



Norfolk County Council

ISH4 post-hearing submission

Norwich to Tilbury

(EN020027)

Table 1: NCC's post hearing summary of oral submissions at ISH4

Issue	NCC comment
4 Change requests	The change requests relate to land outside of Norfolk. NCC defers to the relevant local authorities on matters outside Norfolk.
5 Landscape and visual effects	<i>5.1 Mitigation, including:</i> • Compensation and the mitigation hierarchy NCC has set out its position on the issue of compensation and the mitigation hierarchy in a number of written submissions including in NCC's relevant representation [RR-2753] at paragraphs 4.4-4.6, 10.16-10.17 and 10.19-10.21 in NCC's local impact report [REP1-173] at paragraphs 11.24-11.32, and most recently in NCC's answer to question GEN 2.2 of ExQ2 [REP5-256]. • Masterplans [REP5-199] (and reference to specific areas covered by the masterplans) NCC considers that the Waveney Valley constraints and opportunities plan (found at Appendix A of [REP5-199]) is a useful contribution to the possibility of compensation which addresses major and significant landscape harms through a contribution to access improvements, green and blue infrastructure, and interventions anchored in the local nature recovery strategy. NCC continues to disagree with the applicant's position that compensation is not needed. NCC has worked with SCC to provide the applicant with a draft schedule to a S106 agreement which would secure a financial contribution to be used for suitable interventions and we await comment from the applicant. NCC and SCC have also provided the applicant with a CIL compliance statement which justifies the request for compensation for landscape impacts on the Waveney Valley against the tests set out in the Community Infrastructure Levy Regulations 2010. • Offsite planting delivery schemes NCC has no comment on the offsite planting delivery schemes. SCC are leading.

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	- Monitoring <i>5.2 The Colne Valley, including discussion on the following documents:</i> - The Planscape Landscape and Visual Technical Note [REP5-277] - The Landscape Partnership Landscape Sensitivity Appraisal [REP5-226] Because the Colne Valley is in Essex, NCC defers to the relevant local authorities. <i>5.3 Limits of deviation (including in relation to heritage assets), including:</i> - New and amended viewpoints - The provisions of Commitment GG34 of the Outline Code of Construction Practice [REP5-139] - Decision making and approval mechanism NCC does not have any comments to make on the limits of deviation. <i>5.4 Any other landscape and visual matters, including:</i> - Link pillars and dark skies in the Dedham Vale - Cumulative effects - Residential Visual Amenity Assessment ([REP5-126] to [REP5-135]) - Veteran trees NCC has no comments to make on these matters.
6 Noise and vibration	NCC defers to South Norfolk District Council on noise and vibration matters.
7 Aviation safety	NCC wishes to see progress towards agreement between the applicant and the airfields but has no specific comments to make on this item.
8 Socio-economics	NCC is content with the applicant's outline Employment and Skills Plan.

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9 Any other matters	<i>Drainage strategy and flood risk</i> References to points refer to paragraphs in [REP5-257]. The version of the Drainage Strategy referred to is the deadline 4 submission [REP4-187]. References to EN-1 refer to the 2024 version. NCC has significant concerns in relation to drainage and flood risk, and as things stand, it does not consider that these matters are likely to be resolved by the close of the examination. These concerns have been set out in previous representations: see our LIR [REP1-173], Our response to deadline 1 submissions [REP2-037], our response to deadline 2 submissions [REP3-083] and our response to ExQ2 (in particular WE 2.1) [REP5-256] and the accompanying detailed LLFA comments [REP5-257]. The key outstanding matters as regards the Drainage Strategy are summarised below for ease, followed by NCC's position on the overall policy implications in this case. Failure to comply with national policy and guidance The Drainage Strategy fails to comply with national policy and guidance. In particular, it fails to comply with the discharge hierarchy and fails to demonstrate how the hierarchy of drainage options has been followed, as per NPS EN-1 paragraph 5.8.15, which itself refers to the Planning Practice Guidance on flood risk and coastal change, and the National Standards for sustainable drainage systems (see below for fuller policy discussion). For example, the Drainage Strategy expresses a commitment to the application of the discharge hierarchy in § 5.4 but paragraph 5.4.7 confirms that no infiltration testing has occurred to enable the application of the discharge hierarchy (Point 18). The applicant has therefore failed to demonstrate how the hierarchy of drainage options has been followed and has failed to explain and justify why the type of SuDS and method of discharge have been selected and why they are considered appropriate. Further instances of the failure to comply with policy and guidance include: • Incomplete information (Point 25). • Incorrect referencing to guidance (Point 27). Inconsistencies within the Drainage Strategy and between other relevant Reports There are numerous inconsistencies within the Drainage Strategy. For example: • The commitment to controlling runoff to the greenfield runoff rate across the development but then later indicating the discharge rate could vary between the IDB ordinary watercourses and the LLFA's Ordinary Watercourses (Point 37). • Inconsistencies in the lifetime of some structures such as temporary culverts (Point 86).

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	- References to Appendix B which does not contain the information that is indicated to be there in the Drainage Strategy (Points 27, 29, 31, 73). - Inconsistencies within technical assumptions, such as around the permeability of the construction compounds that are considered fully permeable by the applicant in the text, but only 80% impermeable in the impermeability table (Points 41, 56, 68, 69, 70, 85). - There are occasions when the inconsistencies and lack of clarity in the text of the drainage strategy have not been justified, such as the haul road widths (Point 47), making it difficult to interpret the design approach or the formation approach used for all the different types of construction areas (Points 49, 52, 75). Other inconsistencies exist between the Drainage Strategy and the application documents such as: - Discrepancies with the outline Code of Construction Practice (OCoCP) [REP5-139] (Points 14, 45, 69). - Amendments not following through to other documents such as the OCoCP, FRA, the ES and the environmental enhancements being offered (Points 14, 45, 57, 66, 69, 83, 84). - References to Article 20 of the DCO in relation to Ordinary Watercourse Consenting outside of the IDB areas, although this is not covered in Article 20 of the Draft DCO (further information is found in Point 30). Lack of Technical Evidence There are a number of key data gaps in the evidence base supporting the Drainage Strategy, including a lack of infiltration testing (Point 38), groundwater levels in the area of the attenuation basins (Points 17, 77, 78), watercourse discharge locations (Point 64), not providing key internal design guides that are referenced in the drainage strategy (Points 21, 62), technical assessment even though it is stated as having been undertaken (Point 15). There are incomplete datasets being provided which means it is not possible, based on the information presented in the Drainage Strategy, to determine whether or not there is an increase in flood risk (Point 33). The data and information gaps have a direct impact on the assessment of the proposed Drainage Strategy. For example, it is not possible to determine whether infiltration to the ground is viable as no infiltration testing has occurred (Point 38). Also, it is not possible to determine whether the proposed SuDS Attenuation basins will be impacted on by groundwater due to a lack of groundwater investigation (Point 17). There is no information about the proposed plan B discharge of surface water to watercourses being viable as no information was included in Appendix B (Points 27, 29, 31). Therefore, it is not possible for the LLFA to determine whether the

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	construction drainage strategy Plan A (discharge to ground) or Plan B (discharge to a watercourse) is viable as no supporting evidence has been provided (Points 53, 63, 68, 71). Furthermore, it is not possible to ascertain whether there is an increase in flood risk, as the information in Appendix A does not contain greenfield runoff rates for each of the discreet drainage areas along the route (Points 33, 60, 71). There is no discussion or information on how the water would be collected and discharged to the attenuation basins (Points 53, 60, 68, 71). There is also very limited site specific topographic survey (Point 61). Poor Quality Data and Information Furthermore, there are a number of occasions where the data and information used is either coarse, or difficult to interpret, such as the use of the Lidar data (Points 6, 61) or the elevation drawings of the overhead line that have no hydraulic or hydrological features marked on them (Point 7). There is evidence of poor quality reporting throughout the drainage strategy which ranges from incorrect definitions of a Watercourse to the designation of Main Rivers and Ordinary Watercourses that is not consistent with the legal definition (Point 8). Unclear Reporting The preparation of the Drainage Strategy report is not always clear, such as when a section title does not contain the information stated to be within it (Point 10). There are occasions where it is not clear what work is being proposed (Points 11, 12). The reporting of the baseline conditions within the Drainage Strategy also varies greatly, both in terms of presentation and the level of detail in the various sections (Point 16). The discussion on some issues leaves the reader unclear on what is being either stated or proposed (Points 17, 34, 42, 43). Overall policy implications Paragraph 5.8.15 of EN-1 (2024) sets out the <u>minimum requirements</u> for a flood risk assessment (which incorporates requirements for information relating to existing drainage arrangements and proposed drainage systems). Specifically, the policy requires applicants to demonstrate how the hierarchy of drainage options has been followed and explain and justify why the types of sustainable drainage systems (SuDS) and method of discharge have been selected. Paragraph 5.8.37 sets out that the secretary of state will need to be satisfied that the proposed drainage system complies with any National standards for sustainable drainage systems (SuDS) - GOV.UK. The National Standards for SuDS sets out that infiltration testing is required to ensure that ground conditions are suitable. The standards also provide that “to utilise a lesser priority final destination, appropriate evidence



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	<u>shall</u> be provided that demonstrates that all higher priority final destinations have been utilised to the maximum extent practicable". In NCC's view, this inevitably requires infiltration testing to ensure that infiltration (i.e. priority 2 of the discharge hierarchy) has been maximised. The way this requirement is framed in policy means that this is not optional. Because the sizing (and therefore land take) of SuDS features is heavily dependent on infiltration and runoff rates, and because the order limits are fixed at the point a DCO is consented, this evidence cannot be left to the detailed design stage. The critical national priority presumption does not apply in cases where there is an unacceptable risk to flood risk (paragraph 4.2.15). Paragraph 5.8.40 requires that where a flood risk management authority (in this case the LLFA) has concerns, the secretary of state can only grant consent where he is satisfied that <u>all reasonable steps</u> have been taken by the applicant and the authority to try to resolve the concerns. In NCC's view, the applicant has not taken all reasonable steps to resolve our concerns. The drainage strategy was not included as part of the initial application, being submitted for the first time at deadline 1 [REP1-072] and revised at deadline 4 [REP4-186], with a final revision due at deadline 7, which is very late in the examination timetable. It is still not clear whether the applicant intends to resolve our concerns by basing the drainage strategy on clear evidence.

Table 2: NCC's response to the ISH4 action points.

Action Point		NCC comment
1	Provide an update on the progress of the draft section 106 agreement regarding landscape enhancement (a response is sought from both the applicant and all local authorities).	NCC understands that in response to action point two, the applicant is intending to submit (on a without prejudice basis) the draft text for a requirement which would secure landscape compensation. NCC is content with the legal form of a requirement as opposed to a § 106 agreement. The outstanding matters for agreement with the applicant are the precise geographical scope of compensation measures in the Waveney Valley, the appropriate amount of funding to be secured. NCC would be content for the landscape compensation in these general terms to be secured as either a requirement or a § 106