS**

- 9.2.1. In relation to s104 of the Planning Act 2008 (PA2008) I conclude that making the recommended Development Consent Order (rDCO) would be in accordance with the National Networks National Policy Statement (NNNPS) and would not substantially conflict with relevant development plan policy and other relevant policy, all of which have been taken into account in this Report. I have also had regard to the Local Impact Reports (LIRs) from Norfolk County Council (NCC) and Broadland District Council (BDC) in reaching my conclusions.
- 9.2.2. Whilst the SoS is the competent authority under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), and will make the definitive assessment, I am satisfied that the Proposed Development would not be likely to have significant effects on European sites and this finding has been taken into account in reaching the recommendation.
- 9.2.3. I have considered whether the determination of this application in accordance with the relevant National Policy Statement (NPS) would lead the UK to be in breach of any of its international obligations where relevant. I am satisfied that, in all respects, this would not be the case. Neither would it lead to the SoS being in breach of any duty imposed on the SoS by or under any enactment or be otherwise unlawful by virtue of any enactment.
- 9.2.4. I have considered the case for Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights in order to implement the Proposed Development. I have accepted the inclusion of some 'additional land' (already within the Order limits) which, as consent from affected parties was provided and any additional environmental effects would be limited, represented a non-material change to the application. I have concluded that there is no overriding reason why this 'additional land' should not be included in the Order.
- 9.2.5. I am satisfied that the CA and TP powers sought by the Applicant are justified and should be granted. They are necessary to enable the Applicant to implement the Proposed Development. In addition, there is a compelling case in the public interest for land and interests to be compulsorily acquired. The Applicant has a clear idea of how it intends to use the land and funds are available for the implementation of the Proposed Development.



- 9.2.6. I have also had regard to the provisions of the Human Rights Act 1998. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998. In relation to the Article 6, the Examination has ensured a fair and public hearing and any interference with human rights arising from implementation of the Proposed Development would be proportionate and strike a fair balance between the rights of the individual and the public interest. With the weight of national policy in favour of the Proposed Development, the wider public interest qualifies any interference with the human rights of the owners and occupiers affected by CA and TP. The interference in their human rights would be proportionate and justified in the public interest.
- 9.2.7. I have had regard to the Public Sector Equality Duty (PSED) throughout the Examination and in producing this Report. The Proposed Development would not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. On that basis, I am satisfied there would be no breach of the PSED.
- 9.2.8. As required by Regulation 3(1) of the Infrastructure Planning (Decisions) Regulations 2010, I have had regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. I consider that the Proposed Development would achieve this.
- 9.2.9. With regard to all other matters and representations received, I am satisfied that there are no important and relevant matters that would individually or collectively lead to a different recommendation from that below.
- 9.2.10. With the mitigation proposed through the rDCO in Appendix D of this Report, there are no adverse impacts arising from the Proposed Development that would outweigh its benefits. I am thus satisfied that the Proposed Development meets the tests in s104 of PA2008.
- 9.2.11. Furthermore, there is nothing to indicate that the application should be decided other than in accordance with the relevant NPS, the NNNPS.

**Matters which the SoS may wish to consider or seek further information on**

- 9.2.12. The increase in carbon emissions resulting from the Proposed Development would be unlikely to be so significant to have a material impact on the ability of the Government to meet its carbon reduction targets. However, the SoS may wish to further consider the adequacy of the Applicant's consideration of cumulative carbon emissions / climate change effects for the purposes of the NNNPS and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, in light of the recent quashing of the A38 Derby Junctions DCO by the High Court.

- 9.2.13. By the end of the Examination, the Applicant and NCC had not reached agreement on matters relating to the future maintenance of assets to be transferred to NCC upon the satisfactory completion of the Proposed Development. The SoS may wish to seek further information on this matter and confirmation of when agreement is reached between the parties.
- 9.2.14. NCC is currently refreshing its Local Transport Plan to cover the period 2020-2036. I understand it was due for adoption during the course of the Examination but was delayed. The A47 is listed within the draft document as a priority for dualling. The SoS may wish to request further information on the status of NCC's Local Transport Plan.
- 9.2.15. Plot 4/7c is annotated on Inset G on Sheet 4 of the Land Plans [REP4-002]. This is an error (as Plot 4/7c is correctly shown elsewhere on Sheet 4) which I requested the Applicant to correct. Whilst the Applicant indicated it had done so (Ref 3.2 on page 33 of [REP4-051]), this was not the case. The SoS may wish to consider requesting from the Applicant an amended version of the Land Plans to correct this error, if necessary and important to do so.
- 9.2.16. The Government issued a Written Ministerial Statement on 16 March 2022 relating to protected sites and nutrient pollution. Broadland District has been added to a list of affected areas. The SoS should be aware of this in the event that this matter requires further consideration.

### **9.3. RECOMMENDATION**

- 9.3.1. Subject to paragraphs 9.2.12 to 9.2.16 of this Report, for all of the above reasons, and in the light of my findings and conclusions on important and relevant matters set out in the Report, I recommend that the SoS makes The A47 Blofield to North Burlingham Project DCO in the form recommended at Appendix D of this Report.

# **Appendix A: Examination Timetable**

A47 Blofield to North Burlingham Project TR010040  
Report to the Secretary of State

## Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

For items 1-4, which included details of the Preliminary Meeting, please see previous timetables.

Item	Matters	Date
<b>1</b>	<b>Procedural Deadline A</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"><li>• Written submissions on Examination procedure</li><li>• Requests to be heard orally at the Preliminary Meeting Part 1</li></ul>	<b>Tuesday 25 May 2021</b>
<b>2</b>	Preliminary Meeting Part 1	<b>Tuesday 8 June 2021 at 10.00am</b>
<b>3</b>	<b>Procedural Deadline B</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"><li>• Written submissions on Examination procedure including responses to matters raised orally in the Preliminary Meeting Part 1</li><li>• Requests to be heard orally at the Preliminary Meeting Part 2</li></ul>	<b>Tuesday 15 June 2021</b>
<b>4</b>	Preliminary Meeting Part 2 (if required)	<b>Tuesday 22 June 2021 at 10.00am</b>
<b>5.</b>	Publication by the ExA of the Examination Timetable	<b>As soon as practicable after the close of the</b>

		<b>Preliminary Meeting</b>
<b>6.</b>	<p><b>Deadline 1 (D1)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA's Written Questions (ExQ1)</li> <li>• Local Impact Reports (LIR) from Local Authorities</li> <li>• Comments on Relevant Representations</li> <li>• Notification by Statutory Parties of their wish to be considered as an Interested Party (IP)</li> <li>• Notification of wish to speak at an Open Floor Hearing</li> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing</li> <li>• Notification of wish to attend an Accompanied Site Inspection (ASI)</li> <li>• Provision by IPs of suggested locations and justifications for ASI</li> <li>• Statements of Common Ground (SoCG) requested by the ExA</li> <li>• Statement of Commonality for SoCG</li> <li>• The Compulsory Acquisition Schedule</li> <li>• An Application Documents Tracker</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions</li> <li>• A schedule of changes to the dDCO</li> </ul>	<b>Tuesday 6 July 2021</b>
<b>7</b>	<p><b>Deadline 2 (D2)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on documents submitted at D1</li> <li>• Written Representations (WRs) including summaries of all WRs exceeding 1500 words</li> <li>• Submission by Applicant of draft ASI arrangements and itinerary</li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 ('the Examination Rules')</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> </ul>	<b>Tuesday 20 July 2021</b>

	<ul style="list-style-type: none"> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO</li> </ul>	
<b>8</b>	<p><b>Deadline 3 (D3)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ1</li> <li>• Comments on LIRs</li> <li>• Comments on WRs</li> <li>• Comments on documents submitted at D2</li> <li>• Comments on Applicant's draft ASI arrangements and itinerary</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<b>Tuesday 3 August 2021</b>
<b>9</b>	<b>Open Floor Hearing 1</b>	<b>16 August 2021</b>
<b>9</b>	<b>Open Floor Hearing 2</b>	<b>16 August 2021</b>
<b>9</b>	<b>Issue Specific Hearing 1</b>	<b>17 August 2021</b>
<b>9</b>	<b>Compulsory Acquisition Hearing 1</b>	<b>18 August 2021</b>
<b>9</b>	<b>Issue Specific Hearing 2</b>	<b>19 August 2021</b>
<b>9</b>	<b>Issue Specific Hearing 3</b>	<b>20 August 2021</b>

<b>10</b>	<b>Deadline 4 (D4)</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Written summaries of oral submissions to hearings</li> <li>• Any post-hearing notes requested at the Hearings</li> <li>• Comments on documents submitted at D3</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<b>Thursday 9 September 2021</b>
<b>11</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ2) (if required)</li> <li>• Report on the Implications for European Sites (RIES) (if required)</li> </ul>	<b>Tuesday 28 September 2021</b>
<b>12</b>	<b>Accompanied Site Inspection</b> (if required)	<b>w/c 4 October 2021</b>
(Added 21/9/21 as part of Change Request)	<b>Deadline 4a</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to ExA's letter relating to the Applicant's request for a change to the application</li> </ul>	<b>5 October 2021</b>
<b>13</b>	<b>Deadline 5 (D5)</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if required)</li> <li>• Comments on RIES (if required)</li> <li>• Comments on documents submitted at D4</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> </ul>	<b>Tuesday 19 October 2021</b>

	<ul style="list-style-type: none"> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	
<b>14</b>	<p><b>Deadline 6 (D6)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ2 (if required)</li> <li>• Comments on documents submitted at D5</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<b>Tuesday 2 November 2021</b>
<b>15</b>	<b>Open Floor Hearing 3</b>	<b>10am 9 November</b>
<b>15</b>	<b>Compulsory Acquisition Hearing 2</b>	<b>11.30am 9 November</b>
<b>15</b>	<b>Issue Specific Hearing 4</b>	<b>2pm 9 November</b>
<b>16</b>	<p><b>Deadline 7 (D7)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions to hearings</li> <li>• Any post-hearing notes requested at the Hearings</li> <li>• Comments on documents submitted at D6</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> </ul>	<b>Thursday 18 November 2021</b>



	<ul style="list-style-type: none"> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	
<b>17</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• ExA's preferred DCO / proposed schedule of changes to the dDCO (if required)</li> </ul>	<b>Friday 26 November 2021</b>
<b>18</b>	<b>Deadline 8 (D8)</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on ExA's preferred DCO / proposed schedule of changes to the dDCO</li> <li>• Comments on documents submitted at D7</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<b>Tuesday 7 December 2021</b>
<b>19</b>	<b>Deadline 9 (D9)</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Finalised SoCG</li> <li>• Finalised Statement of Commonality for SoCG</li> <li>• A finalised Application Documents Tracker in clean and tracked versions</li> <li>• A finalised and validated version of the dDCO in clean and tracked versions</li> <li>• A finalised schedule of changes to the dDCO</li> <li>• Comments on documents submitted at D8</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Wednesday 15 December 2021</b>
<b>20</b>	<b>Deadline 10 (D10)</b> for receipt by ExA of: <ul style="list-style-type: none"> <li>• Comments on documents submitted at D9</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Tuesday 21 December 2021</b>

<b>21</b>	Close of Examination	<b>Wednesday 22 December 2021</b>
-----------	----------------------	---

## **Appendix B: Examination Library**

A47 Blofield to North Burlingham Project TR010040  
Report to the Secretary of State

## **A47 Blofield to North Burlingham Examination Library**

**Updated – 14 February 2022**

This Examination Library relates to the A47 Blofield to North Burlingham application.

The library lists each document that has been submitted to the examination by any party and documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided for each document. A unique reference is given to each document; these references will be used within the Report on the Implications for European Sites (if required) and will be used in the Examining Authority's Recommendation Report. The documents within the library are categorised either by document type or by the deadline to which they are submitted.

Please note the following:

- This is a working document and will be updated periodically as the examination progresses.
- Advice under Section 51 of the Planning Act 2008 that has been issued by the Inspectorate, is published to the National Infrastructure Website but is not included within the Examination Library as such advice is not an examination document.
- This document contains references to documents from the point the application was submitted.
- The order of documents within each sub-section is either chronological, numerical, or alphabetical and confers no priority or higher status on those that have been listed first.

**TR010040 - A47 Blofield to North Burlingham****Examination Library - Index**

<b>Category</b>	<b>Reference</b>
<a href="#">Application Documents</a>  As submitted and amended version received before the Preliminary Meeting. Any amended version received during the Examination stage to be saved under the Deadline received	APP-xxx
<a href="#">Adequacy of Consultation responses</a>	AoC-xxx
<a href="#">Relevant Representations</a>	RR-xxx
<a href="#">Procedural Decisions and Notifications from the Examining Authority</a>  Includes Examining Authority's questions, s55, and post acceptance s51	PD-xxx
<a href="#">Additional Submissions</a>  Includes anything accepted at the Preliminary Meeting and correspondence that is either relevant to a procedural decision or contains factual information pertaining to the examination	AS-xxx
<a href="#">Events and Hearings</a>  Includes agendas for hearings and site inspections, audio recordings, responses to notifications, applicant's hearing notices, and responses to Rule 6 and Rule 8 letters	EV-xxx
<a href="#">Representations – by Deadline</a>	
<a href="#">Procedural Deadline A</a>	PDA-xxx
<a href="#">Procedural Deadline B</a>	PDB-xxx
<a href="#">Deadline 1:</a>	REP1-xxx

<a href="#">Deadline 2:</a>	REP2-xxx
<a href="#">Deadline 3:</a>	REP3-xxx
<a href="#">Deadline 4:</a>	REP4-xxx
<a href="#">Deadline 4a:</a>	REP4a-xxx
<a href="#">Deadline 5:</a>	REP5-xxx
<a href="#">Deadline 6:</a>	REP6-xxx
<a href="#">Deadline 7:</a>	REP7-xxx
<a href="#">Deadline 8:</a>	REP8-xxx
<a href="#">Deadline 9:</a>	REP9-xxx
<a href="#">Deadline 10:</a>	REP10-xxx
<a href="#">Other Documents</a>  Includes s127/131/138 information, s56, s58 and s59 certificates, and transboundary documents	OD-xxx

<b>TR010040 - A47 Blofield to North Burlingham</b>	
<b>Examination Library</b>	
<b>Application Documents</b>	
<b>Volume 1 Application Form / Information / Background</b>	
APP-001	<a href="#">Highways England</a> 1.1 Introduction to the Application
APP-002	<a href="#">Highways England</a> 1.2 Covering Letter and Completed Section 55 Checklist
APP-003	<a href="#">Highways England</a> 1.3 Application Form
<b>Volume 2 Plans, Drawings and Sections</b>	
APP-004	<a href="#">Highways England</a> 2.1 Location Plan
APP-005	<a href="#">Highways England</a> 2.2 Land Plans
APP-006	<a href="#">Highways England</a> 2.3 Works Plans
APP-007	<a href="#">Highways England</a> 2.4 Rights of Way and Access Plans
APP-008	<a href="#">Highways England</a> 2.5 Engineering Drawings and Sections
APP-009	<a href="#">Highways England</a> 2.6 General Arrangement Plans
APP-010	<a href="#">Highways England</a> 2.7 Drainage and Surface Water Plans
APP-011	<a href="#">Highways England</a> 2.8 Crown Land Plans
APP-012	<a href="#">Highways England</a> 2.9 Hedgerow Plans
APP-013	<a href="#">Highways England</a> 2.10 Detrunking Plans
APP-014	<a href="#">Highways England</a> 2.11 Traffic Regulations Plans
APP-015	<a href="#">Highways England</a> 2.12 Classification of Roads Plans
<b>Volume 3 Draft Development Consent Order</b>	
APP-016	<a href="#">Highways England</a> 3.1 Draft Development Consent Order

APP-017	<a href="#">Highways England</a> 3.2 Explanatory Memorandum
APP-018	<a href="#">Highways England</a> 3.3 Consents and Licences Position Statement
<b>Volume 4 Compulsory Acquisition Information</b>	
APP-019	<a href="#">Highways England</a> 4.1 Statement of Reasons and Negotiations Tracker
APP-020	<a href="#">Highways England</a> 4.2 Funding Statement
APP-021	<a href="#">Highways England</a> 4.3 Book of Reference (Parts 1-5) and Schedules
<b>Volume 5 Consultation Report</b>	
APP-022	<a href="#">Highways England</a> 5.2 Consultation Report
APP-023	<a href="#">Highways England</a> 5.2 Consultation Report - Annex A - Non-Statutory Options Consultation Report
APP-024	<a href="#">Highways England</a> 5.2 Consultation Report - Annex B - Non-Statutory Options Consultation Materials
APP-025	<a href="#">Highways England</a> 5.2 Consultation Report - Annex C - The Infrastructure Planning (EIA Regulations) 2017: Regulation 8(1) and 10(1) Letter to PINS
APP-026	<a href="#">Highways England</a> 5.2 Consultation Report - Annex D - Copy of the Draft Statement of Community Consultation Provided to Local Authorities
APP-027	<a href="#">Highways England</a> 5.2 Consultation Report - Annex E - Correspondence to Local Authorities for Statement of Community Consultation
APP-028	<a href="#">Highways England</a> 5.2 Consultation Report - Annex F - Response from Local Authorities on the Draft Statement of Community Consultation
APP-029	<a href="#">Highways England</a> 5.2 Consultation Report - Annex G - Published Statement of Community Consultation with location and date
APP-030	<a href="#">Highways England</a> 5.2 Consultation Report - Annex H - Section 47 and 48 Newspaper Notices
APP-031	<a href="#">Highways England</a> 5.2 Consultation Report - Annex I - Section 46 Notification Letter sent to the Planning Inspectorate
APP-032	<a href="#">Highways England</a> 5.2 Consultation Report - Annex J - Section 42 Letter



APP-033	<a href="#">Highways England</a> 5.2 Consultation Report - Annex K - Section 47 Consultation Materials
APP-034	<a href="#">Highways England</a> 5.2 Consultation Report - Annex L - List of Prescribed Consultees Identified and Consulted
APP-035	<a href="#">Highways England</a> 5.2 Consultation Report - Annex M - Engagement Undertaken with Statutory Undertakers
APP-036	<a href="#">Highways England</a> 5.2 Consultation Report - Annex N - Project Update, September 2020
APP-037	<a href="#">Highways England</a> 5.2 Consultation Report - Annex O - Table Evidencing Regard had to Consultation Responses (In Accordance with Section 49 of the Planning Act 2008)
APP-038	<a href="#">Highways England</a> 5.2 Consultation Report - Annex P - Engagement with Statutory Bodies
<b>Volume 6 Environmental Impact Assessment Information Environmental Statement Chapters</b>	
APP-039	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 1: Introduction
APP-040	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 2: The Proposed Scheme
APP-041	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 3: Consideration of Alternatives
APP-042	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 4: Environmental Assessment Methodology
APP-043	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 5: Air Quality
APP-044	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 6: Cultural Heritage
APP-045	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 7: Landscape and Visual Effects
APP-046	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 8: Biodiversity
APP-047	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 9: Geology and Soils
APP-048	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 10: Materials Assets and Waste

APP-049	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 11: Noise and Vibration
APP-050	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 12: Population and Human Health
APP-051	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 13: Road Drainage and Water Environment
APP-052	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 14: Climate
APP-053	<a href="#">Highways England</a> 6.1 Environmental Statement - Chapter 15: Cumulative Effects Assessment
<b>Environmental Statement Figures</b>	
APP-054	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 1.1 - 2.1
APP-055	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 5.1 - 5.9
APP-056	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 6.1 - 6.4
APP-057	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 7.1 - 7.5
APP-058	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.1
APP-059	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.2
APP-060	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.3
APP-061	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.4
APP-062	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.5
APP-063	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.6
APP-064	<a href="#">Highways England</a> 6.3 Environmental Statement Figure 7.6.7
APP-065	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 7.6.8 - 7.6.9
APP-066	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 7.6.10 - 7.6.13
APP-067	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 8.1 - 9.1

APP-068	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 11.1 - 11.10
APP-069	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 12.1 - 12.3
APP-070	<a href="#">Highways England</a> 6.3 Environmental Statement Figures 13.1 - 15.1
<b>Environmental Statement Appendices</b>	
APP-071	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 5.1: Air Quality Dispersion Modelling Process
APP-072	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 5.2: Air Quality Verification and Model Adjustment
APP-073	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 5.3: Air Quality Receptor Results
APP-074	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 6.1: Cultural Heritage Information
APP-075	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 6.2: Geophysical and Metal Detector Survey
APP-076	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 6.3: Geophysical Survey
APP-077	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 6.4: Archaeological Evaluation
APP-078	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.1: Planning Policy Context
APP-079	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.2: Landscape and Visual Assessment Criteria
APP-080	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.3: Zone of Theoretical Visibility and Verified Photomontage Methodology
APP-081	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.4: Landscape Character Areas
APP-082	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.5: Visual Receptors
APP-083	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.6: Representative Viewpoints

APP-084	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.7: Arboricultural Impact Assessment
APP-085	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 7.8: Lighting Assessment
APP-086	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.1: Legislation and Policy Framework
APP-087	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.2: DMRB Biodiversity Evaluation Assessment Methodology
APP-088	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.3: 2018 Bat Survey Report
APP-089	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.4: 2018 Breeding Bird Survey Report
APP-090	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.5: Wintering Bird Survey Report
APP-091	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.6: <b>Confidential</b> Badger Survey Report
APP-092	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.7: Terrestrial Invertebrate Report
APP-093	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.8: Great Crested Newt Report
APP-094	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.9: Reptile Survey Report
APP-095	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.10: 2020 Bat Survey Report
APP-096	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.11: Bat activity Crossing Point Report
APP-097	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.12: Breeding Bird and Barn Owl Survey Report
APP-098	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 8.13: 2020 Botanical Report
APP-099	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 9.1: Contaminated Land Preliminary Risk Assessment

APP-100	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 10.1: Legislation and Policy Framework
APP-101	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 10.2: Waste Disposal Assessment
APP-102	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 10.3: Outline Site Waste Management Plan
APP-103	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 10.4: Minerals Impact Assessment
APP-104	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 11.1: Glossary of Terms
APP-105	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 11.2: Legislation and Policy Framework
APP-106	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 11.3: Baseline Noise Survey
APP-107	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 11.4: Noise Sensitive Receptors
APP-108	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 11.5: Construction Noise Assessment
APP-109	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 13.1: Flood Risk Assessment
APP-110	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 13.2: Drainage Strategy
APP-111	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 13.3: Groundwater Assessment
APP-112	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 14.1: Carbon Assessment Report
APP-113	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 15.1: Cumulative Effects Assessment Stage 2 Screening
APP-114	<a href="#">Highways England</a> 6.2 Environmental Statement - Appendix 15.2: Cumulative Effects Assessment Shortlist: Development Type
<b>Other Environmental Statement Documents</b>	
APP-115	<a href="#">Highways England</a> 6.4 Environmental Statement Non-Technical Summary

APP-116	<a href="#">Highways England</a> 6.6 Environmental Impact Assessment Scoping Opinion
APP-117	<a href="#">Highways England</a> 6.7 Statement Related to Statutory Nuisances
APP-118	<a href="#">Highways England</a> 6.8 Masterplan
APP-119	<a href="#">Highways England</a> 6.9 Report to Inform Habitats Regulations Assessment
<b>Volume 7 Other Documents</b>	
APP-120	<a href="#">Highways England</a> 7.1 Case for the Scheme
APP-121	<a href="#">Highways England</a> 7.2 National Networks National Policy Statement Accordance Tables
APP-122	<a href="#">Highways England</a> 7.3 Transport Assessment
APP-123	<a href="#">Highways England</a> 7.6 Scheme Design Report
APP-124	<a href="#">Highways England</a> 7.7 Environmental Management Plan
APP-125	<a href="#">Highways England</a> 7.8 Outline Traffic Management Plan
APP-126	<a href="#">Highways England</a> 7.9 Equality Impact Assessment
<b>Adequacy of Consultation Responses</b>	
AoC-001	<a href="#">Breckland Council</a> Adequacy of Consultation Representation
AoC-002	<a href="#">Broadland District Council</a> Adequacy of Consultation Representation
AoC-003	<a href="#">Cambridgeshire County Council</a> Adequacy of Consultation Representation
AoC-004	<a href="#">Norfolk County Council</a> Adequacy of Consultation Representation
AoC-005	<a href="#">South Norfolk District Council</a> Adequacy of Consultation Representation
AoC-006	<a href="#">Suffolk County Council</a> Adequacy of Consultation Representation
AoC-007	<a href="#">The Broads Authority</a> Adequacy of Consultation Representation
<b>Relevant Representations</b>	

Local Authorities	
RR-001	<a href="#">Broadland District Council</a>
RR-002	<a href="#">Norfolk County Council</a>
RR-003	<a href="#">South Norfolk Council</a>
Parish Councils	
RR-004	<a href="#">Hemblington Parish Council</a>
RR-005	<a href="#">Lingwood and Burlingham Parish</a>
RR-006	<a href="#">Strumpshaw Parish Council</a>
Other Statutory Consultees	
RR-007	<a href="#">Cadent Gas Limited</a>
RR-008	<a href="#">Environment Agency</a>
RR-009	<a href="#">Historic England</a>
RR-010	<a href="#">Public Health England</a>
Non-Statutory Organisations	
RR-011	<a href="#">Create Consulting Engineers Ltd on behalf of Burlingham Cottage Gardens Association</a>
RR-012	<a href="#">Climate Emergency Planning and Policy</a>
RR-013	<a href="#">Tony Clarke on behalf of Norwich Cycling Campaign</a>
RR-014	<a href="#">Stop Wensum Link</a>
RR-015	<a href="#">The Ramblers Norfolk Area</a>
Members of the public and businesses	
RR-016	<a href="#">Chris Evans</a>
RR-017	<a href="#">Terry Norton</a>
RR-018	<a href="#">Martin Thirkettle</a>
RR-019	<a href="#">The Furr Family</a>
RR-020	<a href="#">Stephen Eastwood</a>
RR-021	<a href="#">Christine Dye</a>
RR-022	<a href="#">Emily Rounce</a>
RR-023	<a href="#">Jan Sims</a>
RR-024	<a href="#">Kerry Sturman</a>
RR-025	<a href="#">Lucy Anderson</a>
RR-026	<a href="#">Marc Childerhouse</a>
RR-027	<a href="#">Michael Briggs</a>
RR-028	<a href="#">Phil Henry</a>

RR-029	<a href="#">Philip Barnes</a>
RR-030	<a href="#">Sally Medler</a>
RR-031	<a href="#">Sarah L Davison</a>
RR-032	<a href="#">Sophie Hudson</a>
RR-033	<a href="#">Stephen Balfe</a>
RR-034	<a href="#">Hunt Family</a>
RR-035	<a href="#">Jan Davis</a>
RR-036	<a href="#">Margaret Kingston</a>
RR-037	<a href="#">Nikki Thomas</a>
RR-038	<a href="#">Simon Weeks</a>
RR-039	<a href="#">David Coombes</a>
RR-040	<a href="#">Richard Morton</a>
RR-041	<a href="#">Diana McKie</a>
RR-042	<a href="#">Clare Perkins</a>
RR-043	<a href="#">Randlesome Family</a>
RR-044	<a href="#">John Crosby</a>
RR-045	<a href="#">Geoff Dickinson</a>
RR-046	<a href="#">Dr David Ellis</a>
RR-047	<a href="#">Graham P Cooper</a>
RR-048	<a href="#">R F Chalk</a>
RR-049	<a href="#">Eleanor Laming</a>
RR-050	<a href="#">Helen Ball</a>
RR-051	<a href="#">Ian Robert Chapman</a>
RR-052	<a href="#">Andrew M Cawdron</a>
RR-053	<a href="#">Bernard Barry Trawford</a>
RR-054	<a href="#">Bryan Robinson</a>
RR-055	<a href="#">Caroline Fernandez</a>
RR-056	<a href="#">David Ball</a>
RR-057	<a href="#">Mrs Pauline Clark</a>
RR-058	<a href="#">Richard Hancock</a>
RR-059	<a href="#">Richard Hawker</a>
RR-060	<a href="#">Catherine Howe</a>
RR-061	<a href="#">Cathy Pye</a>
RR-062	<a href="#">Chris Gates</a>



RR-063	<a href="#">Clare Day</a>
RR-064	<a href="#">Emma Brookes</a>
RR-065	<a href="#">Hanne Lene Schierff</a>
RR-066	<a href="#">Louis Demarco</a>
RR-067	<a href="#">Louise Davis</a>
RR-068	<a href="#">Bidwells on behalf of Mrs Jane Jones</a>
RR-069	<a href="#">Patricia Maureen Pipe-Fowler</a>
RR-070	<a href="#">Patrick Meo</a>
RR-071	<a href="#">Paul Walland</a>
RR-072	<a href="#">Richard Davis</a>
RR-073	<a href="#">Sheila Gates</a>
RR-074	<a href="#">Stephen Watts</a>
RR-075	<a href="#">Suzanne Lake</a>
<b>Procedural Decisions and Notifications from the Examining Authority</b>	
PD-001	<a href="#">Notification of Decision to Accept Application</a>
PD-002	<a href="#">Section 55 Checklist</a>
PD-003	<a href="#">Notification of the appointment of the Examining Authority</a>
PD-004	<a href="#">Procedural Decision following issue of Acceptance decision</a>
PD-005	<a href="#">Rule 6 letter - Notification of the Preliminary Meeting and matters</a>
PD-006	<a href="#">The Examining Authority's written questions and requests for information (ExQ1)</a>
PD-007	<a href="#">Rule 8 – notification of timetable for the examination and Rule 17 – request for further information</a>
PD-008	<a href="#">Rule 13 - Notification of Hearings</a>
PD-009	<a href="#">Rule 8(3), 9 and 17 - Request to make changes to the original application</a>
PD-010	<a href="#">Examining Authority's second written questions</a> Word version
PD-011	<a href="#">Examining Authority's second written questions</a> PDF version
PD-012	<a href="#">Rule 9 and Rule 13 - Procedural Decision and Notification of Hearings</a>
PD-013	<a href="#">Rule 9 - Procedural Decision</a>
PD-014	<a href="#">Schedule of Changes</a>
PD-015	<a href="#">Rule 17</a>
PD-016	<a href="#">Section 99</a>

Additional Submissions	
AS-001	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - Cover Letter
AS-002	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - 1.1 Introduction to the Application
AS-003	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - 2.8 Crown Land Plans
AS-004	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - 6.1 Environmental Statement Chapter 14 – Climate
AS-005	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - 6.2 Environmental Statement Appendices Appendix 4.1 – Scoping Opinion Responses
AS-006	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – Cover Letter
AS-007	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 6.9 Report to inform Habitats Regulations Assessment (Clean) Rev 1
AS-008	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority - 6.9 Report to Inform Habitats Regulations Assessment (Tracked) Rev 1
AS-009	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 7.7 Environmental Management Plan (Clean) Rev 1
AS-010	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 7.7 Environmental Management Plan (Tracked) Rev 1
AS-011	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 7.8 Outline Traffic Management Plan Rev 1
AS-012	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 4.3 Book of Reference (Clean) Rev 1
AS-013	<a href="#">Highways England</a> Additional Submission accepted at the discretion of the Examining Authority – 4.3 Book of Reference (Tracked) Rev 1
AS-014	<a href="#">Highways England on behalf of Norfolk Constabulary</a> Additional Submission accepted at the discretion of the Examining

	Authority
AS-015	<a href="#">Transport Action Network</a> Additional Submission accepted at the discretion of the Examining Authority
AS-016	<a href="#">The Coal Authority</a> Additional Submission accepted at the discretion of the Examining Authority
AS-017	<a href="#">GTC Pipelines Limited</a> Additional Submission accepted at the discretion of the Examining Authority
AS-018	<a href="#">Cadent Gas Limited</a> Additional Submission accepted at the discretion of the Examining Authority
AS-019	<a href="#">Defence Infrastructure Organisation</a> Additional Submission accepted at the discretion of the Examining Authority
AS-020	<a href="#">John Randlesome</a> Additional Submission accepted at the discretion of the Examining Authority
AS-021	<a href="#">ESP Connections Ltd</a> Additional Submission accepted at the discretion of the Examining Authority
AS-022	<a href="#">Environment Agency</a> Additional Submission accepted at the discretion of the Examining Authority
AS-023	<a href="#">Climate Emergency Planning and Policy</a> Additional Submission accepted at the discretion of the Examining Authority
AS-024	<a href="#">Climate Emergency Planning and Policy</a> Additional Submission accepted at the discretion of the Examining Authority
AS-025	<a href="#">Highways England</a> 4.3 Book of Reference (Clean) Rev 5 - Additional Submission accepted at the discretion of the Examining Authority
AS-026	<a href="#">Highways England</a> 4.3 Book of Reference (Tracked) Rev 5 - Additional Submission accepted at the discretion of the Examining Authority
AS-027	<a href="#">Highways England</a> 9.1 Guide to the Application Rev 4 - Additional Submission accepted at the discretion of the Examining Authority
AS-028	<a href="#">Highways England</a>

	9.4 Compulsory Acquisition Schedule (Clean) Rev 4 - Additional Submission accepted at the discretion of the Examining Authority
AS-029	<a href="#">Highways England</a> 9.4 Compulsory Acquisition Schedule (Tracked) Rev 4 - Additional Submission accepted at the discretion of the Examining Authority
AS-030	<a href="#">Climate Emergency Planning and Policy</a> Additional Submission accepted at the discretion of the Examining Authority
AS-031	<a href="#">National Highways (formerly Highways England)</a> Letter notifying change of name to National Highways Limited - Additional Submission accepted at the discretion of the Examining Authority
AS-032	<a href="#">National Highways (formerly Highways England)</a> Letter notifying change of name to National Highways Limited - Annex 1: Details of National Highways Limited's registration at Companies House - Additional Submission accepted at the discretion of the Examining Authority
AS-033	<a href="#">National Highways (formerly Highways England)</a> Letter notifying change of name to National Highways Limited - Annex 2: Tracked dDCO - Additional Submission accepted at the discretion of the Examining Authority
AS-034	<a href="#">National Highways (formerly Highways England)</a> Letter notifying change of name to National Highways Limited - Annex 3: Tracked Explanatory Memorandum - Additional Submission accepted at the discretion of the Examining Authority
AS-035	<a href="#">National Highways (formerly Highways England)</a> Additional Submission - Accepted at the discretion of the Examining Authority - Cover Letter
AS-036	<a href="#">National Highways (formerly Highways England)</a> Additional Submission - Accepted at the discretion of the Examining Authority - 9.27 Applicant's Response to Lingwood and Burlingham Parish Council Deadline 4 Submission (Addendum to document 9.21)
<b>Events and Hearings</b>	
<b>Accompanied and Unaccompanied Site Inspections, the Preliminary Meeting and Hearings</b>	
EV-001	<a href="#">Note of Unaccompanied Site Inspection - 19 April and 20 April 2021</a>
EV-002	<a href="#">Recording of preliminary meeting - Session 1 - 8 June 2021</a>

EV-003	<a href="#">Preliminary Meeting Part 1 - Transcript - 8 June 2021</a>
EV-004	<a href="#">Preliminary Meeting Note</a>
EV-005	<a href="#">Agenda for Open Floor Hearing 1 (OFH1) and Open Floor Hearing (OFH2) - 16 August 2021</a>
EV-006	<a href="#">Open Floor Hearing 1 - 16 August 2021</a>
EV-007	<a href="#">Open Floor Hearing 1 - Transcript - 16 August 2021</a>
EV-008	<a href="#">Open Floor Hearing 2 - 16 August 2021</a>
EV-009	<a href="#">Open Floor Hearing 2 - Transcript - 16 August 2021</a>
EV-010	<b>REFERENCE NOT IN USE</b>
EV-011	<a href="#">Agenda for Issue Specific Hearing 1 dDCO (ISH1) - 17 August 2021</a>
EV-012	<a href="#">Issue Specific Hearing 1 - Session 1 - 17 August 2021</a>
EV-013	<a href="#">Issue Specific Hearing 1 - Session 1 - Transcript - 17 August 2021</a>
EV-014	<a href="#">Issue Specific Hearing 1 - Session 2 - 17 August 2021</a>
EV-015	<a href="#">Issue Specific Hearing 1 - Session 2 - Transcript - 17 August 2021</a>
EV-016	<a href="#">Issue Specific Hearing 1 - Session 3 - 17 August 2021</a>
EV-017	<a href="#">Issue Specific Hearing 1 - Session 3 - Transcript - 17 August 2021</a>
EV-018	<a href="#">Agenda for Compulsory Acquisition Hearing 1 (CAH1) - 18 August 2021</a>
EV-019	<a href="#">Compulsory Acquisition Hearing 1 - Session 1 - 18th August 2021</a>
EV-020	<a href="#">Compulsory Acquisition Hearing 1 - Session 1 - Transcript - 18th August 2021</a>
EV-021	<a href="#">Compulsory Acquisition Hearing 1 - Session 2 - 18th August 2021</a>
EV-022	<a href="#">Compulsory Acquisition Hearing 1 - Session 2 - Transcript - 18th August 2021</a>
EV-023	<a href="#">Agenda for Issue Specific Hearing 2 (ISH2) - 19 August 2021</a>
EV-024	<a href="#">Issue Specific Hearing 2 - Session 1 - 19 August 2021</a>
EV-025	<a href="#">Issue Specific Hearing 2 - Session 1 - Transcript - 19 August 2021</a>
EV-026	<a href="#">Issue Specific Hearing 2 - Session 2 - 19 August 2021</a>
EV-027	<a href="#">Issue Specific Hearing 2 - Session 2 - Transcript - 19 August 2021</a>
EV-028	<a href="#">Issue Specific Hearing 2 - Session 3 - 19 August 2021</a>
EV-029	<a href="#">Issue Specific Hearing 2 - Session 3 - Transcript - 19 August 2021</a>
EV-030	<a href="#">Agenda for Issue Specific Hearing 3 (ISH3) - 20 August 2021</a>
EV-031	<a href="#">Issue Specific Hearing 3 - Session 1 - 20th August 2021</a>
EV-032	<a href="#">Issue Specific Hearing 3 - Session 1 - Transcript - 20th August 2021</a>
EV-033	<a href="#">Issue Specific Hearing 3 - Session 2 - 20th August 2021</a>
EV-034	<a href="#">Issue Specific Hearing 3 - Session 2 - Transcript - 20th August 2021</a>

EV-035	<a href="#">Issue Specific Hearing 3 - Session 3 - 20th August 2021</a>
EV-036	<a href="#">Issue Specific Hearing 3 - Session 3 - Transcript - 20th August 2021</a>
EV-036a	<a href="#">Action Points from Issue Specific Hearings 1 to 3 and Compulsory Acquisition Hearing 1</a>
EV-037	<a href="#">Agenda for Open Floor Hearing 3 (OFH3) - 9 November 2021</a>
EV-038	<a href="#">Agenda for Compulsory Acquisition Hearing 2 (CAH2) - 9 November 2021</a>
EV-039	<a href="#">Agenda for Issue Specific Hearing 4 (ISH4) - 9 November 2021</a>
EV-040	<a href="#">Open Floor Hearing 3 - Transcript - 9th November 2021</a>
EV-041	<a href="#">Open Floor Hearing 3 - 9th November 2021</a>
EV-042	<a href="#">Compulsory Acquisition Hearing 2 - 9th November</a>
EV-043	<a href="#">Compulsory Acquisition Hearing 2 - Transcript - 9th November</a>
EV-044	<a href="#">Issue Specific Hearing 4 - Session 1 - 9th November 2021</a>
EV-045	<a href="#">Issue Specific Hearing 4 - Session 1 - Transcript - 9th November 2021</a>
EV-046	<a href="#">Issue Specific Hearing 4 - Session 2 - 9th November 2021</a>
EV-047	<a href="#">Issue Specific Hearing 4 - Session 2 - Transcript - 9th November 2021</a>
EV-048	<a href="#">Actions arising from the Open Floor Hearing 3, Compulsory Acquisition Hearing 2 and Issue Specific Hearing 4</a>
<b>Representations</b>	
<b>Procedural Deadline A – 25 May 2021</b>	
Deadline for receipt by the ExA of:	
<ul style="list-style-type: none"> <li>- Written submissions on Examination procedure</li> <li>- Requests to be heard orally at the Preliminary Meeting Part 1</li> </ul>	
PDA-001	<a href="#">Highways England</a> Procedural Deadline A Submission - Response to the Rule 6 Letter
<b>Procedural Deadline B – 15 June 2021</b>	
Deadline for receipt by the ExA of:	
<ul style="list-style-type: none"> <li>- Written submissions on Examination procedure</li> <li>- Written Responses to Matters Discussed at Preliminary Meeting Part 1</li> </ul>	
PDB-001	<a href="#">Highways England</a> Submission for Procedural Deadline B - Written Responses to Matters Discussed at Preliminary Meeting Part 1
PDB-002	<a href="#">Climate Emergency Planning and Policy</a> Submission for Procedural Deadline B - Written Responses to Matters Discussed at Preliminary Meeting Part 1
<b>Deadline 1 – 6 July 2021</b>	

Deadline for receipt by the ExA of:

- Responses to the ExA's Written Questions (ExQ1)
- Local Impact Reports (LIR) from Local Authorities
- Comments on Relevant Representations
- Further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 ('the Examination Rules')
- Notification by Statutory Parties of their wish to be considered as an Interested Party (IP)
- Notification of wish to speak at an Open Floor Hearing
- Notification of wish to speak at a Compulsory Acquisition Hearing
- Notification of wish to attend an Accompanied Site Inspection (ASI)
- Provision by IPs of suggested locations and justifications for ASI

Applicant to provide:

- Statements of Common Ground (SoCG) requested by the ExA
- Statement of Commonality for SoCG
- The Compulsory Acquisition Schedule
- An Application Documents Tracker
- An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions
- A schedule of changes to the dDCO

REP1-001	<a href="#">Highways England</a> Deadline 1 Submission - Covering Letter
REP1-002	<a href="#">Highways England</a> Deadline 1 Submission - 1.1 Introduction to the Application (Clean) Rev 2
REP1-003	<a href="#">Highways England</a> Deadline 1 Submission - 1.1 Introduction to the Application (Tracked) Rev 2
REP1-004	<a href="#">Highways England</a> Deadline 1 Submission - 2.4 Rights of Way and Access Plans Rev 1
REP1-005	<a href="#">Highways England</a> Deadline 1 Submission - 2.6 General Arrangement Plans Rev 1
REP1-006	<a href="#">Highways England</a> Deadline 1 Submission - 3.1 Draft Development Consent Order (Clean) Rev 1
REP1-007	<a href="#">Highways England</a> Deadline 1 Submission - 3.1 Draft Development Consent Order (Tracked) Rev 1
REP1-008	<a href="#">Highways England</a> Deadline 1 Submission - 3.2 Explanatory Memorandum (Clean) Rev 1
REP1-009	<a href="#">Highways England</a> Deadline 1 Submission - 3.2 Explanatory Memorandum (Tracked) Rev 1
REP1-010	<a href="#">Highways England</a> Deadline 1 Submission - 3.3 Consents and Licences Position Statement (Clean) Rev 1



REP1-011	<a href="#">Highways England</a> Deadline 1 Submission - 3.3 Consents and Licences Position Statement (Tracked) Rev 1
REP1-012	<a href="#">Highways England</a> Deadline 1 Submission - 4.1 Statement of Reasons (Clean) Rev 1
REP1-013	<a href="#">Highways England</a> Deadline 1 Submission - 4.1 Statement of Reasons (Tracked) Rev 1
REP1-014	<a href="#">Highways England</a> Deadline 1 Submission - 4.3 Book of Reference (Clean) Rev 2
REP1-015	<a href="#">Highways England</a> Deadline 1 Submission - 4.3 Book of Reference (Tracked) Rev 2
REP1-016	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 1: Introduction (Clean) Rev 1
REP1-017	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 1: Introduction (Tracked) Rev 1
REP1-018	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 2: The Proposed Scheme (Clean) Rev 1
REP1-019	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 2: The Proposed Scheme (Tracked) Rev 1
REP1-020	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 3: Assessment of Alternatives (Clean) Rev 1
REP1-021	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 3: Assessment of Alternatives (Tracked) Rev 1
REP1-022	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 6: Cultural Heritage (Clean) Rev 1
REP1-023	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 6: Cultural Heritage (Tracked) Rev 1
REP1-024	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 8: Biodiversity (Clean) Rev 1
REP1-025	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 8: Biodiversity (Tracked) Rev 1
REP1-026	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 10: Material Assets and Waste (Clean) Rev 1



REP1-027	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 10: Material Assets and Waste (Tracked) Rev 1
REP1-028	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 11: Noise and Vibration (Clean) Rev 1
REP1-029	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 11: Noise and Vibration (Tracked) Rev 1
REP1-030	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 12: Population and Human Health (Clean) Rev 1
REP1-031	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 12: Population and Human Health (Tracked) Rev 1
REP1-032	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 13: Road Drainage and Water Environment (Clean) Rev 1
REP1-033	<a href="#">Highways England</a> Deadline 1 Submission - 6.1 Environmental Statement - Chapter 13: Road Drainage and Water Environment (Tracked) Rev 1
REP1-034	<a href="#">Highways England</a> Deadline 1 Submission - 6.2 Environmental Statement - Appendix 6.1 Cultural Heritage Information (Clean) Rev 1
REP1-035	<a href="#">Highways England</a> Deadline 1 Submission - 6.2 Environmental Statement - Appendix 6.1: Cultural Heritage Information (Tracked) Rev 1
REP1-036	<a href="#">Highways England</a> Deadline 1 Submission - 6.2 Environmental Statement - Appendix 7.7: Arboricultural Impact Assessment Rev 1
REP1-037	<a href="#">Highways England</a> Deadline 1 Submission - 6.2 Environmental Statement - Appendix 10.3: Outline Site Waste Management Plan (Clean) Rev 1
REP1-038	<a href="#">Highways England</a> Deadline 1 Submission - 6.2 Environmental Statement - Appendix 10.3: Outline Site Waste Management Plan (Tracked) Rev 1
REP1-039	<a href="#">Highways England</a> Deadline 1 Submission - 6.3 Environmental Statement - Figure: 6.5 Rev 0
REP1-040	<a href="#">Highways England</a> Deadline 1 Submission - 6.3 Environmental Statement - Figures: 8.1 to 9.1 Rev 1
REP1-041	<a href="#">Highways England</a> Deadline 1 Submission - 6.8 Masterplan Rev 1
REP1-042	<a href="#">Highways England</a> Deadline 1 Submission - 7.1 Case for the Scheme (Clean) Rev 1

REP1-043	<a href="#">Highways England</a> Deadline 1 Submission - 7.1 Case for the Scheme (Tracked) Rev 1
REP1-044	<a href="#">Highways England</a> Deadline 1 Submission - 7.3 Transport Assessment (Clean) Rev 1
REP1-045	<a href="#">Highways England</a> Deadline 1 Submission - 7.3 Transport Assessment (Tracked) Rev 1
REP1-046	<a href="#">Highways England</a> Deadline 1 Submission - 7.6 Scheme Design Report (Clean) Rev 1
REP1-047	<a href="#">Highways England</a> Deadline 1 Submission - 7.6 Scheme Design Report (Tracked) Rev 1
REP1-048	<a href="#">Highways England</a> Deadline 1 Submission - 7.7 Environmental Management Plan (Clean) Rev 2
REP1-049	<a href="#">Highways England</a> Deadline 1 Submission - 7.7 Environmental Management Plan (Tracked) Rev 2
REP1-050	<a href="#">Highways England</a> Deadline 1 Submission - 7.8 Outline Traffic Management Plan (Clean) Rev 2
REP1-051	<a href="#">Highways England</a> Deadline 1 Submission - 7.8 Outline Traffic Management Plan (Tracked) Rev 2
REP1-052	<a href="#">Highways England</a> Deadline 1 Submission - 7.9 Equality Impact Assessment (Clean) Rev 1
REP1-053	<a href="#">Highways England</a> Deadline 1 Submission - 7.9 Equality Impact Assessment (Tracked) Rev 1
REP1-054	<a href="#">Highways England</a> Deadline 1 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 0
REP1-055	<a href="#">Highways England</a> Deadline 1 Submission - 8.3 Statement of Common Ground with Highways England and Norfolk County Council Rev 0
REP1-056	<a href="#">Highways England</a> Deadline 1 Submission - 8.4 Statement of Common Ground with Highways England and Environment Agency Rev 0
REP1-057	<a href="#">Highways England</a> Deadline 1 Submission - 8.5 Statement of Common Ground with Highways England and Natural England Rev 0
REP1-058	<a href="#">Highways England</a> Deadline 1 Submission - 8.6 Statement of Common Ground with Highways England and Historic England Rev 0
REP1-059	<a href="#">Highways England</a> Deadline 1 Submission - 9.1 Guide to the Application Rev 0

REP1-060	<a href="#">Highways England</a> Deadline 1 Submission - 9.2 Applicant's Response to Relevant Representations
REP1-061	<a href="#">Highways England</a> Deadline 1 Submission - 9.3 Applicants Response to the Examiner's First Written Questions (ExQ1)
REP1-062	<a href="#">Highways England</a> Deadline 1 Submission - 9.4 Compulsory Acquisition Schedule Rev 0
REP1-063	<a href="#">Highways England</a> Deadline 1 Submission - 9.5 Statutory Undertakers - Progress Schedule Rev 0
REP1-064	<a href="#">Highways England</a> Deadline 1 Submission - 9.6 Schedule of Changes to dDCO Rev 0
REP1-065	<a href="#">Broadland District Council</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)
REP1-066	<a href="#">Broadland District Council</a> Deadline 1 Submission - Local Impact Report
REP1-067	<a href="#">Broadland District Council</a> Deadline 1 Submission - Local Impact Report Appendix 2 - East Broadland Green Infrastructure Plan
REP1-068	<a href="#">Cadent Gas Limited</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)
REP1-069	<a href="#">Environment Agency</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)
REP1-070	<a href="#">Historic England</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)
REP1-071	<a href="#">Natural England</a> Deadline 1 Submission - Responses to the ExA's Written Questions (ExQ1)
REP1-072	<a href="#">Norfolk County Council</a> Deadline 1 Submission - Local Impact Report
REP1-073	<a href="#">Norfolk County Council</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)
REP1-074	<a href="#">Climate Emergency Planning and Policy</a> Deadline 1 Submission - Response to the ExA's request for further information under Rule 17
REP1-075	<a href="#">Norwich Cycling Campaign</a> Deadline 1 Submission - Response to the ExA's Written Questions (ExQ1)

REP1-076	<a href="#">John Randlesome</a> Deadline 1 Submission - Notification of wish to speak at a Compulsory Acquisition Hearing
REP1-077	<a href="#">The Randlesome Family</a> Deadline 1 Submission - Comments on Relevant Representations
REP1-078	<a href="#">Ryan Woodward</a> Deadline 1 Submission - Notification of wish to speak at a Compulsory Acquisition Hearing
<b>Deadline 2 – 20 July 2021</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>- Comments on documents submitted at D1</li> <li>- Written Representations (WRs) including summaries of all WRs exceeding 1500 words</li> <li>- Submission by Applicant of draft ASI arrangements and itinerary</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> Applicant to provide: <ul style="list-style-type: none"> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- An updated Application Documents Tracker in clean and tracked versions</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated schedule of changes to the dDCO</li> </ul>	
REP2-001	<a href="#">Highways England</a> Deadline 2 - Covering Letter
REP2-002	<a href="#">Highways England</a> Deadline 2 Submission - 6.1 Environmental Statement Chapter 14: Climate (Clean) Rev 2
REP2-003	<a href="#">Highways England</a> Deadline 2 Submission - 6.1 Environmental Statement Chapter 14: Climate (Tracked) Rev 2
REP2-004	<a href="#">Highways England</a> Deadline 2 Submission - 6.9 Report to Inform Habitats Regulations Assessment (Clean) Rev 2
REP2-005	<a href="#">Highways England</a> Deadline 2 Submission - 6.9 Report to Inform Habitats Regulations Assessment (Tracked) Rev 2
REP2-006	<a href="#">Highways England</a> Deadline 2 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 1
REP2-007	<a href="#">Highways England</a> Deadline 2 Submission - 9.1 Guide to the Application Rev 1

REP2-008	<a href="#">Highways England</a> Deadline 2 Submission - 9.4 Compulsory Acquisition Schedule Rev 1
REP2-009	<a href="#">Highways England</a> Deadline 2 Submission - 9.7 Applicant Response to Rule 17 request Rev 0
REP2-010	<a href="#">Highways England</a> Deadline 2 Submission - 9.8 Applicant's Response to Deadline 1 Submissions Rev 0
REP2-011	<a href="#">Highways England</a> Deadline 2 Submission - 9.9 Draft Accompanied Site Inspection Arrangements and Itinerary Rev 0
REP2-012	<a href="#">Highways England</a> Deadline 2 Submission - 9.10 Walking Cycling and Horse-Riding Assessment and Review Rev 0
REP2-013	<a href="#">Environment Agency</a> Deadline 2 Submission - Written Representation and Comments on documents submitted at Deadline 1
REP2-014	<a href="#">Historic England</a> Deadline 2 Submission - Comments on documents submitted at Deadline 1
REP2-015	<a href="#">Historic England</a> Deadline 2 Submission - Written Representation
REP2-016	<a href="#">Lingwood and Burlingham Parish Council</a> Deadline 2 Submission - Written Representation
REP2-017	<a href="#">Create Consulting Engineers Ltd on behalf of Burlingham Cottage Gardens Association</a> Deadline 2 Submission - Written Representation including summary
REP2-018	<a href="#">Climate Emergency Policy and Planning</a> Deadline 2 Submission - Written Representation
REP2-019	<a href="#">Norwich Cycling Campaign</a> Deadline 2 Submission - Written Representation - Appendix B was accepted as a late submission at the discretion of the Examining Authority
REP2-020	<a href="#">Anglian Water Services Limited</a> Deadline 2 Submission - Written Representation - Late submission accepted at the discretion of the Examining Authority
REP2-021	<a href="#">Create Consulting Engineers Ltd on behalf of Burlingham Cottage Gardens Association</a> Deadline 2 Submission - Written Representation - Plans E21-067_03_001 and E21-067_03_002 - Late submission accepted at the discretion of the Examining Authority
<b>Deadline 3 – 3 August 2021</b>  Deadline for receipt by the ExA of: - Comments on responses to ExQ1	

- Comments on LIRs
- Comments on WRs
- Comments on documents submitted at D2
- Comments on Applicant's draft ASI arrangements and itinerary
- Any further information requested by the ExA under Rule 17 of the Examination Rules

Applicant to provide:

- Progressed SoCG
- Progressed Statement of Commonality for SoCG
- An updated Compulsory Acquisition Schedule in clean and tracked versions
- An updated Application Documents Tracker in clean and tracked versions
- An updated version of the dDCO in clean and tracked versions
- An updated schedule of changes to the dDCO.

REP3-001	<a href="#">Highways England</a> Deadline 3 Submission - Covering Letter
REP3-002	<a href="#">Highways England</a> Deadline 3 Submission - 2.4 Rights of Way and Access Plans Rev 2
REP3-003	<a href="#">Highways England</a> Deadline 3 Submission - 2.6 General Arrangement Plans Rev 2
REP3-004	<a href="#">Highways England</a> Deadline 3 Submission - 3.1 Draft Development Consent Order (Clean) Rev 2
REP3-005	<a href="#">Highways England</a> Deadline 3 Submission - 3.1 Draft Development Consent Order (Tracked) Rev 2
REP3-006	<a href="#">Highways England</a> Deadline 3 Submission - 3.2 Explanatory Memorandum (Clean) Rev 2
REP3-007	<a href="#">Highways England</a> Deadline 3 Submission - 3.2 Explanatory Memorandum (Tracked) Rev 2
REP3-008	<a href="#">Highways England</a> Deadline 3 Submission - 3.3 Consents and Licences Position Statement (Clean) Rev 2
REP3-009	<a href="#">Highways England</a> Deadline 3 Submission - 3.3 Consents and Licences Position Statement (Tracked) Rev 2
REP3-010	<a href="#">Highways England</a> Deadline 3 Submission - 4.3 Book of Reference (Clean) Rev 3
REP3-011	<a href="#">Highways England</a> Deadline 3 Submission - 4.3 Book of Reference (Tracked) Rev 3
REP3-012	<a href="#">Highways England</a> Deadline 3 Submission - 6.1 Environmental Statement Chapter 6:

	Cultural Heritage (Clean) Rev 2
REP3-013	<a href="#">Highways England</a> Deadline 3 Submission - 6.1 Environmental Statement Chapter 6: Cultural Heritage (Tracked) Rev 2
REP3-014	<a href="#">Highways England</a> Deadline 3 Submission - 7.7 Environmental Management Plan (Clean) Rev 3
REP3-015	<a href="#">Highways England</a> Deadline 3 Submission - 7.7 Environmental Management Plan (Tracked) Rev 3
REP3-016	<a href="#">Highways England</a> Deadline 3 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 2
REP3-017	<a href="#">Highways England</a> Deadline 3 Submission - 9.1 Guide to the Application Rev 3
REP3-018	<a href="#">Highways England</a> Deadline 3 Submission - 9.4 Compulsory Acquisition Schedule Rev 2
REP3-019	<a href="#">Highways England</a> Deadline 3 Submission - 9.5 Statutory Undertakers - Progress Schedule (Clean) Rev 1
REP3-020	<a href="#">Highways England</a> Deadline 3 Submission - 9.5 Statutory Undertakers - Progress Schedule (Tracked) Rev 1
REP3-021	<a href="#">Highways England</a> Deadline 3 Submission - 9.6 Schedule of Changes to draft Development Consent Order Rev 1
REP3-022	<a href="#">Highways England</a> Deadline 3 Submission - 9.11 Applicant's Response to Broadland District Council's Local Impact Report Rev 0
REP3-023	<a href="#">Highways England</a> Deadline 3 Submission - 9.12 Applicant's Response to Norfolk County Councils Local Impact Report Rev 0
REP3-024	<a href="#">Highways England</a> Deadline 3 Submission - 9.13 Applicant's Response to Submissions to Examining Authority's First Written Questions Rev 0
REP3-025	<a href="#">Highways England</a> Deadline 3 Submission - 9.14 Applicant's Response to Written Representations Rev 0
REP3-026	<a href="#">Lingwood and Burlingham Parish Council</a> Deadline 3 Submission - Comments on documents submitted at Deadline 2



#### Deadline 4 – 9 September 2021

Deadline for receipt by the ExA of:

- Written summaries of oral submissions to hearings
- Any post-hearing notes requested at the Hearings
- Comments on documents submitted at D3
- Any further information requested by the ExA under Rule 17 of the Examination Rules

Applicant to provide:

- Progressed SoCG
- Progressed Statement of Commonality for SoCG
- An updated Compulsory Acquisition Schedule in clean and tracked versions
- An updated Application Documents Tracker in clean and tracked versions
- An updated version of the dDCO in clean and tracked versions
- An updated schedule of changes to the dDCO.

REP4-001	<a href="#">Highways England</a> Deadline 4 Submission - Covering Letter
REP4-002	<a href="#">Highways England</a> Deadline 4 Submission - 2.2 Land Plans Rev 1 - This also forms part of the request for a Non-Material Change
REP4-003	<a href="#">Highways England</a> Deadline 4 Submission - 2.3 Works Plans Rev 1 - This also forms part of the request for a Non-Material Change
REP4-004	<a href="#">Highways England</a> Deadline 4 Submission - 2.4 Rights of Way and Access Plans Rev 3
REP4-005	<a href="#">Highways England</a> Deadline 4 Submission - 2.5 Engineering Drawings and Sections Rev 1
REP4-006	<a href="#">Highways England</a> Deadline 4 Submission - 2.6 General Arrangement Plans Rev 3 - This also forms part of the request for a Non-Material Change
REP4-007	<a href="#">Highways England</a> Deadline 4 Submission - 3.1 draft Development Consent Order (Clean) Rev 3 - This also forms part of the request for a Non-Material Change
REP4-008	<a href="#">Highways England</a> Deadline 4 Submission - 3.1 draft Development Consent Order (Tracked) Rev 3 - This also forms part of the request for a Non-Material Change
REP4-009	<a href="#">Highways England</a> Deadline 4 Submission - 3.2 Explanatory Memorandum (Clean) Rev 3 - This also forms part of the request for a Non-Material Change
REP4-010	<a href="#">Highways England</a> Deadline 4 Submission - 3.2 Explanatory Memorandum (Tracked) Rev 3 - This also forms part of the request for a Non-Material Change



REP4-011	<a href="#">Highways England</a> Deadline 4 Submission - 3.3 Consents and Licences Position Statement (Clean) Rev 3
REP4-012	<a href="#">Highways England</a> Deadline 4 Submission - 3.3 Consents and Licences Position Statement (Tracked) Rev 3
REP4-013	<a href="#">Highways England</a> Deadline 4 Submission - 4.1 Statement of Reasons (Clean) Rev 2 - This also forms part of the request for a Non-Material Change
REP4-014	<a href="#">Highways England</a> Deadline 4 Submission - 4.1 Statement of Reasons (Tracked) Rev 2 - This also forms part of the request for a Non-Material Change
REP4-015	<a href="#">Highways England</a> Deadline 4 Submission - 4.3 Book of Reference (Clean) Rev 4 - This also forms part of the request for a Non-Material Change
REP4-016	<a href="#">Highways England</a> Deadline 4 Submission - 4.3 Book of Reference (Tracked) Rev 4 - This also forms part of the request for a Non-Material Change
REP4-017	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 2: The Proposed Scheme (Clean) Rev 2
REP4-018	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 2: The Proposed Scheme (Tracked) Rev 2
REP4-019	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 6: Cultural Heritage (Clean) Rev 3
REP4-020	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 6: Cultural Heritage (Tracked) Rev 3
REP4-021	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 8: Biodiversity (Clean) Rev 2
REP4-022	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 8: Biodiversity (Tracked) Rev 2
REP4-023	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 12: Population and Human Health (Clean) Rev 2
REP4-024	<a href="#">Highways England</a> Deadline 4 Submission - 6.1 Environmental Statement Chapter 12: Population and Human Health (Tracked) Rev 2
REP4-025	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 7.5: Visual Receptors (Clean) Rev 1 - This also forms part of the request for a Non-Material Change

REP4-026	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 7.5: Visual Receptors (Tracked) Rev 1 - This also forms part of the request for a Non-Material Change
REP4-027	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 11.3: Baseline Noise Survey (Clean) Rev 1
REP4-028	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 11.3: Baseline Noise Survey (Tracked) Rev 1
REP4-029	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 13.1: Flood Risk Assessment (Clean) Rev 1
REP4-030	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 13.1: Flood Risk Assessment (Tracked) Rev 1
REP4-031	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 13.2: Drainage Strategy (Clean) Rev 1
REP4-032	<a href="#">Highways England</a> Deadline 4 Submission - 6.2 Environmental Statement Appendix 13.2: Drainage Strategy (Tracked) Rev 1
REP4-033	<a href="#">Highways England</a> Deadline 4 Submission - 6.3 Environmental Statement Figure: 6.6 Rev 0
REP4-034	<a href="#">Highways England</a> Deadline 4 Submission - 6.3 Environmental Statement Figures: 12.1 to 12.3 Rev 1
REP4-035	<a href="#">Highways England</a> Deadline 4 Submission - 6.4 Environmental Statement Non-Technical Summary (Clean) Rev 1
REP4-036	<a href="#">Highways England</a> Deadline 4 Submission - 6.4 Environmental Statement Non-Technical Summary (Tracked) Rev 1
REP4-037	<a href="#">Highways England</a> Deadline 4 Submission - 6.8 Masterplan Rev 2 - This also forms part of the request for a Non-Material Change
REP4-038	<a href="#">Highways England</a> Deadline 4 Submission - 6.9 Report to Inform Habitats Regulations Assessment (Clean) Rev 3
REP4-039	<a href="#">Highways England</a> Deadline 4 Submission - 6.9 Report to Inform Habitats Regulations Assessment (Tracked) Rev 3
REP4-040	<a href="#">Highways England</a> Deadline 4 Submission - 7.7 Environmental Management Plan (Clean) Rev 4

REP4-041	<a href="#">Highways England</a> Deadline 4 Submission - 7.7 Environmental Management Plan (Tracked) Rev 4
REP4-042	<a href="#">Highways England</a> Deadline 4 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 3
REP4-043	<a href="#">Highways England</a> Deadline 4 Submission - 8.2 Statement of Common Ground with Highways England and Broadland District Council Rev 0
REP4-044	<a href="#">Highways England</a> Deadline 4 Submission - 8.3 Statement of Common Ground with Highways England and Norfolk County Council
REP4-045	<a href="#">Highways England</a> Deadline 4 Submission - 8.13 Statement of Common Ground with Highways England and Blofield Parish Council Rev 0
REP4-046	<a href="#">Highways England</a> Deadline 4 Submission - 9.1 Guide to the Application Rev 3
REP4-047	<a href="#">Highways England</a> Deadline 4 Submission - 9.4 Compulsory Acquisition Schedule Rev 3
REP4-048	<a href="#">Highways England</a> Deadline 4 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 2
REP4-049	<a href="#">Highways England</a> Deadline 4 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 2
REP4-050	<a href="#">Highways England</a> Deadline 4 Submission - 9.6 Schedule of Changes to draft Development Consent Order Rev 2
REP4-051	<a href="#">Highways England</a> Deadline 4 Submission - 9.15 Applicant's Written Summary of Oral Submissions at Hearings
REP4-052	<a href="#">Highways England</a> Deadline 4 Submission - 9.16 Request for a Non-Material Change to the Application
REP4-053	<a href="#">Highways England</a> Deadline 4 Submission - 9.17 Applicant's Response to Natural England Submission to Examining Authority's First Written Questions
REP4-054	<a href="#">Broadland District Council</a> Deadline 4 Submission - Post-hearing notes from Issue Specific Hearing 1 and 3
REP4-055	<a href="#">Create Consulting Engineers Ltd on behalf of Burlingham Cottage Gardens Association</a> Deadline 4 Submission - Post-hearing Submission

REP4-056	<a href="#">Chris Gates</a> Deadline 4 Submission - Written summary of oral submissions given at Compulsory Acquisition Hearing 1
REP4-057	<a href="#">Climate Emergency Planning and Policy</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 2 (ISH2), post-hearing notes from ISH2 and comments on Deadline 3 submissions
REP4-058	<a href="#">Environment Agency</a> Deadline 4 Submission - Post-hearing notes from Issue Specific Hearing 1 and Comments on Deadline 3 submissions
REP4-059	<a href="#">Lingwood and Burlingham Parish Council</a> Deadline 4 Submission - Post-hearing Submission
REP4-060	<a href="#">Norfolk County Council</a> Deadline 4 Submission - Post-hearing notes from Issue Specific Hearings 1 to 3
REP4-061	<a href="#">Norfolk County Council</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearings 1 to 3 and Compulsory Acquisition Hearing 1
REP4-062	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3
REP4-063	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 1
REP4-064	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 2
REP4-065	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 3
REP4-066	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 4
REP4-067	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 5
REP4-068	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 6
REP4-069	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 7
REP4-070	<a href="#">Norwich Cycling Campaign</a> Deadline 4 Submission - Written summary of oral submissions given at Issue Specific Hearing 3 - Appendix 8

REP4-071	<a href="#">Tim Knights</a> Deadline 4 Submission - Written summary of oral submissions given at Compulsory Acquisition Hearing 1
REP4-072	<a href="#">Tim Knights</a> Deadline 4 Submission - Written summary of oral submissions at Issue Specific Hearing 3
<b>Late Submissions</b>	
REP4-073	<a href="#">Highways England</a> Deadline 4 Submission - 9.16 Request for a Non-Material Change to the Application (Tracked) Rev 1 - Accepted as a late submission at the discretion of the Examining Authority
REP4-074	<a href="#">Highways England</a> Deadline 4 Submission - 9.16 Request for a Non-Material Change to the Application (Clean) Rev 1 - Accepted as a late submission at the discretion of the Examining Authority
<b>Deadline 4a – 5 October 2021</b>	
Deadline for receipt by the ExA of: - Responses to ExA's letter relating to the Applicant's request for a change to the application	
REP4a-001	<a href="#">Highways England</a> Deadline 4a Submission - Covering Letter - This forms part of the request for a Non-Material Change
REP4a-002	<a href="#">Highways England</a> Deadline 4a Submission - 9.18 Land Plans Supplement - This forms part of the request for a Non-Material Change
REP4a-003	<a href="#">Highways England</a> Deadline 4a Submission - 9.19 Statement of Reasons Supplement - This forms part of the request for a Non-Material Change
REP4a-004	<a href="#">Highways England</a> Deadline 4a Submission - 9.20 Book of Reference Supplement - This forms part of the request for a Non-Material Change
REP4a-005	<a href="#">Highways England</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021
REP4a-006	<a href="#">Highways England</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021 - 9.14 Compulsory Acquisition Schedule Rev 5
REP4a-007	<a href="#">ESP Pipelines Ltd</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021
REP4a-008	<a href="#">Historic England</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021

REP4a-009	<a href="#">Richard Hawker</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021
REP4a-010	<a href="#">The Health and Safety Executive</a> Deadline 4a Submission - Response to the Examining Authority's request for further information dated 21 September 2021
<b>Deadline 5 - 19 October 2021</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>- Responses to ExQ2 (if required)</li> <li>- Comments on RIES (if required)</li> <li>- Comments on documents submitted at D4 and D4a</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> Applicant to provide: <ul style="list-style-type: none"> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- An updated Application Documents Tracker in clean and tracked versions</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated schedule of changes to the dDCO.</li> </ul>	
REP5-001	<a href="#">Highways England</a> Deadline 5 Submission - Covering Letter
REP5-002	<a href="#">Highways England</a> Deadline 5 Submission - 3.1 draft Development Consent Order (Clean) Rev 4
REP5-003	<a href="#">Highways England</a> Deadline 5 Submission - 3.1 draft Development Consent Order (Tracked) Rev 4
REP5-004	<a href="#">Highways England</a> Deadline 5 Submission - 3.3 Consents and Licences Position Statement (Clean) Rev 4
REP5-005	<a href="#">Highways England</a> Deadline 5 Submission - 3.3 Consents and Licences Position Statement (Tracked) Rev 4
REP5-006	<a href="#">Highways England</a> Deadline 5 Submission - 6.8 Masterplan Rev 3
REP5-007	<a href="#">Highways England</a> Deadline 5 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 4
REP5-008	<a href="#">Highways England</a> Deadline 5 Submission - 8.2 Statement of Common Ground with Highways England and Broadland District Council Rev 1
REP5-009	<a href="#">Highways England</a> Deadline 5 Submission - 8.4 Statement of Common Ground with Highways England and Environment Agency Rev 1

REP5-010	<a href="#">Highways England</a> Deadline 5 Submission - 9.1 Guide to the Application Rev 5
REP5-011	<a href="#">Highways England</a> Deadline 5 Submission - 9.4 Compulsory Acquisition Schedule Rev 6
REP5-012	<a href="#">Highways England</a> Deadline 5 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 3
REP5-013	<a href="#">Highways England</a> Deadline 5 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 3
REP5-014	<a href="#">Highways England</a> Deadline 5 Submission - 9.6 Schedule of Changes to dDCO Rev 3
REP5-015	<a href="#">Highways England</a> Deadline 5 Submission - 9.21 Applicant's Response to Deadline 4 Submissions
REP5-016	<a href="#">Highways England</a> Deadline 5 Submission - 9.22 Applicant's Response to the Examiners Second Written Questions (ExQ2)
REP5-017	<a href="#">Broadland District Council</a> Deadline 5 Submission - Response to the Examining Authority's Further Written Questions (ExQ2)
REP5-018	<a href="#">Chris Gates</a> Deadline 5 Submission - Comments on documents submitted at Deadline 4
REP5-019	<a href="#">Climate Emergency Planning and Policy</a> Deadline 5 Submission - Comments on documents submitted at D4 and D4a
REP5-020	<a href="#">Climate Emergency Planning and Policy</a> Deadline 5 Submission - Comments on documents submitted at D4 and D4a - Appendix E: Chatham House, Climate Change Risk Assessment 2021
REP5-021	<a href="#">Climate Emergency Planning and Policy</a> Deadline 5 Submission - Comments on documents submitted at D4 and D4a - Appendix F: Norfolk County Council Local Transport Plan 4 Delay: Press Article
REP5-022	<a href="#">Climate Emergency Planning and Policy</a> Deadline 5 Submission - Comments on documents submitted at D4 and D4a - Appendix G: Norfolk County Council Lobby For Further A47 Road Projects
REP5-023	<a href="#">Environment Agency</a> Deadline 5 Submission - Comments on documents submitted at Deadline 4
REP5-024	<a href="#">Environment Agency</a> Deadline 5 Submission - Response to the Examining Authority's Further Written Questions (ExQ2)



REP5-025	<a href="#">Lingwood and Burlingham Parish Council</a> Deadline 5 Submission - Comments on documents submitted at Deadline 4
REP5-026	<a href="#">Norfolk County Council</a> Deadline 5 Submission - Response to the Examining Authority's Further Written Questions (ExQ2)
<b>Deadline 6 - 2 November 2021</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>- Comments on responses to ExQ2 (if required)</li> <li>- Comments on documents submitted at D5</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> Applicant to provide: <ul style="list-style-type: none"> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- An updated Application Documents Tracker in clean and tracked versions</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated schedule of changes to the dDCO.</li> </ul>	
REP6-001	<a href="#">Highways England</a> Deadline 6 Submission - Covering Letter
REP6-002	<a href="#">Highways England</a> Deadline 6 Submission - 4.3 Book of Reference (Clean) Rev 6
REP6-003	<a href="#">Highways England</a> Deadline 6 Submission - 4.3 Book of Reference (Tracked) Rev 6
REP6-004	<a href="#">Highways England</a> Deadline 6 Submission - 9.1 Guide to the Application Rev 6
REP6-005	<a href="#">Highways England</a> Deadline 6 Submission - 9.4 Compulsory Acquisition Schedule Rev 7
REP6-006	<a href="#">Highways England</a> Deadline 6 Submission - 9.23 Applicants Response to Deadline 5 Submissions
REP6-007	<a href="#">Highways England</a> Deadline 6 Submission - 9.24 Request for Non-Material Change to the Application - This forms part of a new request for a Non-Material Change
REP6-008	<a href="#">Climate Emergency Planning and Policy</a> Deadline 6 Submission
REP6-009	<a href="#">Environment Agency</a> Deadline 6 Submission - Comments on documents submitted at Deadline 5
REP6-010	<a href="#">Norwich Cycling Campaign</a> Deadline 6 Submission - Comments on responses to Examining Authority's Second Written Questions (ExQ2)



REP6-011	<a href="#">Norwich Cycling Campaign</a> Deadline 6 Submission - Comments on responses to Examining Authority's Second Written Questions (ExQ2) - Annex 1
REP6-012	<a href="#">Norwich Cycling Campaign</a> Deadline 6 Submission - Comments on responses to Examining Authority's Second Written Questions (ExQ2) - Annex 2
REP6-013	<a href="#">Norwich Cycling Campaign</a> Deadline 6 Submission - Comments on responses to Examining Authority's Second Written Questions (ExQ2) - Annex 3
REP6-014	<a href="#">Norwich Cycling Campaign</a> Deadline 6 Submission - Comments on responses to Examining Authority's Second Written Questions (ExQ2) - Annex 4
REP6-015	<a href="#">Natural England</a> Deadline 6 Submission - Response to the Examining Authority's Further Written Questions (ExQ2) - Accepted as a late Deadline 6 submission at the discretion of the Examining Authority
<b>Deadline 7 (D7) – 18 November 2021</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>- Written summaries of oral submissions to hearings</li> <li>- Any post-hearing notes requested at the Hearings</li> <li>- Comments on documents submitted at D6</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> Applicant to provide: <ul style="list-style-type: none"> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- An updated Application Documents Tracker in clean and tracked versions</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated schedule of changes to the dDCO.</li> </ul>	
REP7-001	<a href="#">Highways England</a> Deadline 7 Submission - Covering Letter
REP7-002	<a href="#">Highways England</a> Deadline 7 Submission - Validation Report
REP7-003	<a href="#">Highways England</a> Deadline 7 Submission - 2.3 Works Plans Rev 2
REP7-004	<a href="#">Highways England</a> Deadline 7 Submission - 2.4 Rights of Way and Access Plans Rev 4
REP7-005	<a href="#">Highways England</a> Deadline 7 Submission - 2.6 General Arrangement Plans Rev 4

REP7-006	<a href="#">Highways England</a> Deadline 7 Submission - 2.9 Hedgerow Plans Rev 1
REP7-007	<a href="#">Highways England</a> Deadline 7 Submission - 3.1 draft Development Consent Order (Clean) Rev 5
REP7-008	<a href="#">Highways England</a> Deadline 7 Submission - 3.1 draft Development Consent Order (Tracked) Rev 5
REP7-009	<a href="#">Highways England</a> Deadline 7 Submission - 3.2 Explanatory Memorandum (Clean) Rev 4
REP7-010	<a href="#">Highways England</a> Deadline 7 Submission - 3.2 Explanatory Memorandum (Tracked) Rev 4
REP7-011	<a href="#">Highways England</a> Deadline 7 Submission - 6.8 Masterplan Rev 4
REP7-012	<a href="#">Highways England</a> Deadline 7 Submission - 7.7 Environmental Management Plan (Clean) Rev 5
REP7-013	<a href="#">Highways England</a> Deadline 7 Submission - 7.7 Environmental Management Plan (Tracked) Rev 5
REP7-014	<a href="#">Highways England</a> Deadline 7 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 5
REP7-015	<a href="#">Highways England</a> Deadline 7 Submission - 8.3 Statement of Common Ground - Norfolk County Council Rev 2
REP7-016	<a href="#">Highways England</a> Deadline 7 Submission - 8.4 Statement of Common Ground - Environment Agency (Signed) Rev 2
REP7-017	<a href="#">Highways England</a> Deadline 7 Submission - 9.1 Guide to the Application Rev 7
REP7-018	<a href="#">Highways England</a> Deadline 7 Submission - 9.4 Compulsory Acquisition Schedule Rev 8
REP7-019	<a href="#">Highways England</a> Deadline 7 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 4
REP7-020	<a href="#">Highways England</a> Deadline 7 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 4

REP7-021	<a href="#">Highways England</a> Deadline 7 Submission - 9.6 Schedule of Changes to dDCO Rev 4
REP7-022	<a href="#">Highways England</a> Deadline 7 Submission - 9.24 Request for Non-Material Change to the Application (Clean) Rev 1
REP7-023	<a href="#">Highways England</a> Deadline 7 Submission - 9.24 Request for Non-Material Change to the Application (Tracked) Rev 1
REP7-024	<a href="#">Highways England</a> Deadline 7 Submission - 9.25 Applicants Response to Deadline 6 Submissions Rev 0
REP7-025	<a href="#">Highways England</a> Deadline 7 Submission - 9.26 Applicants Written Summary of Oral Submissions at Hearings Rev 0
REP7-026	<a href="#">Bryan Robinson</a> Deadline 7 (D7) Submission - Other: Query after response from NH to A47NTE
REP7-027	<a href="#">Eleanor Laming</a> Deadline 7 (D7) Submission
<b>Deadline 8 (D8) – 07 December 2021</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>- Comments on ExA's preferred dDCO or proposed schedule of changes to the dDCO</li> <li>- Comments on documents submitted at D7</li> <li>- Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> Applicant to provide: <ul style="list-style-type: none"> <li>- Progressed SoCG</li> <li>- Progressed Statement of Commonality for SoCG</li> <li>- An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>- An updated Application Documents Tracker in clean and tracked versions</li> <li>- An updated version of the dDCO in clean and tracked versions</li> <li>- An updated schedule of changes to the dDCO.</li> </ul>	
REP8-001	<a href="#">Highways England</a> Deadline 8 Submission - Covering Letter
REP8-002	<a href="#">Highways England</a> Deadline 8 Submission - Validation Report
REP8-003	<a href="#">Highways England</a> Deadline 8 Submission - 3.1 draft Development Consent Order (Clean) Rev 6
REP8-004	<a href="#">Highways England</a> Deadline 8 Submission - 3.1 draft Development Consent Order (Tracked) Rev 6

REP8-005	<a href="#">Highways England</a> Deadline 8 Submission - 3.2 Explanatory Memorandum (Clean) Rev 5
REP8-006	<a href="#">Highways England</a> Deadline 8 Submission - 3.2 Explanatory Memorandum (Tracked) Rev 5
REP8-007	<a href="#">Highways England</a> Deadline 8 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 6
REP8-008	<a href="#">Highways England</a> Deadline 8 Submission - 8.7 Statement of Common Ground - Anglian Water Rev 0
REP8-009	<a href="#">Highways England</a> Deadline 8 Submission - 9.1 Guide to the Application Rev 8
REP8-010	<a href="#">Highways England</a> Deadline 8 Submission - 9.4 Compulsory Acquisition Schedule Rev 9
REP8-011	<a href="#">Highways England</a> Deadline 8 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 5
REP8-012	<a href="#">Highways England</a> Deadline 8 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 5
REP8-013	<a href="#">Highways England</a> Deadline 8 Submission - 9.6 Schedule of Changes to dDCO Rev 5
REP8-014	<a href="#">Highways England</a> Deadline 8 Submission - 9.28 Applicant's Response to Deadline 7 Submissions Rev 0
REP8-015	<a href="#">Highways England</a> Deadline 8 Submission - 9.29 Applicant's Response to the ExAs Schedule of Changes to the dDCO Rev 0
REP8-016	<a href="#">Andrew Cawdron</a> Deadline 8 (D8) Submission - other
REP8-017	<a href="#">Cathy Pye</a> Deadline 8 (D8) Submission - other

### **Deadline 9 (D9) - 15 December 2021**

Deadline for receipt by the ExA of:

- Comments on documents submitted at D8
- Any further information requested by the ExA under Rule 17 of the Examination Rules.
- A finalised Application Documents Tracker in clean and tracked versions
- A finalised and validated version of the dDCO in clean and tracked versions
- A finalised schedule of changes to the dDCO

Applicant to provide: - Finalised SoCG - Finalised Statement of Commonality for SoCGDeadline 9 (D9)	
REP9-001	<a href="#">Highways England</a> Deadline 9 Submission - Deadline 9 - Covering Letter
REP9-002	<a href="#">Highways England</a> Deadline 9 Submission - Validation Report
REP9-003	<a href="#">Highways England</a> Deadline 9 Submission - 3.1 draft Development Consent Order (Clean) Rev 7
REP9-004	<a href="#">Highways England</a> Deadline 9 Submission - 3.1 draft Development Consent Order (Tracked) Rev 7
REP9-005	<a href="#">Highways England</a> Deadline 9 Submission - 4.3 Book of Reference (Clean) Rev 7
REP9-006	<a href="#">Highways England</a> Deadline 9 Submission - 4.3 Book of Reference (Tracked) Rev 7
REP9-007	<a href="#">Highways England</a> Deadline 9 Submission - 7.7 Environmental Management Plan (Clean) Rev 6
REP9-008	<a href="#">Highways England</a> Deadline 9 Submission - 7.7 Environmental Management Plan (Tracked) Rev 6
REP9-009	<a href="#">Highways England</a> Deadline 9 Submission - 8.1 Statement of Commonality for Statements of Common Ground Rev 7
REP9-010	<a href="#">Highways England</a> Deadline 9 Submission - 8.2 Statement of Common Ground - Broadland District Council (Signed) Rev 2
REP9-011	<a href="#">Highways England</a> Deadline 9 Submission - 8.3 Statement of Common Ground - Norfolk County Council Rev 3
REP9-012	<a href="#">Highways England</a> Deadline 9 Submission - 8.4 Statement of Common Ground - Environment Agency (Signed) Rev 3
REP9-013	<a href="#">Highways England</a> Deadline 9 Submission - 8.7 Statement of Common Ground - Anglian Water Rev 1
REP9-014	<a href="#">Highways England</a> Deadline 9 Submission - 8.13 Statement of Common Ground - Blofield Parish Council Rev 1

REP9-015	<a href="#">Highways England</a> Deadline 9 Submission - 9.1 Guide to the Application Rev 9
REP9-016	<a href="#">Highways England</a> Deadline 9 Submission - 9.4 Compulsory Acquisition Schedule Rev 10
REP9-017	<a href="#">Highways England</a> Deadline 9 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 6
REP9-018	<a href="#">Highways England</a> Deadline 9 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 6
REP9-019	<a href="#">Highways England</a> Deadline 9 Submission - 9.6 Schedule of Changes to dDCO Rev 6
REP9-020	<a href="#">Highways England</a> Deadline 9 Submission - 9.30 Applicant's Response to Deadline 8 Submissions Rev 0
REP9-021	<a href="#">Anna Randlesome</a> Deadline 9 (D9) Submission - Comments on documents submitted at D8
REP9-022	<a href="#">Climate Emergency Policy and Planning (CEPP)</a> Deadline 9 (D9) Submission - Other: Appendix E to D9 submission
REP9-023	<a href="#">Climate Emergency Policy and Planning (CEPP)</a> Deadline 9 (D9) Submission - Other: Responses to REP8-014, D. REP7-025, EV-044, ISH4, REP6-006, REP5-015
REP9-024	<a href="#">Darl Sweetland - Anglian Water</a> Deadline 9 (D9) Submission - Finalised SoCG
<b>Deadline 10 - 21 December 2021</b>  Deadline for receipt by the ExA of: - Comments on documents submitted at D9 - Any further information requested by the ExA under Rule 17 of the Examination Rules.	
REP10-001	<a href="#">Highways England</a> Deadline 10 Submission - Covering Letter
REP10-002	<a href="#">Highways England</a> Deadline 10 Submission - 3.1 draft Development Consent Order (Clean) Rev 8
REP10-003	<a href="#">Highways England</a> Deadline 10 Submission - 3.1 draft Development Consent Order (Tracked) Rev 8
REP10-004	<a href="#">Highways England</a> Deadline 10 Submission - 8.1 Statement of Commonality for

	Statements of Common Ground Rev 8
REP10-005	<a href="#">Highways England</a> Deadline 10 Submission - 8.7 Statement of Common Ground - Anglian Water (Signed) Rev 2
REP10-006	<a href="#">Highways England</a> Deadline 10 Submission - 8.13 Statement of Common Ground - Blofield Parish Council (Signed) Rev 2
REP10-007	<a href="#">Highways England</a> Deadline 10 Submission - 9.1 Guide to the Application Rev 10
REP10-008	<a href="#">Highways England</a> Deadline 10 Submission - 9.4 Compulsory Acquisition Schedule (Clean) Rev 11
REP10-009	<a href="#">Highways England</a> Deadline 10 Submission - 9.4 Compulsory Acquisition Schedule (Tracked) Rev 11
REP10-010	<a href="#">Highways England</a> Deadline 10 Submission - 9.5 Statutory Undertakers Progress Schedule (Clean) Rev 7
REP10-011	<a href="#">Highways England</a> Deadline 10 Submission - 9.5 Statutory Undertakers Progress Schedule (Tracked) Rev 7
REP10-012	<a href="#">Highways England</a> Deadline 10 Submission - 9.6 Schedule of Changes to dDCO Rev 7
REP10-013	<a href="#">Highways England</a> Deadline 10 Submission - 9.31 Applicant's Response to Rule 17 letter Rev 0
REP10-014	<a href="#">Highways England</a> Deadline 10 Submission - 9.32 Applicant's Response to Deadline 9 Submissions Rev 0
REP10-015	<a href="#">Highways England</a> Deadline 10 Submission - Validation Report
REP10-016	<a href="#">Cadent</a> Deadline 10 Submission - Cadent - Withdrawal of Objection Letter dated 20 December 2021
<b>Other Documents</b>	
OD-001	<a href="#">Regulation 32 Transboundary screening</a>
OD-002	<a href="#">Highways England</a> Section 56 Notice
OD-003	<a href="#">Highways England</a> Section 56 Compliance Cover Letter

OD-004	<a href="#">Highways England</a> Section 56 Compliance Certificate
OD-005	<a href="#">Regulation 32 Transboundary Screening – June 2021</a>



# **Appendix D: Abbreviations List**

A47 Blofield to North Burlingham Project TR010040  
Report to the Secretary of State

<b>Abbreviation</b>	
µg/m <sup>3</sup>	1 microgram / cubic metre
AA	Appropriate Assessment
ALC	Agricultural Land Classification
AN10	Planning Inspectorate Advice Note 10
ANP	Acle Neighbourhood Plan 2015
AP	Affected Person
AQD	Air Quality Directive
AQMA	Air Quality Management Area
AQS	Air Quality Strategy
ARN	Affected Road Network
ASI	Accompanied Site Inspection
AWSL	Anglian Water Services Limited
BBSNN	Broadland, Breckland, South Norfolk and Norwich
BCGA	Burlingham Cottage Gardens Association
BDC	Broadland District Council
BMV	Best and most versatile
BoR	Book of Reference
BPC	Blofield Parish Council
BPNP	Blofield Parish Neighbourhood Plan 2016
BWW	Burlingham Woodland Walks
CA	Compulsory Acquisition
CA Regulations	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
CAH	Compulsory Acquisition Hearing
CCA2008	Climate Change Act 2008
CDW	construction and demolition waste
CEPP	Climate Emergency Planning and Policy
CLPA	Contaminated Land Preliminary Assessment
CNDMP	Construction Noise and Dust Management Plan
CO <sub>2</sub> e	carbon dioxide equivalent
CRoW Act	The Countryside and Rights of Way Act 2000
dB	Decibel
DCLG	Department for Communities and Local Government
DCLG CA Guidance	Guidance Related to Procedures for the Compulsory Acquisition of Land, Department for Communities and Local Government, September 2013
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DfT	The Department for Transport
DL	Deadline
DLUHC	Department for Levelling Up, Housing and Communities
DM	Do Minimum
DMDPD	Broadland District Council Development Management DPD 2015
DMRB	Design Manual for Roads and Bridges
DS	Do Something

EA	Environment Agency
EBGIPP	East Broadland Green Infrastructure Project Plan 2015
ECHR	European Convention on Human Rights
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
EM	Explanatory Memorandum
EMP	Environmental Management Plan
EP Regulations	Environmental Permitting (England and Wales) Regulations 2016
EPR	The Infrastructure Planning (Examination Procedure) Rules 2010
EqIA	Equality Impact Assessment
ES	Environmental Statement
EU	European Union
ExA	Examining Authority
ExQ1	Examining Authority's First Written Questions
ExQ2	Examining Authority's Second Written Questions
FP3	Footpath Burlingham FP3
FRA	Flood Risk Assessment
FS	Funding Statement
FWQs	First Written Questions
GCN	Great Crested Newt
GI / GII	Grade I / Grade II listed
GLVIA3	Guidelines for Landscape and Visual Impact Assessment Third Edition
GNLP	Greater Norwich Local Plan
GTAAP	Broadland District Council Growth Triangle Area Action Plan 2016
H	Hedgerow
ha	Hectare
Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
HGF	Happisburgh Glacial Formation
HGV	Heavy goods vehicle
HiE	Historic England
HRA	Habitats Regulations Assessment
IAP1	Initial Assessment of Principal Issues
INNS	invasive non-native species
Inspectorate	The Planning Inspectorate
IP	Interested Party
ISH	Issue Specific Hearing
JCS	Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011
km	kilometre
LAQM	The Department for Environment, Food and Rural Affairs Local Air Quality Management technical guidance (TG16)
LBCA Act	Planning (Listed Buildings and Conservation Areas) Act 1990
LCA	Landscape Character Area

LCW	Lingwood Community Woodland
LEMP	Landscape and Ecology Management Plan
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LV	Limit Value
LVIA	Landscape and Visual Impact Assessment
m	metre
m <sup>3</sup>	Cubic metres
MHCLG	Ministry of Housing, Communities and Local Government
MIA	Minerals Impact Assessment
MMP	Materials Management Plan
mph	Miles per hour
MSA	Mineral Safeguarding Area
NAQO	National Air Quality Objectives
NATS Model	Norwich Area Transport Strategy Model
NCC	Norfolk County Council
NCyC	Norwich Cycling Campaign
NE	Natural England
NERC	Natural Environment and Rural Communities Act 2006
NH	National Highways
NIA	Noise Important Area
NNNPS	National Networks National Policy Statement
NO <sub>2</sub>	Nitrogen dioxide
NOEL	No observed effect level
NO <sub>x</sub>	Nitrogen oxides
NPA2017	Neighbourhood Planning Act 2017
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network
NWL	Norwich Western Link
OFH	Open Floor Hearing
oLEMP	outline Landscape and Ecology Management Plan
oSWMP	outline Site Waste Management Plan
oTMP	outline Traffic Management Plan
PA2008	The Planning Act 2008
PALC	Provisional Agricultural Land Classification
PAS 2080	PAS 2080:2016 Carbon Management and Infrastructure, BSI, 2016
PC	Parish Council
PEIR	Preliminary Environmental Information Report
PM	Preliminary Meeting
PM (number)	Particulate Matter (micrometres)
PPG	Planning Practice Guidance
PRoW	Public Right of Way
PSED	Public Sector Equality Duty
R	Requirement

RBMP	River Basin Management Plan
rDCO	Recommended Development Consent Order
REAC	Register of Environmental Actions and Commitments
RIES	Report on Implications for European Sites
RIS1 / RIS2	Road Investment Strategy 1 / 2
RoWA Plans	Rights of Way and Access Plans
RR	Relevant Representation
S	Section
SAC	Special Area of Conservation
SADPD	Broadland District Council Site Allocations DPD 2016
SNCB	statutory nature conservation body
SO <sub>2</sub>	Sulphur dioxide
SOAEL	Significant Observed Adverse Effect Level
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SU	Statutory Undertaker
TA	Transport Assessment
tCO <sub>2</sub> e	Tonnes of carbon dioxide equivalent (tCO <sub>2</sub> e)
TMP	Traffic Management Plan
TP	Temporary Possession
UK	United Kingdom
UKCP18	UK Climate Projections 2018
UNEP	United Nations Environment Programme
USI	Unaccompanied Site Inspection
WCA	Wildlife and Countryside Act 1981
WCHR	walkers, cyclists and horse riders
WFD	Water Framework Directive
WHO	World Health Organisation
WR	Written Representation
WSI	Written Scheme of Investigation
ZTV	Zone of Theoretical Visibility

# **Appendix D:**

## **Examining Authority's recommended Development Consent Order**

A47 Blofield to North Burlingham Project TR010040  
Report to the Secretary of State

**202X No. [XX]**

**INFRASTRUCTURE PLANNING**

**The A47 Blofield to North Burlingham Development Consent  
Order 202[X]**

*Made* - - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* - - - - - \*\*\*

**CONTENTS**

**PART 1  
PRELIMINARY**

1.	Citation and commencement	5
2.	Interpretation	5
3.	Disapplication of legislative provisions	8
4.	Maintenance of drainage works	8

**PART 2  
PRINCIPAL POWERS**

5.	Development consent etc. granted by the Order	9
6.	Construction and maintenance of authorised development	9
7.	Planning permission	9
8.	Limits of deviation	9
9.	Benefit of Order	9
10.	Consent to transfer benefit of Order	10

**PART 3  
STREETS**

11.	Application of the 1991 Act	10
12.	Construction and maintenance of new, altered or diverted streets and other structures	12
13.	Classification of roads, etc.	13
14.	Power to alter layout etc. of streets	13
15.	Street Works	14
16.	Temporary alteration, diversion, prohibition and restriction of use of streets	14

17.	Permanent stopping up and restriction of use of streets and private means of access	15
18.	Access to works	16
19.	Clearways, prohibitions and restrictions	16

## PART 4 SUPPLEMENTAL POWERS

20.	Discharge of water	17
21.	Protective work to buildings	18
22.	Authority to survey and investigate the land	19

## PART 5 POWERS OF ACQUISITION

23.	Compulsory acquisition of land	20
24.	Compulsory acquisition of land – incorporation of the mineral code	20
25.	Time limit for exercise of authority to acquire land compulsorily	20
26.	Compulsory acquisition of rights and imposition of restrictive covenants	20
27.	Public rights of way	21
28.	Private rights over land	21
29.	Modification of Part 1 of the 1965 Act	22
30.	Application of the 1981 Act	23
31.	Acquisition of subsoil or airspace only	24
32.	Rights under or over streets	24
33.	Temporary use of land for carrying out the authorised development	24
34.	Temporary use of land for maintaining the authorised development	26
35.	Statutory undertakers	27
36.	Apparatus and rights of statutory undertakers in stopped up streets	27
37.	Recovery of costs of new connections	29

## PART 6 OPERATIONS

38.	Felling or lopping of trees and removal of hedgerows	29
-----	--	----

## PART 7 MISCELLANEOUS AND GENERAL

39.	Application of landlord and tenant law	30
40.	Operational land for purposes of the 1990 Act	30
41.	Defence to proceedings in respect of statutory nuisance	30
42.	No double recovery	31
43.	Disregard of certain improvements etc.	31
44.	Set off for enhancement in value of retained land	31
45.	Traffic regulation	32
46.	Protection of interests	33
47.	Certification of documents, etc.	33
48.	Service of notices	33
49.	Arbitration	34





PART 4 — FOR THE PROTECTION OF CADENT	121
SCHEDULE 10 — DOCUMENTS, ETC. TO BE CERTIFIED	129
PART 1 — ENVIRONMENTAL STATEMENT	129
PART 2 — OTHER DOCUMENTS	133

An application has been made to the Secretary of State under section 37 of the Planning Act 2008<sup>(1)</sup> (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>(2)</sup> for an Order granting development consent.

The application was examined by a single appointed person (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010<sup>(3)</sup>.

The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report and recommendation of the single appointed person, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, 122 and 123 of, and paragraphs 1 to 3, 10 to 15, 17, 19 to 23, 26, 33, 36 and 37 of Part 1 Schedule 5 to, the 2008 Act, makes the following Order—

## PART 1

### PRELIMINARY

#### Citation and commencement

1. This Order may be cited as the A47 Blofield to North Burlingham Development Consent Order 202[X] and comes into force on [XX].

#### Interpretation

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961<sup>(4)</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965<sup>(5)</sup>;

“the 1980 Act” means the Highways Act 1980<sup>(6)</sup>;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981<sup>(7)</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984<sup>(8)</sup>;

- 
- (1) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 and Schedule 13, Para 5 of the Localism Act 2011 (c. 20).  
(2) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/2381, S.I. 2017/572 and S.I. 2020/764; there are other amending instruments but none is relevant.  
(3) S.I. 2010/103, amended by S.I. 2012/635.  
(4) 1961 c. 33.  
(5) 1965 c. 56.  
(6) 1980 c. 66.  
(7) 1981 c. 66.  
(8) 1984 c. 27.

“the 1990 Act” means the Town and Country Planning Act 1990(9);

“the 1991 Act” means the New Roads and Street Works Act 1991(10);

“the 2008 Act” means the Planning Act 2008(11);

“the 2017 Regulations” means the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017(12);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order,

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of the Order;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“the classification of roads plans” means the plans of that description certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act(13) and for the purposes of this Order includes a right of way on foot;

“detrunking plans” mean the plans certified by the Secretary of State as the detrunking plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the engineering drawings and sections” means the documents certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“the environmental statement” means the environmental statement certified by the Secretary of State as the environmental statement for the purposes of the Order;

“the flood risk assessment” means the document of that description certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the general arrangement plans” means the plans certified by the Secretary of State as the general arrangement plans for the purposes of this Order;

“hedgerow plan” means the plan certified as the hedgerow plan by the Secretary of State for the purposes of this Order;

“highway” has the same meaning as in the 1980 Act;

“the highway authority” means the undertaker;

---

(9) 1990 c. 8.

(10) 1991 c. 22.

(11) 2008 c. 29.

(12) S.I. 2017/3.

(13) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 of the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

“the land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“the local highway authority” means Norfolk County Council;

“maintain” includes, to the extent assessed in the environmental statement, inspect, repair, adjust, alter, remove replace or reconstruct in relation to the authorised development and any derivative of “maintain” is to be construed accordingly;

“Order land” means the land shown coloured pink, the land shown coloured blue and the land shown coloured green on the land plans, and which is described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land within which the authorised development, as shown on the works plans, may be carried out

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(14)</sup>;

“relevant highway authority” means the local highway authority for the land in question;

“relevant planning authority” means Broadland District Council;

“the rights of way and access plans” means the plans certified as the rights of way and access plans by the Secretary of State for the purposes of this Order;

“Secretary of State” means the Secretary of State for Transport;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street,

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“traffic authority” has the same meaning as in section 121A<sup>(15)</sup> (traffic authorities) of the 1984 Act;

“traffic regulation plans” means the plans certified as the traffic regulation plans by the Secretary of State for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

(a) section 10<sup>(16)</sup> (general provision as to trunk roads) or section 19(1)<sup>(17)</sup> (certain special roads and other highways to become trunk roads) of the 1980 Act;

(b) an order made or direction given under section 10 of that Act; or

(c) an order granting development consent; or

(d) any other enactment;

“the undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land

---

<sup>(14)</sup> 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

<sup>(15)</sup> This section was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22); and brought into force by S.I. 1991/2288.

<sup>(16)</sup> As amended by section 22(2) of the 1991 Act and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

<sup>(17)</sup> As amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(6) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

(7) The expression “includes” may be construed without limitation.

### **Disapplication of legislative provisions**

**3.—**(1) The provisions of the Neighbourhood Planning Act 2017<sup>(18)</sup> insofar as they relate to temporary possession of land under articles 33 (temporary use of land for carrying out the authorised development) and 34 (temporary use of land for maintaining the authorised development) of this Order do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised project.

(2) Schedule 1 to the 2017 Regulations is modified as follows—

(a) In paragraph (3) of form 1, after “from the date on which the service of notices required by section 6 of the Act is completed”, insert—

“**1.—**(1) The [insert land or rights or both] described in Part [ ] of the Schedule hereto as being for the benefit of third parties and more particularly delineated on the plan annexed hereto is to vest in the third parties in question as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.”

(b) In paragraph (b) of the notes on use of form 2—

(i) after “Insert the name of the authority” insert “and, where the context so requires, a reference to third parties”; and

(ii) omit “Thereafter rely on that definition wherever “(b)” appears in the text”.

### **Maintenance of drainage works**

**4.—**(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991<sup>(19)</sup>.

---

<sup>(18)</sup> 2017 c. 20.

<sup>(19)</sup> 1991 c. 59, as amended by paragraph 323, Part 1 of Schedule 2 of S.I. 2013/755 (W.55), section 100 of the Environment Act 1995 (c. 25) and paragraph 39, Schedule 2 of the Flood Water Management Act 2010 (c. 29).

## PART 2

### PRINCIPAL POWERS

#### **Development consent etc. granted by the Order**

5.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

#### **Construction and maintenance of authorised development**

6. The undertaker may at any time construct and maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

#### **Planning permission**

7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is not—

- (a) itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

#### **Limits of deviation**

8.—(1) In constructing Work Numbers, 1, 4, 7, 9, 10, 11, 14, 15, 17, 28, 29, 32, 34, 35 36 and 40 the undertaker may—

- (a) in deviating laterally from the centrelines shown on the works plans, vary the situation of the centreline by up to a maximum of 3 metres either side of the centreline of that work as shown on the works plans;
- (b) deviate by up to 3 metres from the points of commencement and termination; and
- (c) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections, to a maximum of 1 metre upwards or 1 metre downwards,

except that the maximum limits of vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects from those reported in the environmental statement.

(2) In constructing or maintaining any other work comprised in the authorised development the undertaker must construct any such work within the limits of deviation or extents of work shown on the works plans for the relevant work.

#### **Benefit of Order**

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

### **Consent to transfer benefit of Order**

**10.**—(1) The undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee;
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) The consent of the Secretary of State is not required under this article, where the transfer or grant is made to—

- (a) Cadent Gas Limited (company number 10080864), whose registered office is at Pilot Way, Ansty Park, Coventry, CV7 9JU (or a related subsidiary company) for the purposes of undertaking Work No. 5;
- (b) Anglian Water Services Limited (company number 2366656), whose registered office is at Lancaster House Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, United Kingdom, PE29 6XU (or a related subsidiary company) for the purposes of undertaking Work No. 8 and 44; and
- (c) Eastern Power Networks Plc (company number 2366906), whose registered office is at Newington House, 237 Southwark Bridge Road, London, SE1 6NP (or a related subsidiary company) for the purposes of undertaking Work Nos. 3, 19, 20, 24 and 42.

## **PART 3**

### **STREETS**

### **Application of the 1991 Act**

**11.**—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act<sup>(20)</sup> or
- (b) they are works which, had they been executed by the local highway authority, might have been carried out in exercise of the powers conferred by section 64<sup>(21)</sup> (dual carriageways and roundabouts) of the 1980 Act or section 184<sup>(22)</sup> (vehicle crossings over footways and verges) of that Act.

---

<sup>(20)</sup> 1991 c. 22, to which are amendments not relevant to section 86 in the act.

<sup>(21)</sup> As amended by relevant instruments which are section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

<sup>(22)</sup> As amended by section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11); and section 18 of and Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22).

(2) In Part 3 of the 1991 Act references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- (a) section 56(23) (directions as to timing);
- (b) section 56A(24) (power to give directions as to placing of apparatus);
- (c) section 58(25) (restrictions following substantial road works);
- (d) section 58A(26) (restriction on works following substantial street works); and
- (e) Schedule 3A(27) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 16 (temporary alteration, diversion and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(28) referred to in paragraph (4) are—

- (a) section 54(29) (advance notice of certain works), subject to paragraph (6);
- (b) section 55(30) (notice of starting date of works), subject to paragraph (6);
- (c) section 57(31) (notice of emergency works);
- (d) section 59(32) (general duty of street authority to co-ordinate works);
- (e) section 60(33) (general duty of undertakers to co-operate);
- (f) section 68(34) (facilities to be afforded to street authority);
- (g) section 69(35) (works likely to affect other apparatus in the street);
- (h) section 75(36) (inspection fees);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route).

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 12 (construction and maintenance of new, altered or diverted streets and other structures)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and the undertaker is not by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or

---

(23) As amended by sections 40 and 43 of the Traffic Management Act 2004 (c. 18).

(24) Inserted by section 44 of the Traffic Management Act 2004 (c. 18).

(25) As amended by section 51 of the Traffic Management Act 2004 (c. 18).

(26) Inserted by section 52 of the Traffic Management Act 2004 (c. 18).

(27) Inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004 (c. 18).

(28) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(29) As also amended by section 49(1) of the Traffic Management Act 2004 (c. 18).

(30) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004 (c. 18).

(31) As also amended by section 52(3) of the traffic Management Act 2004 (c. 18).

(32) As amended by section 41 of the Traffic Management Act 2004 (c. 18).

(33) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).

(34) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).

(35) As amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(36) As amended by section 58 of the Traffic Management Act 2004 (c. 18).



- (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

### **Construction and maintenance of new, altered or diverted streets and other structures**

**12.—**(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, the highway must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the highway must be maintained by and at the expense of the local highway authority from its completion.

(3) Where a footpath, cycle track or bridleway is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the highway must be maintained by and at the expense of the local highway authority from its completion.

(4) Where a street which is not, and is not intended to be, a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed in writing, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(5) Where a highway is detrunked under this Order—

- (a) section 265(37) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that detrunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of detrunking.

(6) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane and) must be maintained by and at the expense of the local highway authority unless otherwise agreed in writing between the undertaker and the local highway authority, and the remainder of the bridge, including the waterproofing membrane, and structure below, parapets and any system of lighting must be maintained by and at the expense of the undertaker.

(7) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(8) For the purposes of a defence under paragraph (7), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and

---

(37) The following provisions have been inserted into the section by paragraph 52, Schedule 1 of the Infrastructure Act 2015 (c. 7).

- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and the competent person had carried out those instructions.

### **Classification of roads, etc.**

**13.**—(1) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 and identified on the classification of roads plans are completed and open for traffic, they are to become trunk roads as if they had become so by virtue of an order under section 10(2)(**38**) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(2) From the date on which the roads described in Part 2 (classified B roads) and Part 2A (classified C roads) of Schedule 3 and identified on the classification of roads plans are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(3) From the date on which the roads described in Part 3 (unclassified roads) of Schedule 3 and identified on the classification of roads plans are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(4) From the date on which the roads specified in Part 4 (speed limits) of Schedule 3 and identified on the traffic regulation plans are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road identified in the corresponding row of column (2) of that Part.

(5) On such day as the undertaker may determine, the order specified in column (3) of Part 5 (revocations and variations of existing traffic regulation orders) of Schedule 3 is to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(6) Unless otherwise agreed in writing with the relevant planning authority, the footpaths, cycle tracks, footways and bridleways set out in column (2) of Part 6 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 and identified on the rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.

(7) On such day as the undertaker may determine, the roads described in Part 7 (roads to be detrunked) of Schedule 3 and identified on the detrunking plans are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 5(2)(**39**) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(8) The application of paragraphs (1) to (7) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

### **Power to alter layout etc. of streets**

**14.**—(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

---

(38) 1980 c. 66. As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(39) 1980 c. 66. As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) make and maintain passing places.

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1)—

- (a) are exercisable on the giving of not less than 42 days' notice to the street authority; and
- (b) are not to be exercised without the consent of the street authority where that authority is a public authority.

(4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 6 weeks beginning with the date on which the application was made, it is deemed to have granted consent.

(5) Paragraphs (2), (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

### **Street Works**

**15.**—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus in or under the street;
- (e) maintain apparatus in the street or change its position; and
- (f) execute any works required for, or incidental to, any works referred to in subparagraphs (a), (b), (c), (d) and (e).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1)(**40**) (prohibition of unauthorised street works) of the 1991 Act.

### **Temporary alteration, diversion, prohibition and restriction of use of streets**

**16.**—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit the use of or restrict the use of any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily prohibited or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration, diversion or restriction of a street under this article if there would otherwise be no such access.

(4) The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

---

(40) 1991 c. 21. There are amendments to section 48(3) and 51(1) but none is relevant to this Order.

(5) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act<sup>(41)</sup>.

(6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

### **Permanent stopping up and restriction of use of streets and private means of access**

**17.—**(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Part 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) and identified on the rights of way and access plans to the extent specified and described in column (3) of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Part 2 or Part 3 of Schedule 4 (being a highway or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new highway or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the highway or private means of access until the completion and opening of the new highway or private means of access in accordance with sub-paragraph (a).

(3) No private means of access specified in columns (1) and (2) of Part 4 of Schedule 4 (being a private means of access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street or private means of access concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street or private means of access concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) The undertaker may, in connection with the carrying out of the authorised development, alter the private means of access specified in column (1) of Part 5 of Schedule 4 as specified in column (2) of that Part.

(6) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

---

<sup>(41)</sup> 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(7) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act<sup>(42)</sup>.

(8) This article is subject to article 36 (apparatus and rights of statutory undertakers in stopped up streets).

### **Access to works**

**18.** The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

### **Clearways, prohibitions and restrictions**

**19.—**(1) From such day as the undertaker may determine, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of Part 8 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 (classification of roads, etc.) and identified on the traffic regulation plans where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to become a clearway, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

(a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—

(i) the removal of any obstruction to traffic;

(ii) the maintenance, improvement, reconstruction or operation of the road;

(iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable, or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 1 (the Electronic Communications Code) to the Digital Economy Act 2017<sup>(43)</sup>; or

(iv) any building operation or demolition;

(b) in relation to a vehicle being used—

(i) for police, ambulance, fire and rescue authority or traffic officer purposes,

(ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;

(iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991<sup>(44)</sup> or

(iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2011<sup>(45)</sup> or

(c) in relation to a vehicle waiting when the person in control of it is—

(i) required by law to stop;

(ii) obliged to stop in order to avoid an accident; or

(iii) prevented from proceedings by circumstances outside the person's control.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless the

---

<sup>(42)</sup> 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

<sup>(43)</sup> 2017 c. 30, as brought into force by Regulation 2 of S.I. 2017/765, Regulation 2 of S.I. 2017/1136 and Regulation 2 of S.I. 2017/1286.

<sup>(44)</sup> 1991 c. 56.

<sup>(45)</sup> 2011 c. 5.

goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(5) In this article, “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004<sup>(46)</sup>.

## PART 4

### SUPPLEMENTAL POWERS

#### Discharge of water

**20.**—(1) Subject to paragraphs (3) and (4), the undertaker may use any drain for the drainage of water in connection with the carrying out, maintenance or use of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the drain.

(2) Any dispute arising from the making of connections to or use of a drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991<sup>(47)</sup>.

(3) The undertaker must not discharge any water into any drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any drain except—

- (a) in accordance with plans approved by the person to whom the drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(6) Nothing in this article overrides the requirement for an environmental permit under regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(48)</sup>.

(7) In this article—

- (a) “drain” means a drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority or a sewerage undertaker; and
- (b) Other expressions, used both in this article and in the Water Resources Act 1991<sup>(49)</sup> have the same meaning as in that Act.

(8) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

---

<sup>(46)</sup> 2004 c. 18, as brought into force by Article 2 of S.I. 2004/2380 and Article 2 of S.I. 2009/1095 (W.55).

<sup>(47)</sup> 1991 c. 56. Section 106 was amended by section 35(1) and (8) of, and Schedule 2 to, the Competition and Service Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

<sup>(48)</sup> S.I.2016/1154, amended by S.I. 2018/110

<sup>(49)</sup> 1991 c. 57.

## Protective work to buildings

**21.—**(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development;
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 49 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152<sup>(50)</sup> (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Any compensation payable under paragraph (8) or (9) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “protective works” in relation to a building means —

---

<sup>(50)</sup> 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

### **Authority to survey and investigate the land**

**22.—**(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as the undertaker sees fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land indicating the nature of the survey or investigation that the undertaker intends to carry out.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take into the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority or the local highway authority as the case may be; or
- (b) in a private street without the consent of the street authority.

but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) If either the highway authority, the local highway authority or a street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of the highway authority or the local highway authority; or
- (b) under paragraph (4)(b) in the case of a street authority,

that authority is deemed to have granted consent.



## PART 5

### POWERS OF ACQUISITION

#### **Compulsory acquisition of land**

**23.**—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it.

(2) This article is subject to paragraph (2) of article 26 (compulsory acquisition of rights and imposition of restrictive covenants) and paragraph (8) of article 33 (temporary use of land for carrying out the authorised development).

#### **Compulsory acquisition of land – incorporation of the mineral code**

**24.** Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981<sup>(51)</sup> are incorporated into this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated;
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

#### **Time limit for exercise of authority to acquire land compulsorily**

**25.**—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 30 (application of the 1981 Act).

(2) The authority conferred by article 33 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

#### **Compulsory acquisition of rights and imposition of restrictive covenants**

**26.**—(1) The undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 23 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purposes specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.

(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 10 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

---

<sup>(51)</sup> 1981 c. 67, as amended by Schedule 1 of S.I. 2009/1307.

## Public rights of way

**27.**—(1) Subject to paragraph (2), the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) and identified on the rights of way and access plans are to be extinguished on the date of the expiry of the notice given under paragraph (2).

(2) Prior to the extinguishment of each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the rights of way and access plans, the undertaker must—

- (a) erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way; and
- (b) (where the public right of way is identified in Part 2 of that Schedule) have provided a new highway or a temporary alternative route in accordance with article 17(2).

## Private rights over land

**28.**—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) from the date of acquisition of the land by the undertaker whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1)(**52**) (power of entry) of the 1965 Act,

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1)(**53**) (power of entry) of the 1965 Act,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker which, being within the limits of land which may be acquired or used shown on the land plans, are required for the purposes of this Order are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 (**54**)(compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act(**55**).

---

(52) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(53) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(54) 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(55) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(6) This article does not apply in relation to any right to which section 138<sup>(56)</sup> (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 35 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

(a) any notice given by the undertaker before—

- (i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;
- (ii) the undertaker's appropriation of it;
- (iii) the undertaker's entry onto it; or
- (iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs do not apply to any right specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(8) If any such agreement is referred to in paragraph (7)(b)—

(a) is made with a person in or to whom the right is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

(10) From such date as the undertaker may determine, which may not be later than the date on which the private means of access listed in column 2 of Part 3 of Schedule 4 is stopped up, the owners and occupiers, their agents, contractors and any person with the permission of the owner or occupier of the land to be accessed by the private means of access to be created on the Order land and listed in column 4 of Part 3 of Schedule 4, will be entitled to take access to their land at all times with or without vehicles across or along the access tracks to be created on the Order land listed in column 4 of Part 3 of Schedule 4.

## **Modification of Part 1 of the 1965 Act**

**29.**—(1) Part 1 of the 1965 Act, as applied to this Order by section 125<sup>(57)</sup> (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows—

“(2) In section 4A(1) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent), the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsory) of the A47 Blofield to North Burlingham Development Consent Order 202[X]”

(2) In section 11A<sup>(58)</sup> (powers of entry: further notice of entry)—

(a) in subsection (1)(a), after “land” insert “under that provision”;

(b) in subsection (2), after “land” insert “under that provision”.

(3) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 25 of the A47 Blofield to North Burlingham Development Consent Order 202[X]”.

---

<sup>(56)</sup> 2008 c. 29. Section 138 as amended by section 23 of the Growth and Infrastructure Act 2013 (c. 27) and paragraph 12, Schedule 1 of S.I. 2017/1285.

<sup>(57)</sup> 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

<sup>(58)</sup> 1965 c.56, section 11A as inserted by section 202(1) Housing and Planning Act 2016 (c. 22).

- (4) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—
- (a) for paragraphs 1(2) and 14(2) substitute—
- “(2) But see article 31 (acquisition of subsoil or airspace only) on the A47 Blofield to North Burlingham Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this schedule” and
- (b) after paragraph 29 insert—

## “PART 4 INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under article 21 (protective works to buildings), 33 (temporary use of land for carrying out the authorised development) or 34 (temporary use of land for maintaining the authorised development) of the A47 Blofield to North Burlingham Development Consent Order 202[X].”

### Application of the 1981 Act

- 30.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act), for subsection (2) substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) Omit section 5(**59**) (earliest date for execution of declaration).
- (5) Omit section 5A(**60**)(time limit for general vesting declaration).
- (6) In section 5B(**61**) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118(**62**) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A47 Blofield to North Burlingham Development Consent Order 202[X].”
- (7) In section (6)(**63**) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 2 to, the Acquisition of Land Act 1981” substitute “section 134(**64**)(notice of authorisation of compulsory acquisition) of the Planning Act 2008”.
- (8) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1(**65**) (counter-notice requiring purchase of and not in general vesting declaration) for paragraph 1(2) substitute—
- “(2) But see article 31 (acquisition of subsoil or airspace only) of the A47 Blofield to North Burlingham Development Consent Order 202[X], which excludes the acquisition of subsoil or airspace only from this Schedule”
- (10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125(**66**) (application of compulsory acquisition provisions) of the 2008

(59) 1981 c.67, section 5 was amended by Schedule 15 to the Housing and Planning Act 2016 (c. 22).

(60) 1981 c. 67, section 5A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).

(61) 1981 c. 67, section 5B was inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).

(62) As inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016 (c. 22).

(63) As amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

(64) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016 (c. 22).

(65) As amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 (c. 20) and S.I. 2012/16.

(66) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

Act (and as modified by article 29 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

### **Acquisition of subsoil or airspace only**

**31.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 23 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the Compulsory Purchase (Vesting Declarations) Act 1981; and
- (c) section 153 (4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

### **Rights under or over streets**

**32.**—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act<sup>(67)</sup>.

(5) Compensation is not payable under paragraph (4) to any person who is a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act<sup>(68)</sup> applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

### **Temporary use of land for carrying out the authorised development**

**33.**—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 25 (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take possession of—

---

<sup>(67)</sup> 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

<sup>(68)</sup> 1991 c. 22, to which there are no amendments relevant to section 85 of the act.

- (i) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
  - (ii) any other Order land in respect of which no notice of entry has been served under section 11(69)(powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act(70);
  - (b) remove any buildings and vegetation from that land,
  - (c) construct temporary works (including the provision of means of access) and buildings on that land; and
  - (d) construct any permanent works specified in relation to that land in column (3) of Schedule 7 (land of which temporary possession may be taken), or any other mitigation works in connection with the authorised development.
- (2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).
- (3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—
- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7 (land of which temporary possession may be taken); or
  - (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act (71) or made a declaration under section 4 of the 1981 Act(72) in relation to that land.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—
- (a) replace a building removed under this article;
  - (b) restore the land on which any permanent works have been constructed under paragraph (1)(d), (1)(e) or (1)(f);
  - (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;
  - (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus; or
  - (e) remove or reposition any apparatus installed for or belonging to statutory undertakers; or
  - (f) remove or reposition necessary mitigation works.

---

(69) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(70) 1981 c. 66. Section 4 as amended by section 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 21).

(71) 1965 c. 56, section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(72) 1981 c. 66. Section 4 as amended by section 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 21).

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act<sup>(73)</sup>.

(7) Nothing in this article affects any liability to pay compensation under section 152<sup>(74)</sup> (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from

- (a) acquiring new rights over any part of that land that is also specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) ; or
- (b) acquiring rights in the subsoil of or airspace over the land referred to in sub-paragraph (a) of this article under article 31 (acquisition of subsoil or airspace only).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13<sup>(75)</sup> (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act<sup>(76)</sup>.

(11) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 23 (compulsory acquisition of land) or article 26 (compulsory acquisition of rights and imposition of restrictive covenants).

### **Temporary use of land for maintaining the authorised development**

**34.—**(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and
- (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

---

(73) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(74) 2008 c. 29, section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(75) 1965 c. 56, section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(76) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act (77).

(8) Nothing in this article affects any liability to pay compensation under section 152(78) (compensation in case where no right claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13(79) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act(80).

(11) In this article "the maintenance period", in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

### **Statutory undertakers**

**35.—**(1) Subject to the provisions of article 26 (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act(81); and
- (b) article 36 (apparatus and rights of statutory undertakers in stopped up streets).

### **Apparatus and rights of statutory undertakers in stopped up streets**

**36.—**(1) Where a street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 16 (temporary alteration, diversion and restriction of use of streets) any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or

---

(77) 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(78) 2008 c. 29, Section 152 as implemented by Article 3 of S.I. 2010/101 and amended by S.I. 2009/1307.

(79) 1965 c. 56, section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(80) 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(81) 1991 c.22, Part 3 as amended by 2004 (c. 18), S.I. 2007/1952, S.I. 2008/102 (w. 55) and 2003 (c. 21).



- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).
- (3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—
  - (a) the execution of the relocation works required in consequence of the stopping up of the street; and
  - (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.
- (4) If in the course of the execution of relocation works under paragraph (2)—
  - (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
  - (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,
 and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.
- (5) For the purposes of paragraph (4)—
  - (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
  - (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.
- (6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.
- (7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—
  - (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
  - (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.
- (8) In this article—
  - “apparatus” has the same meaning as in Part 3 of the 1991 Act;
  - “relocation works” means work executed, or apparatus provided, under paragraph (2); and
  - “statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003<sup>(82)</sup>.

---

(82) 2003 c. 21, as implemented by Article 1, Section 2 and Schedule 1 of S.I. 2003/1900, Article 3 of S.I. 2003/3142; as amended by Schedule 1 of S.I. 2011/1210

## Recovery of costs of new connections

**37.**—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 35 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 35, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 36 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies<sup>(83)</sup>.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003<sup>(84)</sup>; and

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

## PART 6 OPERATIONS

### Felling or lopping of trees and removal of hedgerows

**38.**—(1) The undertaker may fell or lop any tree or shrub, within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1) or (4), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity;

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act<sup>(85)</sup>.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)—

- (a) remove any hedgerow described in Schedule 8 (removal of hedgerows); and
- (b) without limitation on the scope of sub-paragraph (1), and with the consent of the local authority in whose area the hedgerow is located, remove any hedgerow within the Order limits.

---

<sup>(83)</sup> 1991 c.22, Part 3 as amended by 2004 (c. 18), S.I. 2007/1952, S.I. 2008/102 (w. 55), 2003 (c. 21).

<sup>(84)</sup> 2003 c. 21, as implemented by Article 1, Section 2 and Schedule 1 of S.I. 2003/1900, Article 3 of S.I. 2003/3142; as amended by Schedule 1 of S.I. 2011/1210.

<sup>(85)</sup> 1961 c. 33, Part 1 as amended by S.I. 1994/2716, 1998 (c. 38), S.I. 1999/481, S.I. 2009/1307, S.I. 2010/490, S.I. 2017/1012 and 2016 (c. 9).

(5) An application for the consent of a local authority in terms of paragraph (4)(b) must not be unreasonably withheld.

(6) If a local authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (4)(b) the local authority is deemed to have granted consent.

(7) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997<sup>(86)</sup> and includes important hedgerows.

## PART 7

### MISCELLANEOUS AND GENERAL

#### Application of landlord and tenant law

**39.**—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

#### Operational land for purposes of the 1990 Act

**40.** Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act<sup>(87)</sup>.

#### Defence to proceedings in respect of statutory nuisance

**41.**—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990<sup>(88)</sup> in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2)<sup>(89)</sup> of that Act if—

- (a) the defendant shows that the nuisance—

---

<sup>(86)</sup> S.I. 1997/1160, as amended by S.I. 2003/2155, S.I. 2015/1997, S.I. 2015/377, S.I. 2009/1307 and S.I. 2013/755.

<sup>(87)</sup> 1990 c. 8, to which there are amendments to this sub-section not relevant to this Order.

<sup>(88)</sup> 1990 c. 43, to which there are amendments to this sub-section not relevant to this Order.

<sup>(89)</sup> 1990 c. 43, section 83(2) was amended by section 5(1) and (2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6, Schedule 17 of the Environment Act 1995 (c. 25).

- (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974<sup>(90)</sup>; or
  - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974<sup>(91)</sup> does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

### **No double recovery**

**42.** Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract, or any rule of law, or under two or more different provisions of this Order.

### **Disregard of certain improvements etc.**

**43.—**(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land, if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works constructed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.

### **Set off for enhancement in value of retained land**

**44.—**(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised development.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 26 (compulsory acquisition of rights and imposition of restrictive covenants), the tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and

---

<sup>(90)</sup> 1974 c. 40. Section 60 was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43), there are further amendments to section 61 but none is relevant to this Order.

<sup>(91)</sup> 1974 c. 40, section 61 to which there are amendments to section 61 but none is relevant to this Order.

- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity, which will accrue to that person by reason of the construction of the authorised development.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2) as if this Order were a local enactment for the purposes of that Act.

### **Traffic regulation**

**45.**—(1) This article applied to roads in respect of which the undertaker is not the traffic authority.

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicles, or vehicles of any class, or pedestrians access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—

- (a) given not less than—
  - (i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
  - (ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily, to the chief officer of police and to the traffic authority in whose area the road is situated; and

- (b) advertised the undertaker's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—

- (a) has effect as if duly made by, as the case may be—
  - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking spaces) of the 1984 Act<sup>(92)</sup>, and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

---

<sup>(92)</sup> 1984 c.27, section 32 was amended by sections 1, 2, 8(1) and paragraph 4 of Schedule 5 to the Local Government Act 1985 (c. 51) and by section 168(1) of, and paragraph 39 of Schedule 8 to, the New Roads and Street Works Act 1991 (c.22).

(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004<sup>(93)</sup>.

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

(12) Any application to which this article applies must include a statement that the provisions of paragraph (11) apply to that application.

### **Protection of interests**

**46.** Schedule 9 (protective provisions) has effect.

### **Certification of documents, etc.**

**47.—**(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 10 (documents, etc to be certified) to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 10 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

(3) A plan or document so certified will be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

### **Service of notices**

**48.—**(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978<sup>(94)</sup> as it applies for the purposes of this article, the proper address of any person in relation to the

---

<sup>(93)</sup> 2004 c. 18, Schedule 7 as implemented by Article 2 of S.I. 2007/2053, Article 2 and Schedule of S.I. 2007/3174; as amended by Regulation 28 of S.I. 2013/362 and Regulation 2 and 3 of S.I. 2018/488.

<sup>(94)</sup> 1978 c.30, as amended by section 17 of 1994 (c. 36), there are other amendments but none is relevant.

service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is to be taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

## **Arbitration**

**49.** —(1) Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) This article does not apply where any difference under any provision of this Order is between any person and the Secretary of State.

## Crown Rights

**50.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker to use, enter upon or in any manner interfere with any land or rights of any description—

- (a) belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to Her Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or
- (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory purchase of any interest in any Crown land (as defined in the 2008 Act) for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Signed by authority of the Secretary of State for Transport

Address  
Date

*Name*  
Head of the Transport and Works Act Orders Unit  
Department for Transport

## SCHEDULES

### SCHEDULE 1

Articles 2, 5 and 6

### AUTHORISED DEVELOPMENT

#### In the administrative areas of Norfolk County Council and Broadland District Council

The authorised development is a nationally significant infrastructure project as defined in sections 14 and 22 of the 2008 Act<sup>(95)</sup> and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

**Work No. 1** – Alteration of the A47 shown on sheet 1-8 of the works plans, of 4570 metres in length, from a point 361 metres west of the junction of the existing A47 with Yarmouth Road over the existing A47 to a point 203 metres east of the junction of existing A47 with the unclassified road known as the Windle and including a retaining wall west of Yarmouth Road, Blofield, a lay-by, bunds and noise barriers;

**Work No. 2** - Installation of ducts, cables and apparatus for utilities and electronic communications code operators of 987 metres, from a point 302 metres west of the existing A47 and Yarmouth Road, to a point 413 metres east of High Noon Lane junction, shown on sheet numbers 1 and 2 of the works plans;

**Work No. 3** – Diversion underground of 11kV overhead electricity distribution network cables, crossing Work No. 1, west of the junction of the existing A47 with Yarmouth Road and east of Blofield, shown on sheet number 1 of the works plans;

---

<sup>(95)</sup> 2008 c. 29, section 14 as implemented by S.I. 2010/101, S.I. 2017/1078, S.I. 2011/705, S.I. 2011/2054 and as amended by S.I. 2019/12, S.I. 2012/1645, there are other amendments but none is relevant. Section 22 as implemented by S.I. 2010/101 and amended by S.I. 2013/1883, 2015 (c.7).



**Work No. 4** – improvements to Yarmouth Road at its junction with the A47, south of Work No. 1, to the east of Blofield, shown on sheet number 1 of the works plans;

**Work No. 5** – diversion of an intermediate pressure gas main of 3754 metres in length between a point 62 metres south of the junction of the existing A47 with Yarmouth Road, east of Blofield and a point 250 metres southwest of the junction of the existing A47 with B1140 White House Lane, west of Acle Hall, together with accesses to highways and associated infrastructure including marker posts and inspection chambers shown on sheets numbers 1 to 7 of the works plans;

**Work No. 6** – new car park (of approximately 25 spaces) for Blofield Allotments including access to Work No. 7, together with a field access to Work No. 7, south of Work No. 7 and shown on sheet number 1 of the works plans;

**Work No. 7** – new highway between the junction of the A47 with Yarmouth Road, Blofield, to a point 384 metres east of that junction, south of Work No. 1 and shown on sheet numbers 1 and 2 of the works plans;

**Work No. 8** – Installation of potable water pipes of 446 metres in length, from a point east of Sparrow Hall, Blofield, south to a point to the east of the highway of Waterlow, shown on sheet number 2 of the works plans;

**Work No. 9** – improvements to Yarmouth Road of 419 metres in length and creation of a junction between High Noon Lane and Yarmouth Road, east of Blofield and north of Work No. 1, shown on sheet number 2 of the works plans;

**Work No. 10** – improvements to Waterlow including new junction with Work No. 7, 307 metres east of Yarmouth Road, Blofield, and south of Work No. 7, shown on sheet number 2 of the works plans;

**Work No. 11** – new highway, including bridge approaches to form the southern approach to the new Blofield Overbridge (Work No. 15), east of Blofield, and shown on sheet number 2 of the works plans;

**Work No. 12** – Installation of ducts, cables, sewers and apparatus for utilities and electronic code communications operators of 570 metres in length, between Yarmouth Road and Waterlow, to the east of Blofield, shown on sheet numbers 1 and 2 of the works plans;

**Work No. 13** – Infiltration basin, soakaways, pond and associated drainage, drivable swale and maintenance access track, south of Work No 11 and east of Waterlow, shown on sheet number 2 of the works plans;

**Work No. 14** – new highway from a junction with Work No. 15, east for 197 metres to a point 943 metres west of Lingwood Road and shown on sheet number 2 of the works plans;

**Work No. 14A** – access track and cycle track commencing at the termination of Work No. 14. east for 1270 metres to a junction with Footpath FP3, at a point 327 metres east of Lingwood Road and shown on sheet numbers 2, 3 and 4 of the works plans;

**Work No. 14B** – access track and cycle track, from a junction with Work No. 14A east for 92 metres to a point 328 metres east of Lingwood Road and shown on sheet number 4 of the works plans;

**Work No. 15** – bridge over Work No. 1 located 601 metres east of the existing junction of the A47 with Yarmouth Road, (Blofield Overbridge), together with approaches and shown on sheet no. 2 of the works plans;

**Work No. 16** – construction compound east of Blofield Overbridge (Work No.15) and south of work Nos. 1,4 and 14A, shown on sheet numbers 2 and 3 of the works plans;

**Work No. 17** – new highway and approach to form the northern approach to Blofield Overbridge (Work No. 15), north of Work No. 1 and shown on sheet number 2 of the works plans;

**Work No. 17A** – works to support the reclassification of the existing A47 and provision of cycle track, north of Work No. 1 and shown on sheet numbers 2, 3 and 4 of the works plans;

**Work No. 18** – drainage and soakaway to the east of the Blofield Overbridge (Work No. 15) and north of Work No. 1 shown on sheet numbers 2 and 3 of the works plans;

**Work No. 19** – diversion underground of electricity distribution network cables (33kV) of 397 metres, crossing Work No. 1, east of Blofield and shown on sheet no. 3 of the works plans;

**Work No. 20** – diversion underground of electricity distribution network cables (11kV) of 126 metres, crossing Work No. 1, north of Poplar Farm, shown on sheet no. 3 of the works plans;

**Work No. 21** – turning head on Lingwood Road south of Work No. 1, west of North Burlingham and shown on sheet no. 4 of the works plans;

**Work No. 22** – installation of ducts, cables and apparatus for utilities and electronic communications code operators and potable water pipes of 103 metres in length, between the existing A47 and Lingwood Road, to the west of North Burlingham, shown on sheet number 4 of the works plans;

**Work No. 23** – cycle track, access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route south of Work No. 1, west of North Burlingham, and shown on sheet numbers 4 and 5 of the works plans;

**Work No. 24** – diversion underground of electricity distribution network cable of 292 metres (11kV) south of the existing A47, south of North Burlingham, shown on sheet numbers 4 and 5 of the works plans;

**Work No. 25** – turning head on Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet number 5 of the works plans;

**Work No. 26** – temporary compound west of Lingwood Lane and south of Work No. 1, south of North Burlingham and shown on sheet number 5 of the works plans;

**Work No. 26A** - temporary compound east of Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet numbers 5 and 6 of the works plans;

**Work No. 26B** – temporary diversion of permissive equestrian and walking route west of Lingwood Lane, south of Work No. 1, south of North Burlingham and shown on sheet numbers 4 and 5 of the works plans;

**Work No. 26C** – temporary haul road to connect Work No. 26A to White House Lane, east of North Burlingham, and shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 27** – cycle track between Lingwood Lane and Work No. 35, south of Work No. 1 and shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 28** – works to the existing A47 east of North Burlingham, to connect to the new proposed junction with the B1140 classified road to the north of Work No. 1 shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 28A** – junction to connect the existing A47 to Main Road, North Burlingham and including installation of ducts, cables and apparatus for utilities and electronic communications code operators, to the north of Work No. 1 shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 29** – realignment of B1140 South Walsham Road, North Burlingham, north of Work No. 1 and shown on sheet numbers 6 and 7 of the works plans;

**Work No. 30** – soakaway and access track south of Work No. 28, North Burlingham, shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 31** – Installation of ducts, potable water pipes, cables and apparatus for utilities and electronic communications code operators of 925 metres in length north of the existing A47 and east of North Burlingham, shown on sheet numbers 5, 6 and 7 of the works plans;

**Work No. 32** – westbound compact connector road from Work No. 1 to a junction with Work No. 35, east of North Burlingham, shown on sheet numbers 6 and 7 of the works plans;

**Work No. 33** – soakaway and access track north of Work No. 1, east of North Burlingham, shown on sheet numbers 6 and 7 of the works plans;

**Work No. 34** – overbridge (B1140 Overbridge), and bridge approaches, to carry the improved B1140 over Work No. 1, 88 metres west of the existing South Walsham Road junction with A47 shown on sheet numbers 6 and 7 of the works plans;

**Work No. 35** – southern approach to B1140 Overbridge, together with improvements to the highway of Coxhill Road and provision of junction with Acle Road, on the southern side of Work No. 1, and shown on sheet numbers 6 and 7 of the works plans;

**Work No. 36** – northern approach to B1140 Overbridge, on the northern side of Work No. 1 east of North Burlingham and associated tying in works to South Walsham Road and shown on sheet numbers 6 and 7 of the works plans;

**Work No. 37** – temporary compound east of South Walsham Road and north of Work No. 1, shown on sheet numbers 6 and 7 of the works plans;

**Work No. 38** – soakaways and associated access for drainage, to the north of Work No. 1 and west of B1140 South Walsham Road, shown on sheet numbers 6 and 7 of the works plans;

**Work No. 39** — Compound, soakaways and associated access from White House Lane, east of Acle Road and south of Work No.1, shown on sheet numbers 6 and 7 of the works plans;

**Work No. 40** – realignment of White House Lane south of Work No.1, including turning head and shown on sheet numbers 6 and 7 of the works plans;

**Work No. 41** – soakaway and associated access west of Work No. 35 and shown on sheet 6 and 7 of the works plans;

**Work No. 42** – diversion underground of overhead electricity distribution network cables (33kV) of 260 metres east of North Burlingham and shown on sheet numbers 6 and 7 of the works plans;

**Work No. 43** – diversion of utility apparatus from the layby to the north of the existing A47 and to the west of the junction of the A47 with The Windle and shown on sheet numbers 6, 7 and 8 of the works plans; and

**Work No. 44** – diversion of potable water pipes to the south of the A47, to the west of the junction of the A47 with The Windle and shown on sheet numbers 6, 7 and 8 of the works plans.

And for the purposes of or in connection with the construction of any of those works mentioned above, further development within the Order limits consisting of—

- (a) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge;
- (b) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (c) ramps, means of access, non-motorised links, footpaths, cycle tracks and crossing facilities;
- (d) embankments, aprons, abutments, shafts, foundations, piling, retaining walls, barriers, parapets, drainage, cofferdams, ditches, wing walls, highway lighting, fencing and culverts;
- (e) street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (f) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, soakaways, pipes, cables, ducts and lights;

- (g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;
- (i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling); remediation of contamination and lay down areas;
- (j) the felling of trees;
- (k) construction compounds and working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosures, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences;
- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development; and
- (m) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised development.

## SCHEDULE 2 REQUIREMENTS

Article 5

### PART 1 REQUIREMENTS

#### Interpretation

##### 1. In this Schedule—

“completion or completed” means the relevant parts of the authorised development are completed and fully open to traffic;

“contaminated land” has the same meaning as that term is given in section 78A of the Environmental Protection Act 1990<sup>(96)</sup>;

“drainage strategy” means the document certified as the drainage strategy under article 47 (certification of documents, etc.);

“DMRB” means the Design Manual for Roads and Bridges, which accommodates all current standards, advice and other documents relating to the design, assessment and operation of trunk roads and motorways, or any equivalent replacement to the DMRB published;

“EMP (First Iteration)” means the first iteration of the environmental management plan produced in accordance with the DMRB during the preliminary design stage and as certified under article 47 (certification of documents, etc.);

“EMP (Second Iteration)” means the second iteration of the environmental management plan produced in accordance with the DMRB, which is to be a refined version of the EMP (First Iteration) including more detailed versions of the outline plans contained or listed within the EMP (First Iteration) or any other plans as required;

---

<sup>(96)</sup> 1990 c.43. Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and as amended by section 86(2) of the Water Act 2003 (c. 37).

“EMP (Third Iteration)” means the third iteration of the environmental management plan produced in accordance with the DMRB, which is a refined version of the EMP (Second Iteration) and which relates to the operational and maintenance phase of the authorised development;

“European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017<sup>(97)</sup>;

“lead local flood authority” has the same meaning as in section 6 (other definitions) of the Flood and Water Management Act 2010<sup>(98)</sup>;

“the Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authority for England or any equivalent replacement published for that document;

“the masterplan” means the document certified as the masterplan under article 47 (certification of documents, etc.);

“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981<sup>(99)</sup>;

“the outline landscape and ecology management plan” means the document certified as the outline landscape and ecology management plan under article 47 (certification of documents, etc.);

“the outline traffic management plan” means the document certified as the outline traffic management plan under article 47 (certification of documents, etc.);

“REAC” means the Record of Environmental Actions and Commitments forming table 3.1 of the EMP (First Iteration).

## **Time limits**

**2.** The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.

## **Detailed design**

**3.—(1)** The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and engineering drawings and sections unless otherwise agreed in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any amendments to the engineering drawings and sections showing departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Except where paragraph (3) applies, where cycle tracks are shown on the Rights of Way and Access Plans the authorised development must be designed so that those cycle tracks are no less than 2.5 metres in width.

(3) Where:

- (a) there are existing physical constraints which mean that a 2.5 metre wide cycle track is not achievable; or
- (b) 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,

at those locations the authorised development must be designed so that those cycle tracks are no less than 2 metres in width for as short a length as is reasonably possible.

---

<sup>(97)</sup> S.I. 2017/1012 to which there are no amendments relevant to these Regulations.

<sup>(98)</sup> 2010 c.29

<sup>(99)</sup> 1981 c.69

(4) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

### **Environmental Management Plan**

**4.—**(1) No part of the authorised development is to commence until an EMP (Second Iteration) for that part, substantially in accordance with the EMP (First Iteration), has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority, the Environment Agency, the local highway authority and the lead local flood authority, to the extent that the content of the EMP (Second Iteration) relates to matters relevant to their functions.

(2) The EMP (Second Iteration) for a part must be written in accordance with ISO14001 and so far as is relevant to that part of the authorised development, must reflect the mitigation measures required by the REAC and set out in the Environmental Statement and must include as many of the following plans and strategies as are applicable to the part of the authorised development to which it relates—

- (a) Biosecurity management plan;
- (b) Construction communications strategy;
- (c) Construction noise and dust management plan;
- (d) Materials management plan;
- (e) Landscape and ecology management plan;
- (f) Site waste management plan;
- (g) Soil management plan to include soil resource plan and soil handling strategy;
- (h) Traffic management plan; and
- (i) Water monitoring and management plan.

(3) The relevant part of the authorised development must be constructed in accordance with the EMP (Second Iteration).

(4) On completion of construction of each part of the authorised development the EMP (Third Iteration) relating to that part must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the Environment Agency, the relevant local highway authority and the lead local flood authority, to the extent that the content of the EMP (Third Iteration) relates to matters relevant to their functions.

(5) The relevant part of the authorised development must be operated and maintained in accordance with the EMP (Third Iteration).

### **Landscaping**

**5.—**(1) The authorised development must be landscaped in accordance with a landscaping scheme which sets out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the outline landscape and ecology management plan and the masterplan.

(3) The landscaping scheme prepared under sub-paragraph (1) must include details of—

- (a) location, number, species mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained, with measures for their protection during the construction period;
- (d) proposed finished ground levels;

- (e) implementation timetables for all landscaping works; and
- (f) measures for the replacement, in the first available planting season, of any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after the completion of the part of the authorised development to which the relevant landscaping scheme relates, dies, becomes seriously diseased or is seriously damaged.

(4) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

### **Contaminated land and groundwater**

**6.—**(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(2) Where the risk assessment prepared in accordance with sub-paragraph (1) determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its function and the Environment Agency.

(3) Remediation must be carried out in accordance with the approved scheme.

### **Protected species**

**7.—**(1) No part of the authorised development is to commence until, for that part, final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Following pre-construction survey work or at any time when carrying out the authorised development, where—

- (a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present;
- (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and
- (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph,

the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.

(3) The undertaker must consult with Natural England on the scheme referred to in subparagraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.

(4) The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after consultation by the undertaker with Natural England, and under any necessary licences.

## **Surface water drainage**

**8.—**(1) No part of the authorised development is to commence until, for that part, written details of the surface water drainage system, reflecting the drainage strategy and the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the relevant planning authority and the lead local flood authority, on matters related to their functions.

(2) The surface water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the relevant planning authority and the lead local flood authority, on matters related to their functions, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

## **Archaeological remains**

**9.—**(1) No part of the authorised development is to commence until, for that part, a written scheme of investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority and the Historic Buildings and Monuments Commission for England.

(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).

## **Traffic management**

**10.—**(1) No part of the authorised development comprising the construction, alteration or improvement of Work No. 1 is to commence until a traffic management plan for that part, reflecting the outline traffic management plan, has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant highway authority on matters related to its function.

(2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).

## **Fencing**

**11.** Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Manual of Contract Documents for Highway Works maintained by or on behalf of the undertaker except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

## **New Pond**

**12.—**(1) No part of Work No. 13 is to commence until the siting, design, method of construction and timetable for delivery of the new pond to be included within Work No. 13 and specified in W8 of the REAC has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The pond forming part of Work No. 13 must thereafter be carried out in accordance with the approved details.

## **Approvals and amendments to approved details**

**13.** With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or



schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State.

## PART 2

### PROCEDURE FOR DISCHARGE OF REQUIREMENTS

#### **Applications made under requirements**

**14.**—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 15 (further information); or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report from a body required to be consulted by the undertaker under the requirement that considers it likely that the subject matter of the application would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

the application is taken to have been refused by the Secretary of State at the end of that period.

#### **Further information**

**15.**—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates.

(3) In the event that the Secretary of State does not give such notification within that 21 day business period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(4) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 14 (applications made under requirements) and in this paragraph.

(5) In this paragraph, “business day” means a day other than Saturday or Sunday, which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(100).

### Register of requirements

**16.**—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

### Anticipatory steps towards compliance with any requirement

**17.** If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

### Details of consultation

**18.** In relation to any provision of this Schedule requiring details to be submitted to the Secretary of State for approval following consultation by the undertaker with another party, the undertaker must provide such other party with not less than 28 days for any response to the consultation and thereafter the details submitted to the Secretary of State for approval must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker’s response to that consultation.

## SCHEDULE 3 Articles 12, 13 and 19 CLASSIFICATIONS OF ROADS, ETC.

### PART 1 TRUNK ROADS

(1) <i>Area</i>	(2) <i>Length of road</i>
<b>The classification of roads plans – sheets 1, 2, 3, 4, 5, 6 and 8</b>	
Blofield, Lingwood and Burlingham, Beighton, Acle.	The New A47 Trunk Road A 4,570 metre length of new highway to be classified as part of the A47 Trunk Road (including existing highway to be improved, as identified in sub-paragraph (a), (c), (d) and (f) below):  (a) On the eastbound carriageway commencing from point A, 362

(100) 1971 c. 80 to which there are amendments not relevant to this Order.

	<p>metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AM a distance of 479 metres.</p> <p>(b) On the eastbound carriageway commencing from point AM, 841 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AJ (sheet 6) a distance of 3,549 metres.</p> <p>(c) On the eastbound carriageway commencing from point AJ, 4,390 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point B (sheet 8) a distance of 538 metres.</p> <p>(d) On the westbound carriageway commencing from point C, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AN a distance of 485 metres.</p> <p>(e) On the westbound carriageway commencing from point AN, 847 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point AK (sheet 6) a distance of 3,548 metres.</p> <p>(f) On the westbound carriageway commencing from point AK, 4,395 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point D (sheet 8) a distance of 441 metres.</p>
<b>The classification of roads plans – sheet 1</b>	
Blofield	<p>Yarmouth Road Junction Westbound Merge (including existing highway to be improved) to be classified as part of the A47 Trunk Road</p> <p>From point E, 758 metres east of the centreline of the Plantation Road Overbridge, in a north-westerly direction to point F a distance of 159 metres.</p>
Blofield	<p>Yarmouth Road Junction Westbound Diverge (including existing highway to be improved) to be classified as part of the A47 Trunk Road</p> <p>From point E, 758 metres east of the centreline of the Plantation Road Overbridge, in a north-easterly direction to point G (sheet 2) a distance of 162.5 metres.</p>
<b>The classification of roads plans – sheet 6</b>	

Lingwood and Burlingham	<p>New Slip Road to the New B1140 Overbridge Diverge to be classified as part of the A47 Trunk Road</p> <p>From point M, 4,034 metres east of the centreline of the Plantation Road Overbridge, in a westerly and then south-westerly direction to point K a distance of 165 metres.</p>
Lingwood and Burlingham	<p>New Slip Road to the New B1140 Overbridge to be classified as part of the A47 Trunk Road</p> <p>From point K, 3,978 metres east of the centreline of the Plantation Road Overbridge, in a southerly and then easterly direction to point AG a distance of 172 metres.</p>
Lingwood and Burlingham	<p>New Slip Road to the New B1140 Overbridge Merge to be classified as part of the A47 Trunk Road</p> <p>From point K, 3,978 metres east of the centreline of the Plantation Road Overbridge, in a north-westerly and then westerly direction to point L (sheet 5) a distance of 311 metres.</p>
Lingwood and Burlingham	<p>South Walsham Road Junction Eastbound Diverge to be classified as part of the A47 Trunk Road</p> <p>From point I, 4,013 metres east of the centreline of the Plantation Road Overbridge, in an easterly and then north-easterly direction to point H a distance of 158 metres.</p>
Lingwood and Burlingham, Beighton	<p>South Walsham Road Junction Eastbound Merge to be classified as part of the A47 Trunk Road</p> <p>From point H, 4,172 metres east of the centreline of the Plantation Road Overbridge, in a south-easterly and then easterly direction to point J a distance of 292 metres.</p>

## PART 2

### CLASSIFIED B ROADS

(1) Area	(2) Length of road
<b>The classification of roads plans – sheet 6</b>	
Lingwood and Burlingham	<p>B1140 South Walsham Road</p> <p>A 236 metre length of new highway to be classified as part of the B1140 (including existing highway to be improved, as identified in sub-paragraph (a) below):</p>

	<p>(a) From point AH, 270 metres north of its junction with the new A47 Trunk Road, in a southerly direction to point AI a distance of 205 metres.</p> <p>(b) From point AI, 65 metres north of its junction with the new A47 Trunk Road, in a southerly direction to point H a distance of 31 metres.</p>
Lingwood and Burlingham	<p>New B1140 Overbridge and Approach Roads</p> <p>A 588 metre length of new highway to be classified as part of the B1140 (including existing highway to be improved, as identified in sub-paragraph (b) below):</p> <p>(a) From point Z, 148 metres north of the junction of South Walsham Road with the new A47 Trunk Road, in a westerly and then southerly direction crossing the new B1140 Overbridge to point AL a distance of 485 metres.</p> <p>(b) From point AL in a southerly direction to point AA (sheet 7) a distance of 103 metres.</p>

## PART 2A

### CLASSIFIED C ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
<b>The classification of roads plans – sheet 1</b>	
Blofield	<p>Yarmouth Road (including existing highway to be improved) to be classified as part of the C458 Yarmouth Road</p> <p>From point N, 6 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly and then northerly direction to point E a distance of 153 metres.</p>
Blofield	<p>Waterlow (new alignment)</p> <p>From point O, 155 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly direction to point P (sheet 2) a distance of 313 metres.</p>
<b>The classification of roads plans – sheet 2</b>	
Blofield	<p>Blofield Bridge and Approach Roads</p> <p>From point P, 313 metres east of the new junction of Waterlow with Yarmouth Road, in easterly direction crossing the new Blofield Overbridge to point Q on the detrunked A47 a distance of 570 metres.</p>

Blofield, Lingwood and Burlingham	Detrunked A47 (including existing highway to be improved) From point Q, 570 metres east of the centreline of Waterlow, in easterly direction to point V (sheet 5) a distance of 1,972 metres.
Blofield	Waterlow (including existing highway to be improved) From point S, 313 metres east of its junction with Yarmouth Road, in a southerly direction to point R a distance of 69 metres.
Blofield	Detrunked A47 (including existing highway to be improved) From point T, 7 metres west of the centreline of High Noon Lane, in an easterly direction to point U, north of the new Blofield Overbridge, a distance of 414 metres.
<b>The classification of roads plans – sheet 4</b>	
Lingwood and Burlingham	Lingwood Road Turning Head A turning head on Lingwood Road from point AS, 91 metres south of the southern boundary of the detrunked A47, in an easterly direction to point AT, a distance of 13 metres.
<b>The classification of roads plans – sheet 5</b>	
Lingwood and Burlingham	Detrunked A47 East Side Road Realignment (including existing highway to be improved) From point V, 2,537 metres east of its junction with High Noon Lane, in an easterly and then north-easterly direction to point W (sheet 6) a distance of 520 metres.
Lingwood and Burlingham	Lingwood Lane Turning Head A turning head on Lingwood Lane from point AU, 111 metres south of the southern boundary of the detrunked A47, in an easterly direction to point AV, a distance of 11 metres.
<b>The classification of roads plans – sheet 6</b>	
Lingwood and Burlingham	Main Road East From point X, 121 metres east of the private access into the Old College, in an easterly and then southerly direction to point Y a distance of 55 metres.
Beighton	Acle Road Junction with the B1440 Coxhill Road (including existing highway to be improved) From point AC, 5 metres northeast of the junction of Acle Road with Coxhill Road, in a south-westerly direction to point AB (sheet 7) for a distance of 29 metres.

## PART 3

### UNCLASSIFIED ROADS

(1) Area	(2) Length of road
<b>The classification of roads plans – sheet 2</b>	
Blofield	Access Road From point AO, 52 metres south west of the new Blofield Overbridge, in a south-easterly then north-easterly direction to point AP a distance of 197 metres.
Blofield	Access Road link to Maintenance Access Track From point AQ, 22 metres west of the point AP in a southerly then westerly direction to point AR a distance of 15 metres.
<b>The classification of roads plans – sheet 6</b>	
Lingwood and Burlingham, Beighton	White House Lane Realignment From point AD, 66 metres northwest of the junction of Coxhill Road and Lingwood Long Lane in a north-easterly direction to point AE a distance of 117 metres.
Beighton	White House Lane From point AE, 163 metres southwest of its junction with the southern boundary of the new A47 Trunk Road, in a north-easterly direction to point AF a distance of 143 metres.
Beighton	White House Lane link to Maintenance Access Track From point AX on White House Lane, 45 metres south of the junction of the detrunked A47 with the B1140 White House Lane, in a westerly direction to point AY a distance of 24 metres.

## PART 4

### SPEED LIMITS

Note: where speed limits are indicated on the plans relating to this Part (the traffic regulation plans) but are not referenced in this schedule they indicate that national speed limits apply in accordance with either:

- (a) the national speed limit set out in Section 86 and Schedule 6 of the Road Traffic Regulation Act 1984 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 as varied by the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 and continued indefinitely by Regulation 2 of the 70 Miles Per Hour, 60 Miles Per Hour and 50 Miles Per Hour (Temporary Speed Limit) (Continuation) Order 1978 (SI 1978/1548)(**101**); or
- (b) the provisions of the Road Traffic Regulation Act 1984 (which defines speed limits on 'restricted roads' by reference to street lighting),

(101) SI 1978/1548. The Road Traffic Regulation Act 1984 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) Order 1977 and the 70 miles per hour, 60 miles per hour and 50 miles per hour (Temporary Speed Limit) (Variation) Order 1978 were not statutory instruments.

and are not subject to this order. For details of the scheme lighting design, refer to the general arrangement plans.

(1) <i>Parish</i>	(2) <i>Road name, number and length</i>	(3) <i>Speed Limit</i>
<b>The traffic regulation plans – sheet 1</b>		
Blofield	A47 Trunk Road westbound From point X1, 573 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point X2 a distance of 26 metres. For extent of lighting design see general arrangement plans sheet 1.	Removal of Restricted Road Status
Blofield	A47 Trunk Road including westbound diverge From point X5 (sheet 2) in a westerly and then south-westerly direction to point X4 (sheet 1) a distance of 163 metres. For extent of lighting design see general arrangement plans sheets 1 and 2.	Removal of Restricted Road Status
Blofield	A47 Trunk Road including westbound merge From point X3 in a north-westerly direction to point X2 a distance of 173 metres. For extent of lighting design see general arrangement plans sheet 1.	Removal of Restricted Road Status
Blofield	The realigned Waterlow From point O, 18 metres east of its junction with Yarmouth Road, in an easterly direction crossing the new Blofield Overbridge to point U (sheet 3) on the detrunked A47 a total distance of 1045 metres.	40 miles per hour
<b>The traffic regulation plans – sheet 2</b>		
Blofield	A47 Trunk Road westbound From point X6, 944 metres east of the centreline of the Plantation Road Overbridge, in a westerly direction to point X5 a distance of 33 metres. For extent of lighting design see general arrangement plans sheet 2.	Removal of Restricted Road Status



Blofield	Access Road From point N, 554 metres east of the junction of Yarmouth Road and the realigned Waterlow, in a south-easterly and then north-easterly direction to point P a distance of 196 metres.	30 miles per hour
Blofield	Access Road link to Maintenance Access Track From point AJ, 728 metres east of the junction of Yarmouth Road and the realigned Waterlow, in a southerly then westerly direction to point AK a distance of 13 metres.	30 miles per hour
Blofield	Existing Waterlow From point T, 310 metres east of the junction with Yarmouth Road (sheet 1), in a southerly direction to point S, a distance of 19 metres.	40 miles per hour
Blofield	High Noon Lane From point W, 1,027 metres east of the centreline of the Plantation Road Overbridge, in a northerly direction to point V, a distance of 19 metres.	40 miles per hour
Blofield	The detrunked A47 From point R, at the new junction between High Noon Lane and the detrunked A47, in an easterly direction to point X north of the new Blofield Overbridge a distance of 423 metres.	40 miles per hour
<b>The traffic regulation plans – sheet 5</b>		
Lingwood and Burlingham	The detrunked A47 From point Y, 697 metres east of its western junction with Main Road, in an easterly and then north-easterly direction to point X7 (sheet 6) a distance of 382 metres.	50 miles per hour
<b>The traffic regulation plans – sheet 6</b>		
Lingwood and Burlingham	The detrunked A47 From point X7, 1,079 metres east of its western junction with Main Road, in a north-easterly and then easterly	Removal of Restricted Road Status 50 miles per hour

	direction to point Z a distance of 117 metres.	
Lingwood and Burlingham	Main Road From point AA in an easterly and then southerly direction to point AB a distance of 55 metres.	50 miles per hour
Lingwood and Burlingham	A47 Trunk Road eastbound From point X8, 1,057 metres west of the centreline of The Windle Junction, in an easterly direction to point X9 a distance of 77 metres For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including eastbound diverge From point X9 in an easterly and then northerly direction to point X10 a distance of 181 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham / Beighton	A47 Trunk Road including eastbound merge From point X11 in a southerly and then easterly direction to point X12 a distance of 332 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Beighton / Lingwood and Burlingham	A47 Trunk Road westbound From point X13, 795 metres west of the centreline of The Windle Junction, in a westerly direction to point X14 a distance of 66 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including westbound diverge From point X14 in a westerly and then south-westerly direction to point X15 a distance of 171 metres. For extent of lighting design see general arrangement plans sheet 6.	Removal of Restricted Road Status
Lingwood and Burlingham	A47 Trunk Road including westbound merge	Removal of Restricted Road Status

	From point X16 in a north-westerly and then westerly direction to point X17 a distance of 322 metres. For extent of lighting design see general arrangement plans sheet 6.	
Lingwood and Burlingham / Beighton	Coxhill Road from point AF, at its junction with Acle Road, in a southerly direction to point AG (sheet 7) a distance of 109 metres.	30 miles per hour
Beighton / Lingwood and Burlingham	White House Lane from point AC, 30 metres south of the A47 Trunk Road, in a southerly and then south-westerly direction to Point AD a distance of 259 metres.	30 miles per hour
Beighton	White House Lane link to Maintenance Access Track From point AH, 45 metres south of the junction of White House Lane with the detrunked A47 in an westerly direction to point AI a distance of 24 metres.	30 miles per hour
<b>The traffic regulation plans – sheet 7</b>		
Lingwood and Burlingham / Beighton	Acle Road from point AE, 798 metres northeast of its junction with Lingwood Lane, in a north easterly direction to point AF (sheet 6) a distance of 19 metres.	30 miles per hour

## PART 5

### REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) <i>Parish</i>	(2) <i>Road name and number</i>	(3) <i>Title of Order</i>	(4) <i>Revocations or Variations</i>
<b>The traffic regulation plans – sheet 2</b>			
Blofield	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013(102)	Paragraph 3 of the said order will not apply to the eastbound Former A47 Trunk Road from point Z1 876 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to

(102) SI 2013/394

			point Z3 a distance of 370 metres;
Blofield	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the westbound Former A47 Trunk Road from point Z2 979 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z3 a distance of 268 metres.
Blofield / Lingwood and Burlingham	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the Former A47 Trunk Road from point Z3 1,246 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z4 (sheet 5) a distance of 2,272 metres.
<b>The traffic regulation plans – sheet 5</b>			
Lingwood and Burlingham	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the eastbound Former A47 Trunk Road from point Z4 3518 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z5 (sheet 6) a distance of 826 metres;
Lingwood and Burlingham / Beighton	Former A47 Trunk Road	The A47 Trunk Road (Wansford, City of Peterborough to Great Yarmouth, Norfolk) (24 Hour Clearway) Order 2013	Paragraph 3 of the said order will not apply to the westbound Former A47 Trunk Road from point Z4 3518 metres east of the centreline of the Plantation Road Overbridge in an easterly direction to point Z6 (sheet 6) a distance of 721 metres.

## PART 6

### FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS

(1) <i>Parish</i>	(2) <i>Length of Footpath/Cycle track/Footway/Bridleway</i>
<b>The rights of way and access plans – sheet 1</b>	
Blofield	Reference F1 to F2 A footway in the verge on the northern side of Yarmouth Road, opposite the access to Norwich Camping and Leisure garden centre from point F1 at the termination of the existing footway, in an easterly direction to point F2, a distance of 8 metres.
Blofield	Reference F3 to F4 A footway in the verge on the southern side of Yarmouth Road and the realigned Waterlow from point F3 on Yarmouth Road, 6 metres east of the private access into the Norwich Camping and Leisure garden centre, in an easterly direction passing into the realigned Waterlow to point F4, a distance of 224 metres.
Blofield	Reference SU1 to SU2 (sheet 2) A cycle track in the verge on the northern side of the realigned Waterlow from point SU1, 69 metres east of its junction with Yarmouth Road, in an easterly and then north-easterly direction over the new Blofield Overbridge to the detrunked A47 at point SU2 (sheet 2), a distance of 627 metres.
<b>The rights of way and access plans – sheet 2</b>	
Blofield	Reference SU3 to SU4 (sheet 3) A cycle track in the verge on the northern side of the detrunked A47 from point SU3, 396 metres east of High Noon Lane junction, in an easterly direction to the Plantation Farm and Jary's Farm access at point SU4 (sheet 3), a distance of 385 metres.
Blofield	Reference SU16 to SU17 A cycle track in the verge on the southern approach road to the new Blofield Overbridge from point SU16, 512 metres east of the junction of the realigned Waterlow and Yarmouth Road, in an easterly and then south-easterly direction onto the new Access Road to point SU17, a distance of 77 metres.
Blofield	Reference SU18 to SU21 A cycle track on the northern side of new Access Road from point SU18, 593 metres east of the junction of the realigned Waterlow and Yarmouth Road, in a north-easterly and then easterly direction to point

	SU21 (sheet 4) at Burlingham Footpath 3 a distance of 1,425 metres.
<b>The rights of way and access plans – sheet 3</b>	
Lingwood and Burlingham	Reference SU5 to SU6 A cycle track in the verge on the northern side of the detrunked A47 from point SU5, at the Plantation Farm and Jary's Farm access, in an easterly direction to Dell Corner Lane at point SU6 (sheet 4), a distance of 705 metres.
<b>The rights of way and access plans – sheet 4</b>	
Lingwood and Burlingham	Reference SU14 to SU15 A cycle track in the verge on the northern side of the detrunked A47 from point SU14 at the eastern side of Dell Corner Lane, in an easterly direction to point SU15 at Main Road, a distance of 250 metres.
Lingwood and Burlingham	Reference SU19 to SU21 A cycle track from point SU19, 63 metres south of the former junction of the stopped up Lingwood Road with the detrunked A47, in a southerly direction crossing the new agricultural access track to point SU21 at Lingwood Road, a distance of 9 metres.
Lingwood and Burlingham	Reference FP4 to FP5 A footpath from point FP4, 67 metres south of the junction of the stopped up Burlingham Footpath 3 with the detrunked A47 in a southerly direction crossing the new agricultural access track to point FP5 a distance of 9 metres.
Lingwood and Burlingham	Reference SU21 to SU29 (sheet 5) A cycle track: <ul style="list-style-type: none"> <li>(a) on the northern side of new agricultural access track from point SU21, 67 metres south of the junction of stopped up Burlingham Footpath 3 with the detrunked A47, in an easterly direction to point SU23 a distance of 97 metres;</li> <li>(b) then in a southerly direction, crossing from the northern to the southern side of new maintenance access track to point SU24, a distance of 9 metres;</li> <li>(c) then in an easterly direction, on the southern side of new maintenance access track, in an easterly direction to point SU25 (sheet 5), a distance of 340 metres;</li> <li>(d) then in a southerly direction, to the south of the new maintenance</li> </ul>

	<p>access track, to point SU26 (sheet 5), a distance of 5 metres;</p> <p>(e) then in a south-easterly direction of the southern side of new maintenance access track to point SU27 (sheet 5), a distance of 145 metres;</p> <p>(f) then in a northerly direction to point SU28 (sheet 5), a distance of 39 metres; and</p> <p>(g) then in an easterly direction to point SU29 (sheet 5) at Lingwood Lane, a distance of 194 metres.</p>
<b>The rights of way and access plans – sheet 5</b>	
Lingwood and Burlingham	<p>Reference F9 to F10</p> <p>A footway in the verge on the northern side of Main Road from point FP9, at the eastern side of the private access to the Old College, in an easterly direction to point F10 (sheet 6), a distance of 96 metres.</p>
Lingwood and Burlingham	<p>Reference SU29 to SU34</p> <p>A cycle track:</p> <p>(a) from point SU29, at Lingwood Lane, 86 metres south, the southern boundary of the detrunked A47, in a northerly direction along the line of the stopped up Lingwood Lane to point SU30, a distance of 22 metres;</p> <p>(b) then in an easterly direction, south of the A47 Trunk Road to point SU31 (sheet 6), a distance of 388 metres;</p> <p>(c) then in a south-easterly and then easterly direction, on the western side of new slip road onto the new A47 Trunk Road (south-west of the new B1140 Overbridge), to point SU32 (sheet 6), a distance of 263 metres;</p> <p>(d) then in a south-easterly direction, parallel to the new B1140 Overbridge southern approach road, to point SU33 (sheet 6), a distance of 65 metres; and</p> <p>(e) then in a easterly direction to point SU34 (sheet 6), a distance of 9 metres.</p>
<b>The rights of way and access plans – sheet 6</b>	
Lingwood and Burlingham	<p>Reference SU7 to SU8</p> <p>A cycle track in the verge on the northern side of Main Road from point SU7, 96 metres east of the eastern side of the private access to the Old College, in an easterly and then north-easterly direction to point SU8 on the</p>

	B1140 South Walsham Road (sheet 6), a distance of 414 metres.
Lingwood and Burlingham	Reference SU9 to SU10 A cycle track in the verge on the southern side of the new road linking the detrunked A47 to the new B1140 Overbridge northern approach from point SU9, 352 metres east of the eastern side of the private access to the Old Cottage on Main Road, in a north-easterly and then southerly direction, crossing the new B1140 Overbridge on its western side and then turning west at the new slip road onto the new A47 Trunk Road to point SU10, a distance of 326 metres.
Lingwood and Burlingham	Reference SU11 to SU13 A cycle track in the verge on the southern side of the new slip road onto the new A47 Trunk Road (south of the new B1140 Overbridge): (a) from point SU11 in an easterly and then south-easterly direction to point SU12, a distance of 104 metres; and (b) then in a south-easterly and then south-westerly direction to point SU13 (sheet 7) at Acle Road, a distance of 72 metres.

## PART 7

### ROADS TO BE DETRUNKED

(1) <i>Parish</i>	(2) <i>Length of Road</i>
<b>The detrunking plans – sheets 1, 2, 3, 4, 5 and 6</b>	
	A length of 3,250 metres of the A47 Trunk Road from point A (sheet 2), 877 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point B (sheet 6) 123 metres east of South Walsham Road.

## PART 8

### TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) <i>Parish</i>	(2) <i>Road name, number and length</i>	(3) <i>Measures</i>
<b>The traffic regulation plans – sheets 1, 2, 3, 4, 5, 6, 7 and 8</b>		
Blofield / Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road eastbound From point A, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly	Clearway (including verges, hard shoulders)



	direction to point B (sheet 8) a distance of 4,570 metres	
Blofield / Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road westbound From point C, 362 metres east of the centreline of the Plantation Road Overbridge, in an easterly direction to point D (sheet 8) a distance of 4,474 metres.	Clearway (including verges, hard shoulders)
<b>The traffic regulation plans – sheets 1</b>		
Blofield	A47 Trunk Road Yarmouth Road Junction Westbound Merge (including existing highway to be improved) From point E in a north- westerly direction to point F a distance of 173 metres.	Clearway (including verges, hard shoulders)
<b>The traffic regulation plans – sheets 2</b>		
Blofield	A47 Trunk Road Yarmouth Road Junction Westbound Diverge (including existing highway to be improved) From point G in a westerly and then south-westerly direction to point E (sheet 1) a distance of 163 metres.	Clearway (including verges, hard shoulders)
<b>The traffic regulation plans – sheets 6</b>		
Lingwood and Burlingham	A47 Trunk Road new Diverge to Southern Slip Road leading to New B1140 Overbridge From point M in a westerly and then south-westerly direction to point K a distance of 171 metres.	Clearway (including verges, hard shoulders)
Lingwood and Burlingham	A47 Trunk Road new Merge from Southern Slip Road leading to New B1140 Overbridge From point K in a north- westerly and then westerly direction to point L (sheet 5) a distance of 322 metres.	Clearway (including verges, hard shoulders)
Lingwood and Burlingham	A47 Trunk Road South Walsham Road Junction Eastbound Diverge From point I in an easterly and then northerly direction to point H a distance of 181 metres.	Clearway (including verges, hard shoulders)
Lingwood and Burlingham / Beighton / Acle	A47 Trunk Road South Walsham Road Junction Eastbound Merge	Clearway (including verges, hard shoulders)

	From point H in a southerly and then easterly direction to point J a distance of 332 metres.	
--	--	--

## SCHEDULE 4

Articles 17, 27 and 28

### PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

- (a) Existing highways are to be stopped up, as described in column (2) of Parts 1 and 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Parts 1 and 2 of this Schedule and given a reference label in a square box (a capital A followed by a number).
- (b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by red honeycomb-hatching (for motorways and trunk roads), blue cross-hatching (for other classified roads and highways) orange dashes (for cycle tracks), brown dashes (for footpaths) and green dashes (for footways) (as shown in the key on the rights of way and access plans) and are given a reference label in a square (D for new highway to be substituted or provided, SU for cycle tracks, FP for footpaths and F for footways in each case followed by a number) and will be a road unless the word 'footpath', 'bridleway', 'footway' or 'cycle track' appears beneath its reference letter in column (4) of Part 2 of this Schedule.
- (c) Private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by solid black shading (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column (3) of Parts 3 and 4 of this Schedule, and are given a reference label in a square (a capital B followed by a number).
- (d) New private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 3 of this Schedule, are shown by black line hatching (as shown in the key on the rights of way and access plans) and are given a reference label in a square (a capital C followed by a number).
- (e) Private means of access to be altered are included in column (2) of Part 5 of this Schedule, are shown by purple line hatching (as shown in the key on the rights of way and access plans) and are given a reference label in a square (a capital C followed by a number).

## PART 1

### HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) <i>Area</i>	(2) <i>Highway to be stopped up</i>	(3) <i>Extent of stopping up</i>
<b>The rights of way and access plans – sheet 1</b>		
Blofield	Reference A2 See sheet 2	Reference A2 See sheet 2
<b>The rights of way and access plans – sheet 2</b>		

Blofield	Reference A2 Detrunked A47	Reference A2 From a point 48 metres east of the Yarmouth Road junction in an easterly direction to a point 10 metres east of the improved private means of access into the Atlantic Truck and Van Centre (see reference C3), a distance of 285 metres.
Blofield	Reference A3 Detrunked A47	Reference A3 From a point 382 metres east of High Noon Lane in an easterly direction, for a distance of 106 metres.
<b>The rights of way and access plans – sheet 4</b>		
Lingwood and Burlingham	Reference A4 (see inset D) Lingwood Road	Reference A4 (see inset D) From its junction with the southern boundary of the detrunked A47 in a southerly direction to the southern boundary of the new private means of access (reference C4), a distance of 72 metres.
<b>The rights of way and access plans – sheet 5</b>		
Lingwood and Burlingham	Reference A6 Lingwood Lane	Reference A6 From its junction with the southern boundary of the detrunked A47 in a southerly direction to the northern boundary of the new cycle track where it turns north along Lingwood Lane, a distance of 86 metres.
<b>The rights of way and access plans – sheet 6</b>		
Beighton	Reference A9 Part of White House Lane	Reference A9 From its junction with the new A47 Trunk Road in a southerly direction for a distance of 22 metres.
<b>The rights of way and access plans – sheet 8</b>		
Acle	Reference A10 A47 Trunk Road eastbound lay-by	Reference A10 A length of lay-by from a point 384 metres east of the junction of the detrunked A47 with the B1140 South Walsham Road in an easterly direction for a distance of 335 metres.

## PART 2

### HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

(1) Area	(2) Highway to be stopped up	(3) Extent of stopping up	(4) New highway to be substituted/provided
<b>The rights of way and access plans – sheet 1</b>			
Blofield	Reference A1 Part of the existing Waterlow	Reference A1 A length from a point 27 metres east of its junction with Yarmouth Road in an easterly and then southerly direction for a distance of 292 metres (sheet 2).	Reference D1 Realigned Waterlow To be substituted by a length of new highway from a point 27 metres east of the junction of Waterlow with Yarmouth Road in an easterly and then south-easterly direction to the part of Waterlow which is not being stopped up (sheet 2), a distance of 270 metres.
<b>The rights of way and access plans – sheet 2</b>			
Blofield	Reference A1 See sheet 1		Reference D1 See sheet 1
<b>The rights of way and access plans – sheet 4</b>			
Lingwood and Burlingham	Reference A5 (see inset E) Burlingham Footpath 3	Reference A5 (see inset E) From its junction with the detrunked A47 in a southerly direction for a distance of 76 metres to the southern boundary of the new agricultural access track.	Reference SU18 (sheet 2) to FP5  (a) A cycle track on the northern side of new Access Road from point SU18 (sheet 2), 593 metres east of the junction of the realigned Waterlow and Yarmouth Road, in a north- easterly and then easterly direction to point SU21 (sheet 4) at Burlingham Footpath 3 a distance of

			<p>1,425 metres; and</p> <p>(b) A footpath from point FP4, 67 metres south of the junction of the stopped up Burlingham Footpath 3 with the detrunked A47 in a southerly direction crossing the new agricultural access track to FP5, at Burlingham Footpath 3, a distance of 9 metres</p>
<b>The rights of way and access plans – sheet 5</b>			
Lingwood and Burlingham	Reference A7 Part of the detrunked A47	Reference A7 A length from a point 59 metres east of its junction with Lingwood Lane in an easterly direction for a distance of 706 metres.	<p>References D2, D3, D4, D5, D6, D7</p> <p>To be substituted by the following lengths of new highway:</p> <p>(a) Reference D2 from a point 59 metres east of the junction of the detrunked A47 with Lingwood Lane in an easterly direction for a distance of 520 metres; and</p> <p>(b) Reference D3 (sheet 6) a length of new highway from a point 579 metres east of the junction of</p>

			<p>the detrunked A47 with Lingwood Lane in an easterly direction for a distance of 70 metres to a new junction with B1140 South Walsham Road; and</p> <p>(c) Reference D4 (sheet 6, see inset F) a length of improved South Walsham Road from a point 649 metres east of the junction of the detrunked A47 with Lingwood Lane in a southerly direction for 91 metres to the northern boundary of the junction of South Walsham Road with the stopped up detrunked A47 ; and</p> <p>(d) Reference D5 (sheet 6, see inset F) a length of new highway from the northern boundary of the junction of South Walsham Road with the stopped up detrunked</p>
--	--	--	---

			<p>A47 in a southerly direction for 58 metres to the northern boundary of the new A47 Trunk Road; and</p> <p>(e) Reference D6 (sheet 6) a length of new highway from a point 579 metres east of the junction of the detrunked A47 with Lingwood Lane in a southerly direction (over but not including the structure of the new B1140 Overbridge) for 268 metres; and</p> <p>(f) Reference D7 (sheet 6) a length of new highway from a point 177 metres south of the southern boundary of the detrunked A47 in a westerly and then northerly direction to the new A47 Trunk Road, a distance of 209 metres.</p>
<b>The rights of way and access plans – sheet 6</b>			
Lingwood and Burlingham	Reference A7 See sheet 5		References D2, D3, D4, D5, D6, D7 See sheet 5

Beighton	Reference A8 Part of White House Lane	Reference A8 A length from its junction with the B1140 Coxhill Road in a north-easterly direction for a distance of 101 metres.	Reference D8, D9 To be substituted by the following lengths of new highway: (a) Reference D8 from a point 101 metres north-east of the junction of White House Lane with the B1140 Coxhill Road in a south-westerly direction for a distance of 110 metres; and (b) Reference D9 from a point 64 metres north-west of the junction of White House Lane with the B1140 Coxhill Road in a south-easterly direction for a distance of 64 metres.
----------	--	--	--

### PART 3

#### PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

(1) Area	(2) <i>Private means of access to be stopped</i>	(3) <i>Extent of stopping up</i>	(4) <i>New private means of access to be substituted or provided</i>
<b>The rights of way and access plans – sheet 1</b>			
Blofield	Reference B4 (see inset A) Access to the Blofield Allotments and adjacent field	Reference B4 (see inset A) The whole of the private access from a point 48 metres	Reference C1 To be substituted by a new private access to the Blofield Allotments and



	from the southern boundary of the existing Waterlow, 48 metres east of its junction with Yarmouth Road.	east of the junction of the existing Waterlow with Yarmouth Road eastwards for a distance of 11 metres	adjacent field from the southern boundary of the realigned Waterlow from a point 53 metres east of its junction with Yarmouth Road in an easterly direction for a distance of 25 metres.
<b>The rights of way and access plans – sheet 2</b>			
Blofield	Reference B6 Agricultural access from the southern boundary of the detrunked A47, 485 metres east of High Noon Lane	Reference B6 The whole of the private access from a point 485 metres east of High Noon Lane eastwards for a distance of 8 metres	Reference C4 New private means of access to agricultural land and infiltration pond from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
<b>The rights of way and access plans – sheet 3</b>			
Blofield	Reference B7 Agricultural access from the southern boundary of the detrunked A47, 620 metres east of High Noon Lane	Reference B7 The whole of the private access from a point 620 metres east of High Noon Lane eastwards for a distance of 8 metres	Reference C4 New private means of access to agricultural land and infiltration pond from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
Blofield	Reference B8 Agricultural access from the southern boundary of the detrunked A47, 946 metres east of High Noon Lane	Reference B8 The whole of the private access from a point 946 metres east of High Noon Lane eastwards for a distance of 10 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given

			above is to the gate shown on the general arrangement plans sheet 3
Blofield	Reference B9 Agricultural access from the southern boundary of the detrunked A47, 1,127 metres east of High Noon Lane	Reference B9 The whole of the private access from a point 1,127 metres east of High Noon Lane eastwards for a distance of 10 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 251 metres (Sheet 3) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 3
<b>The rights of way and access plans – sheet 4</b>			
Lingwood and Burlingham	Reference B10 Agricultural access from the eastern boundary of Lingwood Road, 53 metres south of the junction of Lingwood Lane and the detrunked A47	Reference B10 The whole of the private access from a point 53 metres south of the junction of Lingwood Lane and the detrunked A47 southwards for a distance of 6 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
Blofield	Reference B11 Agricultural access from the southern boundary of the detrunked A47, 1,774 metres east of High Noon Lane	Reference B11 The whole of the private access from a point 1,774 metres east of High Noon Lane eastwards for a distance of 11 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
Blofield	Reference B12 Agricultural access from the southern boundary of the	Reference B12 The whole of the private access from a point 2,004	Reference C4 New private means of access to agricultural land from

	detrunked A47, 2,004 metres east of High Noon Lane	metres east of High Noon Lane eastwards for a distance of 6 metres	the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
<b>The rights of way and access plans – sheet 5</b>			
Blofield	Reference B13 Agricultural access from the southern boundary of the detrunked A47, 2,210 metres east of High Noon Lane	Reference B13 The whole of the private access from a point 2,210 metres east of High Noon Lane eastwards for a distance of 5 metres	Reference C4 New private means of access to agricultural land from the eastern end of the Access Road in an easterly direction for a distance of 1,337 metres (Sheet 4) NOTE: the measurement given above is to the gate shown on the general arrangement plans sheet 4
<b>The rights of way and access plans – sheet 6</b>			
Lingwood and Burlingham	Reference B18 Agricultural access on the north- western side of the junction of Acle Road with the B1140 Coxhill Road, 291 metres south-west of the junction of White House Lane with the new A47 Trunk Road	Reference B18 The whole of the private access from a point 291 metres south-west of the junction of White House Lane with the new A47 Trunk Road for a distance of 5 metres	Reference C5 (sheet 7) To be substituted by a new private access from the western boundary of Acle Road from a point 77 metres south west of the junction of White House Lane with the B1140 Coxhill Road south-westwards for a distance of 5 metres
Lingwood and Burlingham	None	None	Reference C6 New private means of access to agricultural land from the eastern boundary of White House Lane from a point 105 metres north-east of the junction of the White House Lane with B1140 Coxhill Road

			in a north-easterly direction for a distance of 5 metres.
--	--	--	---

## PART 4

### PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) Area	(2) Private means of access to be stopped up	(3) Extent of stopping up
<b>The rights of way and access plans – sheet 1</b>		
Blofield	Reference B1 Access to Plantation Park football fields to the south of the all-weather pitch from the northern boundary of the existing A47, 323 metres west of Yarmouth Road junction.	Reference B1 The whole of the private access from a point 323 metres west of Yarmouth Road junction eastwards for a distance of 10 metres.
Blofield	Reference B2 Access to the Plantation Park football fields from the northern boundary of the existing A47, 193 metres west of Yarmouth Road junction.	Reference B2 The whole of the private access from a point 193 metres west of Yarmouth Road junction eastwards for a distance of 7 metres
Blofield	Reference B3 Access to the High Noon Lane private road from the northern boundary of the existing A47, 20 metres north of Yarmouth Road junction.	Reference B3 The whole of the private access from a point 20 metres north of Yarmouth Road junction eastwards for a distance of 27 metres
<b>The rights of way and access plans – sheet 2</b>		
Blofield	Reference B5 (see inset C) Agricultural access on the eastern side of the existing Waterlow from a point 297 metres from the junction of Waterlow and Yarmouth Road	Reference B5 (see inset C) The whole of the private access from a point 297 metres east of the existing Waterlow and Yarmouth Road junction, for a distance of 8 metres in a south-easterly direction.
<b>The rights of way and access plans – sheet 6</b>		
Lingwood and Burlingham	Reference B14 Agricultural access on the eastern side of the South Walsham Road, 21 metres north of its junction with the detrunked A47	Reference B14 The whole of the private access from a point 21 metres north of the junction with the detrunked A47 northwards for a distance of 8 metres
Lingwood and Burlingham	Reference B15 (see inset G)	Reference B15 (see inset G) The whole of the private access from a point 147

	Agricultural access on the northern side of the stopped up (see reference A7) detrunked A47, 147 metres east of its junction with South Walsham Road	metres east of the junction of South Walsham Road the detrunked A47 eastwards for a distance of 8 metres
Beighton	Reference B16 Agricultural access on the western side of White House Lane, 31 metres south of its junction with the new A47 Trunk Road	Reference B16 The whole of the private access from a point 31 metres south of the junction of White House Lane with the new A47 Trunk Road southwards for a distance of 14 metres
Beighton	Reference B17 Agricultural access on the western side of White House Lane, 148 metres south of its junction with the new A47 Trunk Road	Reference B17 The whole of the private access from a point 148 metres south of the junction of White House Lane with the new A47 Trunk Road southwards for a distance of 10 metres
<b>The rights of way and access plans – sheet 8</b>		
Acle	Reference B19 (see inset H) Agricultural access on the northern side of the A47 Trunk Road eastbound lay-by, 485 metres east of the junction of the A47 Trunk Road and South Walsham Road	Reference B19 (see inset H) The whole of the private access from a point 485 metres east of the junction of the A47 Trunk Road and South Walsham Road southwards for a distance of 10 metres

## PART 5

### ALTERATIONS TO PRIVATE MEANS OF ACCESS

(1) <i>Parish(es)</i>	(2) <i>Private means of access to be altered</i>
<b>The rights of way and access plans – sheet 2</b>	
Blofield	Reference C2 (see inset B) Modified access to the High Noon Lane private road 10 metres to the west of the southernmost point of High Noon Lane highway.
Blofield	Reference C3 Modified access to Atlantic Truck and Van Centre 44 metres east of High Noon Lane.

## SCHEDULE 5

Article 26

### LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

(1)	(2)	(3)
-----	-----	-----

<i>Plot reference number shown on land plans</i>	<i>Purpose for which rights and restrictive covenants over land may be acquired</i>	<i>Relevant part of the authorised development</i>
<b>Land Plans – Sheet No. 1</b>		
1/2d	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 2
1/7	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 2
1/10b	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent	Work Nos. 5, 12

	access to the installed apparatus being made materially more difficult.	
1/11a	<p>Diversion of an intermediate pressure gas main together with accesses to highways and associated infrastructure including marker posts and inspection chambers.</p> <p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 5, 12
1/12b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
<b>Land Plans – Sheet No. 2</b>		
2/1b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p>	Work No. 5

	To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
2/1c	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
2/2b	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 2
2/3	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed</p>	Work No. 2



	apparatus being made materially more difficult .	
2/4	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work Nos. 2, 12
2/5	Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 2
2/13a	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 5
2/14a	Installation, maintenance and use of an intermediate pressure gas main together with associated	Work No. 5

	<p>infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
2/17	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 2, 8
2/17a	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 2
2/18c	<p>Installation, maintenance and use of ducts, cables and apparatus for utilities and electronic communications operators.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p>	Work No. 2

	To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
2/19b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
<b>Land Plans – Sheet No. 3</b>		
3/2b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
3/2c	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed</p>	Work No. 19

	apparatus being made materially more difficult.	
3/4c	Installation, maintenance and use of electricity distribution network cables. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 19
3/7	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 5
<b>Land Plans – Sheet No. 4</b>		
4/2a	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 5
4/4	Installation, maintenance and use of an intermediate pressure gas main together	Work No. 5

	<p>with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
4/7d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
4/7e	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 24
<b>Land Plans – Sheet No. 5</b>		
5/1b	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p>	Work No. 5

	<p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
5/1d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/1f	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/1g	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and</p>	Work No. 5

	<p>vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	
5/5d	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/5f	<p>Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 5
5/6a	<p>Installation, maintenance and use of electricity distribution network cables.</p> <p>Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent</p>	Work No. 28A

	access to the installed apparatus being made materially more difficult.	
<b>Land Plans – Sheet No. 6</b>		
6/1h	Installation, maintenance and use of electricity distribution network cables. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 42
6/1i	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 5
6/1l	Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and including covenants for the protection of the installed apparatus. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 31



6/2d	<p>Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 31
6/10a	<p>Installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work Nos. 28, 31
6/10b	<p>Installation, maintenance and use of ducts, water pipes, cables and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways.</p> <p>To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.</p>	Work No. 31
6/10c	<p>Works to the existing A47(T) east of North Burlingham, to connect to the new proposed junction with the B1140 classified road to the north of Work No. 1.</p> <p>Installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and including restrictive covenants for protecting the</p>	Work Nos. 28, 31

	installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
6/14	Installation, maintenance and use of electricity distribution network cables and potable water pipes. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work Nos. 42, 44
6/14b	Installation, maintenance and use of electricity distribution network cables. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 42
6/15a	Installation maintenance and use of potable water pipes. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 44
6/15b	Installation, maintenance and use of electricity distribution network cables. Right to pass and repass with or without plant and vehicles and including access to highways.	Work No. 42

	To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	
6/17	Installation, maintenance and use of electricity distribution network cables. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 42
<b>Land Plans – Sheet No. 7</b>		
7/1b	Installation, maintenance and use of an intermediate pressure gas main together with associated infrastructure including marker posts and inspection chambers. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 5
<b>Land Plans – Sheet No. 8</b>		
8/1	Installation, maintenance and use of ducts, cables, potable water pipes and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed	Work No. 43

	apparatus being made materially more difficult.	
8/5a	Installation, maintenance and use of ducts, cables, potable water pipes and apparatus for utilities and electronic communications operators. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 43
8/6	Installation, maintenance and use of potable water pipes. Right to pass and repass with or without plant and vehicles and including access to highways. To include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult.	Work No. 44

## SCHEDULE 6

Article 26

### MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

#### Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply in respect of compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5(1) (5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by

paragraph 5(5) of Schedule 6 to the A47 Blofield to North Burlingham Development Consent Order [XX] (“the A47 Blofield to North Burlingham Order”));

- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 4 to the A47 Blofield to North Burlingham Order) to acquire an interest in the land; and

- (c) the acquiring authority enter on and take possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

**3.—**(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973<sup>(103)</sup> has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

### **Application of Part 1 of the 1965 Act**

**4.** Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act<sup>(104)</sup> (and modified by article 29 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 23 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 26(1) (compulsory acquisition of rights and imposition of restrictive covenants)—

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

**5.—**(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restrictive covenant imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(3) For Section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act.”

(4) The following provisions of the 1965 Act which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);

---

<sup>(103)</sup> 1973 c. 26.

<sup>(104)</sup> 2008 c. 29, section 125 as amended by paragraph 17, Schedule 16 of the Housing and Planning Act 2016 (c. 22).

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(5) Section 11(**105**)(powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 23), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(**106**) (powers of entry: further notices of entry). 11B(**107**) (counter-notice requiring possession to be taken on specified date), 12(**108**) (unauthorised entry) and 13(**109**)(refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(**110**)(tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29 is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

## “SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

### Introduction

1.—(1) This Schedule applies where an undertaker serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 30 (application of the 1981 Act) of the A47 Blofield to North Burlingham Development Consent Order [XX] in respect of the land to which the notice to treat relates.

(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A47 Blofield to North Burlingham Development Consent Order [XX] which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

---

(105) 1965 c. 56. Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), Section 103 of the Planning and Compulsory Purchase Act 2004 c. 5 and S.I. 2009/1307.

(106) 1956 c. 56. Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).

(107) 1956 c. 56. Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016 (c. 22).

(108) 1956 c. 56. Section 12 was amended by section 56(2) of, and part of Schedule 9, to the Courts Act 1971 (c. 23).

(109) 1956 c. 56. Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and part 3 of Schedule 23 to, the Tribunal, Courts and Enforcement Act 2007 (c. 15).

(110) 1956 c. 56. Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

### **Counter-notice requiring purchase of land**

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

### **Response to counter-notice**

5. On receiving a counter-notice, the undertaker must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The undertaker must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the undertaker decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the undertaker does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the undertaker serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they are included the owner’s interest in the house, building or factory.

### **Determination by the Upper Tribunal**

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the undertaker ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

14.—(1) If the Upper Tribunal determines that the undertaker ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within

the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the undertaker withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawing of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

## SCHEDULE 7

Article 33

### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Location</i>	(2) <i>Plot Reference</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
<b>Land plans – Sheet No. 1</b>			
Norfolk County Council, Parish of Blofield	1/3a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators to the east of Blofield; and to facilitate diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 2, 3
Norfolk County Council, Parish of Blofield	1/3b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 2, 3



Norfolk County Council, Parish of Blofield	1/4b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2, 3
Norfolk County Council, Parish of Blofield	1/4c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2
Norfolk County Council, Parish of Blofield	1/7a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas and working space. Also required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications operators; and to facilitate Diversion underground of 11kV overhead electricity distribution network cable	Work Nos. 1, 2
Norfolk County Council, Parish of Blofield	1/9a	Required to facilitate alteration of the A47 and to provide	Work Nos. 1, 4, 5, 12

		temporary storage, laydown areas, access and working space. Also required to facilitate a diversion of an intermediate pressure gas main.	
Norfolk County Council, Parish of Blofield	1/9b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space.	Work Nos 1, 4
Norfolk County Council, Parish of Blofield	1/10b	Required to facilitate diversion of an intermediate pressure gas main. Installation of ducts, cables and apparatus for utilities and electronic communications cables. Creation and laying out of new car park.	Work Nos. 5, 6, 12
Norfolk County Council, Parish of Blofield	1/11a	Required to facilitate diversion of an intermediate pressure gas main and the installation of ducts, cables and apparatus for utilities and electronic communications cables. Creation and laying out of new car park.	Work Nos. 5, 6, 12
Norfolk County Council, Parish of Blofield	1/12a	Required to facilitate diversion of an intermediate pressure gas main together and to provide temporary storage laydown areas, working space and access	Work Nos. 5, 7
Norfolk County Council, Parish of Blofield	1/12b	Required to facilitate diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No.5
Norfolk County Council, Parish of Blofield	1/13	Required to facilitate alteration of the A47 and to provide temporary access and working space.	Work Nos. 1, 3, 4

		Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	
Norfolk County Council, Parish of Blofield	1/14	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3, 4
Norfolk County Council, Parish of Blofield	1/15	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3, 4
Norfolk County Council, Parish of Blofield	1/16	Required to facilitate alteration of the A47 and to provide temporary access and working space. Also required to facilitate a diversion underground of 11kV overhead electricity distribution network cable.	Work Nos. 1, 3
<b>Land plans – Sheet No. 2</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	2/1a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate a diversion of an intermediate pressure gas main. And required to facilitate Installation of ducts, cables and apparatus for utilities and electronic communications cables.	Work Nos. 1, 5, 7, 10, 12

Norfolk County Council, Parish of Blofield	2/1b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Blofield	2/1c	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	2/1d	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Blofield	2/1e	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Blofield	2/3	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/3a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12

Norfolk County Council, Parish of Blofield	2/3b	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/3c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/4	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/5	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	Work Nos. 1, 2, 12
Norfolk County Council, Parish of Blofield	2/5a	Required to facilitate alteration of the A47 and to provide temporary storage,	Work Nos. 1, 2, 12

		laydown areas, access and working space. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators.	
Norfolk County Council, Parish of Blofield	2/13a	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Blofield	2/13b	Required to facilitate installation of water pipes ducts, cables and apparatus for utilities and electronic communications cables. Also required to facilitate Infiltration pond, soakaways and associated drainage, drivable swale and maintenance access track, and to provide temporary laydown areas, working space and access.	Work Nos. 8, 13
Norfolk County Council, Parish of Blofield	2/14a	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Blofield	2/14b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Blofield	2/17	Required to facilitate installation of water pipes, ducts, cables and apparatus for utilities and electronic communications cables. Also required to provide temporary laydown areas, working space and access.	Work No. 8

Norfolk County Council, Parish of Blofield	2/17a	Required to facilitate installation of, ducts, cables and apparatus for utilities and electronic communications cables. Also required to provide temporary laydown areas, working space and access for the purposes of adjoining works.	Work Nos 2, 9
Norfolk County Council, Parish of Blofield	2/18	Required to facilitate installation of, ducts, cables and apparatus for utilities and electronic communications cables. Also required to provide temporary laydown areas, working space and access for the purposes of adjoining works.	Work Nos 2, 9
Norfolk County Council, Parish of Blofield	2/18c	Required to facilitate installation of, ducts, cables and apparatus for utilities and electronic communications cables. Also required to provide temporary laydown areas, working space and access for the purposes of adjoining works.	Work Nos 2, 9
Norfolk County Council, Parish of Blofield	2/19a	Required to facilitate a temporary construction compound.	Work Nos. 1-44
Norfolk County Council, Parish of Blofield	2/19b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
<b>Land plans – Sheet No. 3</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	3/2a	Required to facilitate a temporary construction compound . Also required to facilitate diversion underground of electricity distribution network cables underground	Work nos. 1-44

Norfolk County Council, Parish of Lingwood and Burlingham	3/2b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	3/2c	Required to facilitate construction of a new cycle track and access road. Also required to facilitate a diversion underground of electricity distribution network cable and to provide temporary laydown areas, working space and work access.	Work Nos. 14, 19
Norfolk County Council, Parish of Lingwood and Burlingham	3/2d	Required to facilitate construction of a new cycle track and access road. Also required to facilitate a diversion underground of electricity distribution network cable and to provide temporary laydown areas, working space and work access.	Work Nos. 14, 20
Norfolk County Council, Parish of Lingwood and Burlingham	3/4	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access.	Work No. 17A
Norfolk County Council, Parish of Lingwood and Burlingham	3/4a	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access.	Work No. 17A
Norfolk County Council, Parish of Lingwood and Burlingham	3/4b	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access.	Work No 17A
Norfolk County Council, Parish of Lingwood and Burlingham	3/4c	Required to facilitate a diversion underground of electricity distribution network cable and to provide temporary laydown areas, working space and work access.	Work No. 19



Norfolk County Council, Parish of Lingwood and Burlingham	3/4d	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access. Also required to facilitate a diversion underground of electricity distribution network cable.	Work Nos. 17A, 19
Norfolk County Council, Parish of Lingwood and Burlingham	3/7	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
<b>Land plans – Sheet No. 4</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	4/2a	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	4/4	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	4/7c	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access. Also required to facilitate works to adjacent streets and new roads.	Work Nos 1, 5, 14A 14B, 21 and 23
Norfolk County Council, Parish of Lingwood and Burlingham	4/7d	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	4/7e	Required to facilitate cycle track, track driveable swale and diversion of permissive path on adjoining land.	Works Nos. 23, 24

		Also required to facilitate installation underground of electricity cables and to provide temporary laydown areas, working space and access.	
Norfolk County Council, Parish of Lingwood and Burlingham	4/9	Required to facilitate works to adjoining street and to provide temporary laydown areas, working space and work access. Also required to facilitate installation of ducts, cables and apparatus for utilities and electronic communications operators and potable water pipes.	Work Nos. 17A and 22
<b>Land plans – Sheet No. 5</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	5/1a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate cycle track, access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route and to facilitate construction for highway turning head on Lingwood Lane, Required for temporary compound.	Work Nos 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	5/1b	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	5/1c	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate cycle track,	Work Nos 1-44

		access track, soakaway, drivable swale and diversion of existing permissive equestrian and walking route and to facilitate construction for highway turning head on Lingwood Lane, Required for temporary compound.	
Norfolk County Council, Parish of Lingwood and Burlingham	5/1d	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	5/1f	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	5/1g	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	5/5a	Required for Temporary compound.	Work Nos 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	5/5d	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	5/5f	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No.5
Norfolk County Council, Parish of Lingwood and Burlingham	5/6a	Required to facilitate works to adjoining street and to facilitate installation of ducts, water pipes, cables and apparatus for utilities	Work No. 28A

		and electronic communications operators and to provide temporary lay down areas, working space and work access.	
<b>Land plans – Sheet No. 6</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	6/1a	Required for Temporary compound	Work Nos. 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	6/1c	Required to facilitate works to neighbouring land to provide temporary compound.	Work Nos. 1-44
Norfolk County Council, Parish of Lingwood and Burlingham	6/1f	Required to facilitate improvements to neighbouring street.	Work No. 29
Norfolk County Council, Parish of Lingwood and Burlingham	6/1g	Required to facilitate works to neighbouring land to provide temporary compound.	Work Nos 1-44
Norfolk County Council, Parish of Acle	6/1h	Required to facilitate a diversion underground of electricity distribution network cable and to provide temporary storage laydown areas, working space and access.	Work No. 42
Norfolk County Council, Parish of Lingwood and Burlingham	6/1i	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access.	Work No. 5
Norfolk County Council, Parish of Lingwood and Burlingham	6/1j	Required to facilitate a diversion of an intermediate pressure gas main and to provide temporary storage laydown areas, working space and access. Also required to facilitate a soakaway and associated access and works to adjoining streets.	Work Nos. 5, 35, 41
Norfolk County Council, Parish of Lingwood and Burlingham, and Parish of Acle	6/1l	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space.	Work Nos. 1, 31

		Also required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access.	
Norfolk County Council, Parish of Lingwood and Burlingham	6/2a	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access.	Work No. 31
Norfolk County Council, Parish of Lingwood and Burlingham	6/2c	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access. Also required to facilitate improvements to neighbouring street.	Work Nos. 29, 31
Norfolk County Council, Parish of Lingwood and Burlingham	6/2d	Required to carry out works to form an new street on adjoining land. Also required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access.	Work Nos. 28, 31
Norfolk County Council, Parish of Beighton	6/6	Required to carry out works to form an new street on adjoining land and to provide temporary lay down areas, working space and work access.	Work No. 35

Norfolk County Council, Parish of Beighton	6/9	Required to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access. Also required to facilitate improvements to neighbouring street.	Work No 31, 40
Norfolk County Council, Parish of Lingwood and Burlingham	6/10a	Required to facilitate works to adjoining street and to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access,	Work No. 28A
Norfolk County Council, Parish of Lingwood and Burlingham	6/10b	Required to facilitate works to adjoining street.	Work No. 28A
Norfolk County Council, Parish of Lingwood and Burlingham	6/10c	Required to facilitate works to adjoining street and to facilitate installation of ducts, water pipes, cables and apparatus for utilities and electronic communications operators and to provide temporary lay down areas, working space and work access.	Work Nos. 28A, 31
Norfolk County Council, Parish of Acle	6/14	Required to facilitate a diversion underground of electricity distribution network cable and to provide temporary storage laydown areas, working space and access. Also required to facilitate installation of potable water pipes.	Work Nos. 42, 44
Norfolk County Council, Parish of Acle	6/14b	Required to facilitate a diversion underground of electricity distribution network cable and to	Work No. 42

		provide temporary storage laydown areas, working space and access.	
Norfolk County Council, Parish of Acle	6/15a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of potable water pipes.	Work Nos.1, 44
Norfolk County Council, Parish of Acle	6/15b	Required to facilitate a diversion underground of electricity distribution network cable and to provide temporary storage laydown areas, working space and access.	Work No. 42
Norfolk County Council, Parish of Acle and Parish of Beighton	6/17	Required to facilitate a diversion underground of electricity distribution network cable and to provide temporary storage laydown areas, working space and access.	Work No. 42
<b>Land plans – Sheet No. 7</b>			
Norfolk County Council, Parish of Lingwood and Burlingham	7/1	Required to facilitate a soakaway and to provide temporary storage laydown areas, working space and access.	Work No. 41
Norfolk County Council, Parish of Beighton	7/3	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
Norfolk County Council, Parish of Beighton	7/3a	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
Norfolk County Council, Parish of Beighton	7/5a	Required to facilitate works to adjoining street and to provide temporary storage laydown areas, working space and access.	Work No. 35
<b>Land plans – Sheet No. 8</b>			

Norfolk County Council, Parish of Acle	8/1	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate diversion of utility apparatus	Work Nos. 1, 43
Norfolk County Council, Parish of Acle	8/5	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate diversion of utility apparatus.	Work Nos. 1, 43
Norfolk County Council, Parish of Acle	8/5a	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate diversion of utility apparatus.	Work Nos. 1, 43
Norfolk County Council, Parish of Acle	8/6	Required to facilitate alteration of the A47 and to provide temporary storage, laydown areas, access and working space. Also required to facilitate installation of potable water pipes.	Work Nos. 1, 44

## SCHEDULE 8

Article 38

### REMOVAL OF HEDGEROWS

(1) <i>Location of hedgerow</i>	(2) <i>Relevant part of the authorised development</i>	(3) <i>Important hedgerow</i>
Shown as H1 on sheets 1 and 2 of the hedgerow plan: hedgerow south of Yarmouth Road, within Blofield Allotments, Blofield.	Work Nos. 5, 6 and 12	No
Shown as H2 on sheets 1 and 2 of the hedgerow plan: hedgerow west of Waterlow, within Blofield Allotments, Blofield.	Work No. 5, 6 and 12	No



Shown as H3 on sheet 2 of the hedgerow plan: hedgerow west of Waterlow, within Blofield Allotments, Blofield.	Work No. 5, 6 and 12	No
Shown as H4 on sheet 2 of the hedgerow plan: hedgerow west of Waterlow, on the eastern boundary of Blofield Allotments, Blofield.	Work No. 5, 6 and 12	Yes
Shown as H5 on sheet 2 of the hedgerow plan: hawthorn being the main species, parallel to and north of the A47 and south of High Noon Lane, Blofield.	Work Nos. 1, 2, 9 and 12	No
Shown as H6 on sheet 2 of the hedgerow plan: species poor hedgerow parallel to and south of the A47 and north of Waterlow, Blofield.	Work Nos. 1, 7 and 12	No
Shown as H7 on sheet 2 of the hedgerow plan: species poor hedgerow which is dominated by hybrid poplar south of the A47 and west of Waterlow, Blofield.	Work Nos. 5, 6, 7, 10 and 12	Yes
Shown as H8 on sheet 2 of the hedgerow plan: species rich intact hedgerow comprising mainly hawthorn and blackthorn on the south side of the existing A47 and east of Waterlow, Blofield.	Work No. 13	Yes
Shown as H9 on sheet 3 of the hedgerow plan: isolated species poor hedgerow surrounded by arable with a species poor margin including false oat and common couch grass, south of the A47 and west of Lingwood Road.	Work No. 19	Yes
Shown as H10 on sheet 4 of the hedgerow plan: Species rich hedge with false oat and Yorkshire fog abundant margins including Lucerne and bird's foot trefoil on the eastern side of this hedge, separating arable fields perpendicular to existing A47, south of the A47 and west of Lingwood Road.	Work Nos. 1, 23 and 24	Yes

Shown as H11 on sheet 5 of the hedgerow plan: including a margin with common couch, perennial rye grass, false oat grass and several forbs, parallel to the existing A47 south of the existing A47 and west of Lingwood Lane.	Work No. 23	Yes
Shown as H12 on sheet 5 of the hedgerow plan: species rich hedgerow located south of the A47 on the west side of Lingwood Lane.	Work No. 1, 23, 25 and 27	Yes
Shown as H13 on sheet 5 of the hedgerow plan: species poor hedge as it includes less than five woody species, located south of the A47 on the eastern side of Lingwood Lane, bordering an area of arable to the east.	Work Nos. 1, 25 and 27	Yes
Shown as H14 on sheet 6 of the hedgerow plan: species poor hedgerow with no standards located north of the A47 between Main Road and west of South Walsham Road, North Burlingham.	Work Nos. 28 and 31	No

## SCHEDULE 9 PROTECTIVE PROVISIONS

Articles 36 and 47

### PART 1 FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertaker concerned.

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

(a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(**111**), belonging to or maintained by that utility undertaker;

---

(111) 1989 C. 29. The definition of “electricity plant” (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c.27).

- (b) in that case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(112) for the purposes of gas supply;
- (c) in the case of water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(113); and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreement to adopt sewers, drains or sewage disposal works at future date) of that Act(114),

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986;
- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

### **On street apparatus**

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

### **Apparatus in stopped up streets**

4.—(1) Where any street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal

(112) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Schedule 6, and Schedule 8 to the Utilities Act 2000 (c. 27), sections 1459(1) and (5) and 197(9) of, and part 1 of Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2011/2704.

(113) 1991 c. 56.

(114) 1991 c. 56. Section 102(4) was amended by section 96(1)(1)(c) of the Water Act 2003 (c. 37). Section 104 was amended by sections 96(4) and 101(23) of, part 3 of Schedule 9 to, the Water Act 2003 and section 42(3) of the Flood and Water Management Act 2010 (c. 29).

of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 16 (temporary alteration, diversion and restriction of use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

### **Protective works to buildings**

5. The undertaker, in the case of the powers conferred by article 21 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

### **Acquisition of land**

6. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

### **Removal of apparatus**

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (5).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 49 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any

work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

### **Facilities and rights for alternative apparatus**

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus**

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under subparagraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (5) in a case of emergency but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

(7) In relation to works which will or may be situated on, over, under or within 10 metres measured in any direction of any electricity apparatus, or involve embankment works within 10 metres of any electricity apparatus, the plan to be submitted to the utility undertaker under subparagraph (1) must be detailed, include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which they are proposed to be constructed or renewed;

- (c) the manner of their construction or renewal;
- (d) the position of all electricity apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

### **Expenses and costs**

**10.**—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

**11.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a utility undertaker, its officers, servants, contractors or agents.

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

## **Cooperation**

**12.** Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

**13.** Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## **PART 2**

### **FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS**

**14.** For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

**15.** In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(**115**);

“the code rights” has the same meaning as in paragraph 3 of the electronic communications code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 (electronic communications, networks and services) of Part 2 of the 2003 Act(**116**);

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the 2003 Act; and
- (b) an electronic communications network which the undertaker is providing or proposing to provide;

---

(115) 2003 c. 21.

(116) 2003 c. 21. See section 106 of the 2003 Act.

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and

“operator” means the operator of an electronic communications code network.

**16.** The exercise of the powers conferred by article 35 (statutory undertakers) is subject to Part 10 (undertakers’ works affecting electronic communications apparatus) of Schedule 3A of the 2003 Act.

**17.—**(1) Subject to sub-paragraphs (2) and (4), if as the result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator, the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other reasonable expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 49 (arbitration).

(5) This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(6) Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

## **PART 3**

### **FOR THE PROTECTION OF ANGLIAN WATER**

#### **Application**

**18.** For the protection of Anglian Water, the following provisions have effect, unless otherwise agreed in writing between the undertaker and Anglian Water.

#### **Interpretation**

**19.** In this part of this Schedule –



“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in a manner no less efficient than previously;

“Anglian Water” means Anglian Water Services Limited;

“apparatus” means—

- (a) works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;
- (b) any drain or works vested in Anglian Water under The Water Industry Act 1991,
- (c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act; and
- (d) includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus

and for the purpose of this definition, where words are defined by section 219 of the Water Industry Act 1991 they shall be taken to have the same meaning.

“functions” includes powers and duties

“in” in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed.

### **On street apparatus**

**20.** This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Anglian Water are regulated by the provisions of Part 3 of the 1991 Act.

### **Apparatus in stopped up streets**

**21.—**(1) Where any street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), where Anglian Water has apparatus in the street or accessed by virtue of that street, it has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Anglian Water legal easements reasonably satisfactory to Anglian Water in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of Anglian Water to require the removal of that apparatus under paragraph 24 or the power of the undertaker to carry out works under paragraph 26.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 16 (temporary alteration, diversion, prohibition and restriction of the use of streets), Anglian Water is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

### **Protective works to buildings**

**22.** The undertaker, in the case of the powers conferred by article 21 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

## **Acquisition of land**

**23.** Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

## **Removal of apparatus**

**24.—**(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not (without the prior written consent of Anglian Water) be extinguished, until:

- (a) alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8); and
- (b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 25.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to Anglian Water 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to Anglian Water the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed Anglian Water must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Anglian Water and the undertaker or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(5) Anglian Water must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 49 (arbitration), and after the grant to Anglian Water of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if Anglian Water gives notice in writing to the undertaker that it desires the undertaker to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, or to the extent that Anglian Water fails to proceed with that work in accordance with sub-paragraph (5) or the undertaker and Anglian Water otherwise agree, that work, instead of being executed by Anglian Water, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of Anglian Water.

(7) Notice under sub-paragraph (6) that Anglian Water desires the undertaker to execute any work, or part of any work, must be given within 14 days of agreement under sub-paragraph (4) or, in default of agreement, within 14 days of the date of settlement by arbitration under sub-paragraph (4).

(8) If Anglian Water fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a

notice of the required works from the undertaker, then such details are deemed to have been approved. For the avoidance of doubt, any such “deemed consent” does not extend to the actual undertaking of the removal works, which shall remain the sole responsibility of Anglian Water or its contractors.

(9) Whenever alternative apparatus is to be or is being substituted for existing apparatus, the undertaker shall, before taking or requiring any further step in such substitution works, use best endeavours to comply with Anglian Water’s reasonable requests for a reasonable period of time to enable Anglian Water to:

- (a) make network contingency arrangements; or
- (b) bring such matters as it may consider reasonably necessary to the attention of end users of the utility in question.

### **Facilities and rights for alternative apparatus**

**25.—**(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and Anglian Water or in default of agreement settled by arbitration in accordance with article 49 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to Anglian Water than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to Anglian Water as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

(3) Such facilities and rights as are set out in this paragraph are deemed to include any statutory permits granted to the undertaker in respect of the apparatus in question, whether under the Environmental Permitting Regulations 2010 or other legislation.

### **Retained apparatus**

**26.—**(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 24(2), the undertaker must submit to Anglian Water a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by Anglian Water for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and Anglian Water is entitled to watch and inspect the execution of those works.

(3) Any requirements made by Anglian Water under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If Anglian Water in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs (1) to (3) and (6) to (8) apply as if the removal of the apparatus had been required by the undertaker under paragraph 24(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case must give to Anglian Water notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances and will keep the impact of those emergency works on Anglian Water's apparatus, on the operation of its water and sewerage network and on end-users of the services Anglian Water provides to a minimum.

(7) For the purposes of sub-paragraph (1), works are deemed to be in land near Anglian Water's apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:

- (a) 2.25 metres where the diameter of the pipe is less than 150 millimetres;
- (b) 3 metres where the diameter of the pipe is between 150 and 450 millimetres
- (c) 4.5 metres where the diameter of the pipe is between 451 and 750 millimetres; and
- (d) 6 metres where the diameter of the pipe exceeds 750 millimetres.

### **Expenses and costs**

**27.**—(1) Subject to the following provisions of this paragraph, the undertaker must repay to Anglian Water all expenses reasonably incurred by Anglian Water in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this Part of the Schedule.

(2) There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Anglian Water by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Anglian Water in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Anglian Water any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

**28.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 22 or 24(2), or by reason of any subsidence resulting from such development or works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

- (a) bear and pay the cost reasonably incurred by Anglian Water in making good such damage or restoring the supply; and
- (b) make reasonable compensation to Anglian Water for any other expenses, loss, damages, penalty or costs incurred by the undertaker, by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by Anglian Water on behalf of the undertaker or in accordance with a plan approved by Anglian Water or in accordance with any requirement of Anglian Water or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1) unless Anglian Water fails to carry out and execute the works properly with due care and attention and in a skilful and professional like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of Anglian Water, its officers, servants, contractors or agents.

(4) Anglian Water must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made, without the consent of the undertaker (such consent not to be unreasonably withheld or delayed) who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

## **Cooperation**

**29.** Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 24(2) or Anglian Water makes requirements for the protection or alteration of apparatus under sub-paragraph (9), the undertaker must use all reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Anglian Water's undertaking and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose.

**30.** Where the undertaker identifies any apparatus which may belong to or be maintainable by Anglian Water but which does not appear on any statutory map kept for the purpose by Anglian Water, it shall inform Anglian Water of the existence and location of the apparatus as soon as reasonably practicable.

**31.** Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Anglian Water in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

**32.** Any time period in which an action must be taken in this part of the Schedule may be amended by written agreement between the undertaker and Anglian Water.

## PART 4

### FOR THE PROTECTION OF CADENT

#### Application

**33.** For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.

#### Interpretation

**34.** In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by Cadent for the purposes of Cadent’s undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent’s undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised development” shall have the same meaning as in the Order;

“Cadent” means Cadent Gas Limited and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Cadent’s undertaking” means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 of the Gas Act 1986 (as amended by the Gas Act 1995);

“commence” has the same meaning as in article 2(1) of the Order and “commencement” shall be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms “commence” and “commencement” include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, requires the undertaker to submit for Cadent’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” for the purposes of this Part of the Schedule will have effect as if Cadent’s existing apparatus was authorised development and as if the term maintain includes protect and use, improve, landscape, preserve, decommission, refurbish or replace;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“rights” includes restrictive covenants and, in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and

“specified works” means any of the authorised development or activities (including maintenance) undertaken in association with the authorised development which—

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 38(2) (removal of apparatus) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 38(2) (removal of apparatus) or otherwise.

### **On Street apparatus**

**35.—**(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act, except for—

- (a) paragraphs 35 (apparatus of Cadent in stopped up streets), 40 (retained apparatus: protection of Cadent), 41 (expenses) and 42 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraphs 38 (removal of apparatus) and 39 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

(3) Paragraph 41 does not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and Cadent in such proportions as may be prescribed by any such regulations.

### **Apparatus of Cadent in stopped up streets**

**36.—**(1) Where any street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 38 (removal of apparatus).

(2) Notwithstanding the temporary alteration, diversion or restriction of use of any street under the powers of article 16 (temporary alteration, diversion, prohibition and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such street

and to execute and do all such works and things in, upon or under any such street as it would have been entitled to do immediately before such temporary alteration, diversion or restriction of use in respect of any apparatus which at the time of the stopping up or diversion was in that street.

### **Protective works to buildings**

**37.** The undertaker must exercise the powers conferred by article 21 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed)

### **Acquisition of land**

**38.—(1)** Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out or maintenance of any part of the authorised development (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent to and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development or maintenance thereof.

(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus, including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by Cadent under paragraph 40 (retained apparatus: protection of Cadent) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.

(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 38 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise—

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.



## **Removal of apparatus**

**39.**—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 37 (acquisition of land), the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the facilities and rights referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account paragraph 39(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus; and
- (b) subsequently for the maintenance of that apparatus.

(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

## **Facilities and rights for alternative apparatus**

**40.**—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed, then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 46 (arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

## **Retained apparatus: protection of Cadent**

**41.—**(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted (and the ground monitoring scheme if required).

(4) Any approval of Cadent given under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5); and
- (b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).

(5) Cadent may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

- (a) the plan submitted under sub-paragraph (1) (and ground monitoring scheme if required), as approved or as amended from time to time by agreement between the undertaker and Cadent; and
- (b) all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.

(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 32 to 34 and 37 to 39 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 38(2) (removal of apparatus).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan (and ground monitoring scheme if required), instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan (and ground monitoring scheme if required).

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development (including such an event attributable to its maintenance)—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and

- (b) Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 41 (expenses).

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.

(12) In this paragraph, “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

## **Expenses**

**42.—**(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand, all charges, costs and expenses reasonably anticipated or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised development including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent;
  - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 38(3) (removal of apparatus) if it elects to do so; or
  - (ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;
- (g) any watching brief pursuant to sub-paragraph 40(6) (retained apparatus: protection of Cadent).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 46

(arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.]

## **Indemnity**

**43.—**(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised development (including works carried out under article 21 (protective work to buildings)) by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and
- (b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty, compensation or costs properly incurred by, paid by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents; and

- (b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 10 (consent to transfer benefit of the Order).
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable at the commencement of the relevant works referred to in sub-paragraph (1)

(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

### **Enactments and agreements**

**44.** Except where this Part of this Schedule provides otherwise or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

### **Co-operation**

**45.—**(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Cadent requires the removal of apparatus under paragraph 38(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 40 (retained apparatus: protection of Cadent), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Cadent's undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted by Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.

### **Access**

**46.** If in consequence of any agreement reached in accordance with paragraph 37(1) (acquisition of land) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

### **Arbitration**

**47.** Save for differences or disputes arising under sub-paragraphs 38(2) and 38(4) (removal of apparatus) and 41(11) (retained apparatus: protection of Cadent) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 49 (arbitration).

### **Notices**

**48.** Notwithstanding article 48 (service of notices) any plans submitted to Cadent by the undertaker pursuant to sub-paragraph 40(1) (retained apparatus: protection of Cadent) must be sent by email to Cadent Gas Limited Plant Protection at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) as well as by post to Plant Protection, Cadent Gas Limited, Brick Kiln Street, Hinckley, Leicestershire,

LE10 0NA, or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.

## SCHEDULE 10 DOCUMENTS, ETC. TO BE CERTIFIED

Articles 2 and 47

### PART 1 ENVIRONMENTAL STATEMENT

(1) <i>Document</i>	(2) <i>Document Reference</i>	(3) <i>Revision</i>
Environmental Statement - Chapter 1: Introduction	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 2: The Proposed Scheme	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 3: Assessment of Alternatives	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 4: Environmental Assessment Methodology	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 5: Air Quality	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 6: Cultural Heritage	TR010040/APP/6.1	Rev 3
Environmental Statement - Chapter 7: Landscape and Visual Effects	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 8: Biodiversity	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 9: Geology and Soils	TR010040/APP/6.1	Rev 0
Environmental Statement - Chapter 10: Materials Assets and Waste	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 11: Noise and Vibration	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 12: Population and Human Health	TR010040/APP/6.1	Rev 2
Environmental Statement - Chapter 13: Road Drainage and Water Environment	TR010040/APP/6.1	Rev 1
Environmental Statement - Chapter 14: Climate	TR010040/APP/6.1	Rev 2

Environmental Statement - Chapter 15: Cumulative Effects Assessment	TR010040/APP/6.1	Rev 0
Environmental Statement - Appendix 4.1 Scoping Opinion Responses	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.1 Air Quality Dispersion Modelling Process	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.2 Air Quality Verification and Model Adjustment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 5.3 Air Quality Receptor Results	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.1 Cultural Heritage Information	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 6.2 Geophysical and Metal Detector Survey	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.3 Geophysical Survey	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 6.4 Archaeological Evaluation	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.1 Planning Policy Context	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.2 Landscape and Visual Assessment Criteria	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.3 ZTV and Verified Photomontage Methodology	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.4 Landscape Character Areas	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.5 Visual Receptors	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 7.6 Representative Viewpoints	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 7.7 Arboricultural Impact Assessment	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 7.8 Lighting Assessment	TR010040/APP/6.2	Rev 0

Environmental Statement - Appendix 8.1 Legislation and policy framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.2 DMRB biodiversity evaluation assessment methodology	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.3 2018 Bat survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.4 2018 Breeding bird survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.5 Wintering bird survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.6 Badger survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.7 Terrestrial invertebrate report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.8 Great Crested Newt report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.9 Reptile survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.10 2020 Bat survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.11 Bat activity crossing point survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.12 Breeding Bird and Barn Owl survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 8.13 Botanical Survey report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 9.1 Contaminated Land Preliminary Risk Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.1 Legislation and Policy Framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.2 Waste Disposal Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 10.3 Outline Site Waste Management Plan	TR010040/APP/6.2	Rev 1



Environmental Statement - Appendix 10.4 Minerals Impact Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.1 Glossary of Terms	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.2 Legislation and Policy Framework	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.3 Baseline Noise Survey	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 11.4 Noise Sensitive Receptors	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 11.5 Construction Noise Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 13.1 Flood Risk Assessment	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 13.2 Drainage Strategy	TR010040/APP/6.2	Rev 1
Environmental Statement - Appendix 13.3 Groundwater Assessment	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 14.1 Carbon Assessment Report	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 15.1 CEA Stage 2 Screening	TR010040/APP/6.2	Rev 0
Environmental Statement - Appendix 15.2 CEA Short List	TR010040/APP/6.2	Rev 0
Environmental Statement - Figures 1.1 to 2.1	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 5.1 to 5.9	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 6.1 to 6.4	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 6.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 6.6	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.1 to 7.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.1	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.2	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.3	TR010040/APP/6.3	Rev 0

Environmental Statement - Figure 7.6.4	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.5	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.6	TR010040/APP/6.3	Rev 0
Environmental Statement - Figure 7.6.7	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.6.8 to 7.6.9	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 7.6.10 to 7.6.13	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 8.1 to 9.1	TR010040/APP/6.3	Rev 1
Environmental Statement - Figures 11.1 to 11.10	TR010040/APP/6.3	Rev 0
Environmental Statement - Figures 12.1 to 12.3	TR010040/APP/6.3	Rev 1
Environmental Statement - Figures 13.1 to 15.1	TR010040/APP/6.3	Rev 0

## PART 2

### OTHER DOCUMENTS

(1) <i>Document</i>	(2) <i>Document Reference</i>	(3) <i>Revision</i>
Book of reference	TR010040/APP/4.3	Rev 7
Classification of roads plans	TR010040/APP/2.12	Rev 0
Detrunking plans	TR010040/APP/2.10	Rev 0
EMP (First Iteration)	TR010040/APP/7.7	Rev 6
Engineering drawings and sections	TR010040/APP/2.5	Rev 1
General arrangement plans	TR010040/APP/2.6	Rev 4
Hedgerow plan	TR010040/APP/2.9	Rev 1
Land plans	TR010040/APP/2.2	Rev 1
Masterplan	TR010040/APP/6.8	Rev 4
Outline traffic management plan	TR010040/APP/7.8	Rev 2
Report to Inform Habitats Regulations Assessment	TR010040/APP/6.9	Rev 3
Rights of way and access plans	TR010040/APP/2.4	Rev 4
Traffic regulation plans	TR010040/APP/2.11	Rev 0
Works plans	TR010040/APP/2.3	Rev 2

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises National Highways Limited to improve the A47 between Blofield and North Burlingham in Norfolk and carry out all associated works.

The Order permits National Highways Limited to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also makes provision in connection with the maintenance of the authorised development.

A copy of the plans, engineering drawings and sections, book of reference and environmental statement and report mentioned in this Order and certified in accordance with article 47 (certification of documents, etc.) may be inspected free of charge during working hours at National Highways Limited, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.