

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.29 Applicant's Written Summary of Oral Submissions at ISH2

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

March 2022
Deadline 9

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A47/A11 Thickthorn Junction
Development Consent Order 202[x]

**9.29 APPLICANT'S WRITTEN SUMMARY OF
ORAL SUBMISSIONS AT ISH2**

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1 INTRODUCTION

- 1.1. The Development Consent Order (**DCO**) application for the A47 – A11 Thickthorn Junction scheme was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.2. The first Issue Specific Hearing (**ISH2**) for the A47 – A11 Thickthorn Junction (DCO) application was held virtually on Microsoft Teams on Thursday 3 March 2022 at 10.00am.
- 1.3. The Examining Authority (**ExA**) invited the Applicant to respond to the matters raised and the Applicant confirmed it would respond in writing after the hearing.
- 1.4. This document seeks to fully address the representations made by Interested Parties at the ISH2.
- 1.5. The Applicant has responded to the issues raised by each attending party and provided cross-references to the relevant application or examination documents in the text below. The document is supported by the following Annex:

2 THE APPLICANT'S SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH2

Ref	Questions / Issues Raised at ISH2 and Hearing Action Points	Summary of Applicant's Response at ISH2	Applicant's Additional Written Response
Agenda Item 2: Implications of the Emerging Greater Norwich Local Plan			
1.1	The ExA asked for comments on the emerging Greater Norwich Local Plan	<p>The Applicant confirmed that the emerging Greater Norwich Local Plan (GNLP) was considered in the Case for the Scheme (APP-125). It was submitted on 30 July 2021, but no report had yet been produced.</p> <p>The Applicant noted that the Norfolk County Council and South Norfolk District Council Local Impact Reports (REP1-008 and REP1-010) made reference to the emerging GNLP. In respect of the weight to be given to the GNLP, the Applicant noted that NN NPS applies the same test as the NPPF for an emerging local plan in respect of land use (para. 5.173) whereas in respect of local transport, the NN NPS directs that the Applicant should have regard to policies set out in local plans (para. 5.203), and the ExA and Secretary of State should give due consideration to policies set out in local plans in decision making (para. 5.211). The Applicant submitted that those paragraphs referred to adopted local plans. On that basis, the weight to be given to the emerging GNLP is limited.</p>	The Applicant has no further comments.
1.2	The ExA asked for clarification that inclusion of a development in a local plan would not necessarily mean it would be near certain or more than likely to have an allocation of housing	<p>The Applicant confirmed that all individual developments listed have a categorisation e.g. unlikely, more than likely, near certain, etc.</p> <p>The Applicant's assumptions on these categorisations were provided by Norfolk County Council, and was therefore the position which was adopted by the Applicant in respect of the local plan allocations.</p>	The Applicant has no further comments.

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1.3	<p>The ExA queried an issue raised by Richard Hawker at the Open Floor Hearing on 1 March 2022 regarding transport issues and that the accident analysis for the scheme may be excessive.</p> <p>The ExA queried with the Applicant whether they could provide verifications on whether or not the analysis detailed in table 4.16 of the Case for the Scheme can be relied upon for a 60 year period.</p> <p>The ExA also questioned if traffic increases are factored into the model and if the model is verified and used on a national level.</p>	<p>The Applicant confirmed that table 4.16 is predicted accident reductions over 60 years for the whole of the COBA-LT modelled area. This therefore means the data is concerned with large numbers over a long period for a large study area.</p> <p>The Applicant confirmed that traffic increases have been factored into the model and that COBA-LT is a standard DfT software used on multiple projects.</p> <p>The Applicant will respond further to these submissions in writing at Deadline 9.</p>	<p>As discussed in 4.12.3 and 4.12.4 in the case for the scheme (APP-125).</p> <p>The COBA-LT model study area is shown in Figure 4.26. In Figure 4.26 the blue links show the COBA-LT road network within the study area.</p> <p>In addition to the study area, a relatively smaller Scheme impact area is represented by the red box in Figure 4.26. Figure 4.27 also shows the locations and years of the observed accidents, within the smaller Scheme impact area.</p> <p>Within this Scheme impact area observed data was analysed to assess the accidents records on the local road network. The observed data analysis was used to inform the accident Scheme impact area baseline accidents in the COBA-LT model. As noted in 4.2.16, Table 4.15 summarises the observed accidents within the impact area.</p> <p>Outside of the Scheme impact area, default DfT COBA-LT accident rates were adopted.</p> <p>Tables 4.16 and 4.17 present the accident savings and economic benefits of the scheme. These are derived from the COBA-LT assessment across the study area over a 60 year timeframe using NATS 2025 and 2040 forecast traffic flows.</p>

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			<p>The abbreviation of killed or seriously injured (KSI) is included 4.12.10.</p> <p>As noted in 4.12.1 The DfT's COBA-LT modelling tool has been used to the forecasted impact of the Scheme on accidents. As referenced in the footnote, further details about COBA-LT can be found in the COBA-LT software and user manuals on the GOV.uk website</p>
1.4	<p>The ExA questioned the traffic count and turning count survey information.</p> <p>The ExA questioned why further data has not been provided on these points in addition to what has already been produced.</p>	The Applicant will take this away to consider and respond in writing.	<p>Section 4.2 in the Case for the Scheme details the Baseline data collection for the traffic modelling assessment. The baseline dataset includes the collection of volumetric traffic count, network and vehicle journey time data sources. This information is used in the model development process to calibrate and validate the baseline model. The fully calibrated and validated base year model then provides a stable basis to undertake the future year assessment of the Scheme. As such the Applicant does not deem it necessary to release the collected traffic data. Figure 4.13 presents the Average Annual Daily Traffic flows for the scheme at the Baseline Year and in the Do Minimum and Do Something modelling scenarios.</p> <p>Chapter 2 of the Scheme Design Report (APP-127) describes scheme development. This outlines how feasibility assessment, consultation on options and the preferred route announcement took place.</p>

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			It should be noted that the traffic modelling assessment has been internally reviewed and approved by National Highways Transport Planning Guidance (TPG). Furthermore, the results have also been reviewed by NCC and a statement of common ground has been produced.
1.5	<p>The ExA questioned the Applicant on the accident statistics as raised by Richard Hawker.</p> <p>The Applicant was asked to clarify why figures quoted in the Open Floor hearing on 01/03/22 referred to the junction only whereas reductions quoted refer to entire COBA-LT area.</p> <p>The ExA also asked for confirmation that the figures quoted in all instances are accurate.</p>	<p>The Applicant confirmed Table 4.15 in Case for Scheme covers local accidents in the core study area which is demonstrated in Figure 4.27, whereas Table 4.16 covers the whole COBA-LT study area and is supported by Figure 4.26.</p> <p>The Applicant confirmed all of these figures are accurate and will be making written submission on these as well.</p>	Please see response to Agenda Item 1.3 above.
Agenda Item 3: Environmental Matters			
	The ExA sought clarification on dust and construction management. There is reference in the Environmental Statement Chapter 5 (APP-042) that	<p>The Applicant confirmed it is in consultation with the new Galliford Try environmental specialist. The Applicant will monitor daily, and results will be compiled on a weekly basis for recording by the Environment team.</p> <p>The Applicant confirmed that it is working under the Considerate</p>	Reference G7 of the REAC detailed within the EMP (REP8-007), outlines the commitment by the appointed contractor to register with the National Considerate Constructor's Scheme and agree to abide by the Code of Considerate

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	<p>requirement 4 requires preparation of a second iteration of the EMP in consultation with the relevant planning and highway authorities and Environment Agency.</p> <p>With reference to this, the ExA sought an indicative response on the site auditing anticipated by the principal contractor based on their experience on other schemes and an outline of the auditing once it commences.</p> <p>The ExA also sought clarification from the Applicant as to whether they would be working in line with any management and best practice guidelines outside of the general legislation.</p>	<p>Construction Scheme and also National Highways' standards which are stricter than the National Safety Executives' standards.</p>	<p>Practice, designed to encourage best practice beyond statutory requirements.</p> <p>With specific reference to construction dust, Reference AQ1 of the REAC detailed within the EMP (REP8-007), places a commitment on the appointed contractor to develop a dust management plan with measures to monitor effectiveness of mitigation as part of the EMP; undertake daily onsite and off-site inspections; and record any complaints/exceptional dust events within the EMP.</p>
	<p>The ExA sought clarification on information on Environmental Statement Chapter 13 (APP-050) and asked the Applicant to clarify locations experiencing any moderate effects and if any</p>	<p>The Applicant confirmed this is mentioned in the revised Flood Risk Assessment submitted at Deadline 3 (REP3-009). The Applicant intends to submit a revised version of Chapter 13 at Deadline 8 to reflect some changes made in the Flood Risk Assessment, and confirmed that this will not change any conclusions.</p> <p>The Applicant has added additional maps figures C16 and C17 to show changes in flood depth displayed in magnitude change. Key</p>	<p>The revised Chapter 13 was submitted at Deadline 8 (REP8-004).</p>

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	<p>amendments to the chapter will be needed in light of this.</p> <p>The ExA also questioned if all changes being made are upstream of the culvert mentioned by the Applicant.</p>	<p>changes are those upstream of A11 culvert where there is a minor watercourse diversion and a new drainage channel.</p> <p>Separate changes between the A11 and Cantley Lane South owing to changes to proposed culvert which will not throttle flow like the existing culvert to achieve a beneficial effect upstream. There will also be some moderate effects from stream realignment.</p> <p>The Applicant confirmed all changes are upstream of the culvert mentioned above. Downstream of Cantley Lane South are areas of moderate beneficial and moderate adverse change from another minor watercourse diversion and the construction of a new drainage channel.</p>	
	<p>The ExA requested an update regarding the Supplementary Ground Investigation and if this has been completed and can be submitted to the Examination?</p> <p>A factual report was provided in the response to the ExA's First Written Questions. Has this now been analysed to confirm the determinations in the Environmental Statement Chapter 9 (APP-046).</p>	<p>The Applicant confirmed the Supplementary Ground Investigation has not been completed yet.</p> <p>The factual report has been analysed and confirms the findings in the Environmental Statement Chapter 9 (APP-046). No further changes are expected to this chapter.</p>	The Applicant has no further comments.
	The ExA queried if Horizontal Directional Drilling is to be used during the construction methodology and if so whether the Environment	The Applicant confirmed HDD will be used in the construction methodology. This is a commitment in the EMP being submitted at Deadline 8 and includes a further commitment to submit to additional assessment by the Environment Agency.	The revised Environmental Management Plan was submitted at Deadline 8 (REP8-007)

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	<p>Agency had indicated that there would be a prior assessment.</p> <p>The updated First Iteration of the EMP does not seem to contain a commitment to do this as was indicated in the Applicant's response in REP2-006. Please could the Applicant clarify the position regarding this.</p>		
	The ExA asked for clarification on whether there was broad agreement for the Outline Water Management Plan (REP6-026) and if this will be included in the Statement of Common Ground.	The Applicant thought this query was directed to Norfolk County Council in the first instance but will check the Statement of Common Ground and respond to the ExA in writing.	Following the hearing, the Applicant issued the Outline Water Management and Monitoring Plan to the LLFA who have subsequently reviewed the document. The Applicant has taken on board their comments and the LLFA have no further comment to make on this document at this stage.
	The ExA queried if revisions to Standing Advice issued by Natural England and Forestry Commission concerning protected species, ancient woodland, ancient trees and veteran trees would be acknowledged or affect earlier considerations.	<p>The Applicant confirmed there were no updates needed in response to this data.</p> <p>The Applicant has carried out a review against the mitigation proposals for the Environmental Statement at stage 3. The updates to the Guidance won't alter any mitigations proposed or information previously provided on tree loss.</p>	The Applicant has no further comments.

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	<p>Previous application documents had also made reference to magic maps.</p> <p>The ExA sought clarification on if these have created a need for the Applicant to update any references to ancient trees or woodland</p>		
	<p>The ExA requested that the Applicant clarify why the Update Wintering Bird Survey Report (REP4-012) submitted is dated December 2019.</p>	<p>The Applicant confirmed this survey was undertaken in 2017 and updated in 2019. This survey was considered sufficient to deal with potential impacts on species of local importance.</p> <p>There was a small change between the 2017 and 2019 data and in line with specialist ecological advice there was no need to update the data from the 2019 report for submission as it was sufficient.</p>	<p>The 2017 wintering bird surveys identified 46 bird species and the 2019 update surveys recorded 42 species. As such the site was considered to be of importance locally.</p> <p>Mitigation outlined in the report was tailored to the common assemblages recorded and if implemented would sufficiently address potential impacts. No further surveys were recommended to inform mitigation owing to the unlikely significant change in species assemblage and mitigation already set out.</p>
	<p>The ExA sought clarification from the Applicant why sites previously identified are now identified as the SAC, SPA & Ramsar in the HRA and if this is an oversight.</p> <p>Additionally the SAC is not shaded in the HRA legend unlike the SPA and Ramsar.</p>	<p>The Applicant confirmed that the corresponding figure in the HRA report shows label 2 designated sites with the same label. This is correct and shows sites split over discrete designated areas.</p> <p>The shading not being visible was an error and has been updated to submit as part of the Deadline 8.</p> <p>The Applicant confirmed that figure 1 shows designations of European sites.</p>	<p>A revised Report to Inform Habitats Regulation Assessment was submitted at Deadline 8 (REP8-006).</p>

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	<p>The Applicant was asked to respond on this point.</p> <p>The ExA sought further clarification that figure 1 of the HRA would show designations of European sites.</p>		
	<p>The ExA sought clarification from the Applicant as to whether a Letter of No Impediment for Bats was forthcoming.</p> <p>The ExA also questioned that there was no bat risk survey and it had been suggested one be submitted at Deadline 9. Would this submission be happening and will information in the survey be referred to as part of Deadline 8.</p>	<p>The Applicant confirmed the Letter of No Impediment for Bats was being submitted as part of Deadline 8.</p> <p>The Applicant was not aware a new report had been suggested and would check this point before responding to the ExA in writing.</p>	<p>Further pre-construction bat surveys will be undertaken in spring/summer 2022 to validate the previous surveys and mitigation design, but will not be submitted as part of the examination.</p>
	<p>The ExA questioned if the Applicant was going to update the REAC in response to mitigation effects on water voles.</p>	<p>The Applicant is not proposing to update the REAC in relation to water voles. The REAC will be updated on an ongoing basis from detailed design submitted at Deadline 5. The updated version will be submitted as a part of Deadline 8 but only covers the Horizontal Directional Drilling point covered earlier.</p> <p>No other updates are proposed.</p>	<p>The REAC (Table 3-1 of REP8-007) includes a detailed action related to the protection of water voles (Ref: B6). Any water vole disturbance and mitigation works will be undertaken in line with the water vole licence in agreement with Natural England. All ecological control measures and mitigation are recorded in the Landscape and Ecological Management Plan that will be produced as part of the</p>

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			detailed design stage for the Scheme and is secured by requirement 4 of the draft DCO.
	The ExA asked if the Statement of Common Ground with Natural England has been agreed. The Statement of Commonality suggested all matters were under discussion which was not in agreement with the dDCO submitted at Deadline 5.	The Applicant confirmed the Statement of Common Ground was with Natural England for sign off and will hopefully be included in the Deadline 9 submissions although discussions are still ongoing.	A response has not yet been received by NE on this matter.
	The ExA asked if the Applicant would be submitting a Final Complementary Ground Investigation Report.	The Applicant will take this away and respond in writing although this can probably be provided if required.	The Supplementary Ground Investigation reporting will not be complete before the close of the Examination due to the requirement to carry out a 12 month monitoring period. Nothing found as part of the preliminary results contradicts the conclusions of the assessment undertaken for the Environmental Statement.
	The ExA asked if the Applicant would be submitting an updated Consents Position Statement or has this been replaced by table 4.1 in Section 1 of the EMP.	The Applicant does not intend to submit anything in addition to the information already included in the EMP. Again the Applicant will take this away and respond in writing. If required it can be drafted and submitted.	A revised Consents and Agreements Position Statement has been submitted at Deadline 9.
	The ExA asked if the Applicant's Engineering Drawings are the most up to date considering the Non-	The Applicant confirmed that the drawings are being updated to be submitted as a part of Deadline 9.	Revised engineering drawings and sections have been submitted at Deadline 9.

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	Material Change amendments submitted in December.		
	<p>The ExA confirmed that Climate Change impacts have been referred to in the Examination.</p> <p>Although the ExA is aware the Applicant will be responding to an information request made by the Secretary of State, is there anything else the Applicant wishes to raise at this time.</p>	The Applicant confirmed it is submitting information on this point for Deadline 8 and will respond in writing with further information.	A Climate Change Position Statement was submitted at Deadline 8 (REP8-013).
	<p>The ExA raised a question from Richard Hawker that there is a later bat report referenced than the 2019 report discussed earlier.</p> <p>The ExA questioned if there is a more recent report that can be submitted and if this was used for methodology issues.</p>	<p>The Applicant confirmed this reference was purely for the methodology statement. The results may be available and will be submitted if they are.</p> <p>The Applicant will respond in writing on any further surveys.</p>	<p>The latest round of bat surveys were undertaken in 2020. The available data was provided in ES Appendix 6.3, updated at deadline 4 (REP4-015).</p> <p>Given this survey data is now 2 years old, updated pre-construction bat surveys will be undertaken in spring/summer 2022. These surveys will inform the NE bat licencing and LEMP produced during PCF stage 5.</p>
	The ExA raised a question from Richard Hawker that the application stated the effect on public transport is neutral. However the Government's	The Applicant confirmed the relevant policy tests to apply to a DCO application are those set out in the NPS which has been complied with.	Bus Back Better (March 2021) is a national bus strategy for England, it sets out the government's plan to improve bus services, but does not appear to introduce any policies

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	<p>Bus Back Better scheme states schemes must show a significant increase in bus priority.</p> <p>Could the Applicant comment on this conflict of policy with assessment.</p> <p>The ExA also queried whether a bus lane removal is included in the application which would confirm bus transportation issues have been considered.</p>	<p>Other policy is relevant and has been considered but the NNNPS ultimately contains the relevant tests which have been applied.</p> <p>The Applicant confirmed this issue has been assessed and agreed with all the relevant councils.</p>	<p>relevant to a nationally significant infrastructure project.</p> <p>Therefore the policy tests to be considered by the Secretary of State are those set out in the NNNPS. The Applicant has demonstrated compliance with each policy in the National Policy Statement for National Networks Accordance Tables (APP-126).</p>
Agenda Item 4: Draft Development Consent Order Matters			
	<p>The ExA asked the Applicant give an overview of the main substantial changes to the Articles/Requirements applied to the dDCO by them at Deadline 6 (or thereafter) since the last DCO hearing.</p>	<p>The Applicant confirmed there were no changes since those set out in Schedule of Changes submitted at Deadline 6.</p>	<p>The Applicant has no further comments.</p>
	<p>The EXA asked the Applicant to address each of the ExA's recommended amendments to the dDCO</p>		<p>The Applicant has no further comments.</p>

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	<p><u>Part 1 Preliminary - Article 2 (1) Interpretation – Definition of "commence"</u></p> <p>The ExA explained that the concern with the definition is that it is wide ranging and it may mean that it bypasses the environmental statement</p>	<p>The Applicant explained that the definition is intentionally wide to ensure that the definition catches all operations which form part of the "Authorised Development." The suggested wording may have unintended consequences as it excludes operations which fall outside of the remit of the environmental statement, so that these operations would not trigger "commencement"</p>	<p>The Applicant has made more detailed submissions on this point at Deadline 8 (REP8-014).</p>
	<p><u>Part 1 Preliminary Article 2 (1) Interpretation And Article 3 (4) – "Disapplication of legislative provisions and modifications to section 106 agreement"</u></p> <p>The ExA queried why the disapplication of the Section 106 Agreement is proposed to be dealt with in the Order and stated that there is a great deal of latitude for the parties in the Section 106 Agreement to deal with the issues directly.</p>	<p>The Applicant explained that these articles have been included in the dDCO submitted at Deadline 6 (REP6-003) to address concerns raised by a landowner. The purpose is to disapply contradictory provisions in the section 106 agreement to provide certainty to both the landowner and the Council. The Applicant explained it is neater to deal with this contradiction in the Order rather than through the TCPA process and it would mitigate the loss of the landowner in relation to exposure to additional costs.</p>	<p>The Applicant has no further comments.</p>
	<p><u>Part 1 Preliminary Article 2 (1) Interpretation and Article 3 (4) - Disapplication of legislative provisions and modifications to section 106 agreement</u></p>	<p>The Applicant stated that it is for the Councils to comment on whether it will seek to enforce the Section 106 Agreement.</p> <p>The Applicant notes the ExA's comment in relation to resolving this issue directly with the Councils and the Applicant will liaise</p>	<p>The Applicant has no further comments.</p>

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	<p>The ExA asked whether the Council intended to enforce the obligations in the Section 106 Agreement and explained that there needs to be a convincing case to include the article with the DCO and there is still a lot of scope for the parties to resolve this amongst themselves.</p>	<p>with South Norfolk District Council and Norfolk County Council and update the ExA by Deadline 9.</p>	
	<p><u>Schedule 2; Requirement 3 (1) - "Detailed Design"</u></p> <p>The ExA explained that the reason for his proposed amendment and requiring an independent design review is because in order to fully comply with the National Policy Statement on National Networks, the Secretary of State should have evidence that the bridges and overpass/underpass structures proposed within the scheme have been subject to an independent design review process prior to determining their acceptability in design terms.</p>	<p>The Applicant explained that the Applicant has complied with the relevant paragraphs in the National Policy Statement on National Networks.</p> <p>The Applicant has employed an independent designer to prepare the scheme. Further reviews of the scheme design are then carried out by an independent design body that sits within Highways England.</p> <p>The majority of the design elements which could be influenced are fixed as part of the application (eg location and scale). On that basis, the Applicant does not think an independent design review is necessary as this adds an element of uncertainty and expense.</p> <p>However, the Applicant will consider the points raised by the ExA and provide a further response at Deadline 9.</p>	<p>The Applicant made detailed submissions on this point at Deadline 8 (REP8-014).</p> <p>It has considered the drafting further and on the basis the location, scale and massing of the structures are fixed, it remains of the view that an independent design review is unnecessary for this Scheme and would lead to the unnecessary expenditure of public funds.</p> <p>However, if the ExA and/or Secretary of State are of the view that further consultation in relation to the colour and materials used for the structures are necessary, the Applicant believes similar wording to that used in Requirement 3(10) of the A1 Birtley to Coal House Development Consent Order 2021 would be more appropriate for this Scheme.</p>

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	<p>The ExA explained that the design is not final and as such there is scope for an independent design review to influence the appearance and elements of the design. An independent design review may allow for further enhancements which may not be apparent yet.</p> <p>The ExA explained that consideration of what enhancements can be procured is the underlining issue.</p>		
	<p><u>Schedule 2, Requirement 3(2) - "Detailed design"</u></p> <p>Inclusion of the word "online".</p>	The Applicant confirmed the ExA's amendment was accepted and will be included in the draft DCO to be submitted in Deadline 8.	The Applicant has updated the dDCO submitted at Deadline 8 (REP8-002).
	<p><u>Requirement 1 Interpretation: And Requirement 5 (3) (f) Landscaping</u></p>	The Applicant confirmed the ExA's amendment was accepted and will be included in the draft DCO to be submitted in Deadline 8, but the LEMP is an appendix to the EMP, so there has been a slight amendment to the definition proposed.	The Applicant has updated the dDCO submitted at Deadline 8 (REP8-002).
	<p><u>Requirement 5 (1) Landscaping</u></p> <p>The ExA stated that his comments in relation to requiring an independent design review applies in</p>	The Applicant confirmed that the landscaping is not yet finalised yet. However other schemes such as the A1 Birtley to Coal House DCO 2021 have proposed alternative wording to deal with design issues and how paragraph 4.29 of the NNNPS is addressed. This wording imposes a positive obligation on the application to assert how it complies with the Secretary of State's policy test.	The Applicant has made more detailed submissions on this point at Deadline 8 (REP8-014).

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	relation to landscaping as well.	The Applicant will set this out in its response at Deadline 8.	
	<p><u>Requirement 5(4) - Landscaping</u></p> <p>The ExA acknowledges the Applicant's comments in relation to the inclusion of the word "best" and states that this is not a linear scheme and as such there is no danger of councils having different standards.</p> <p>The ExA expressed concern that a 5 year period may not be enough in light of everything that the local area will be subject to and suggested that a compromise would be to increase this to 10 years.</p> <p>The ExA explained this was his initial view and will consider the Applicant's views.</p>	<p>The Applicant explained it is wary of using the word "best" for two reasons as it creates uncertainty and a potential problem for these types of long linear schemes with a number of local authorities, which may have different guidance if this becomes established wording and creates a precedent.</p> <p>The Applicant intends to take best practice into account and any comments made by the councils, but feels this was suitable captured in the original wording.</p> <p>The Applicant noted the ExA comments and will reply to the ExA on this at Deadline 8.</p>	The Applicant has made more detailed submissions on this point at Deadline 8 (REP8-014).
	<u>Part 2 - Procedure for discharge of requirements - Requirement 17</u>	The ExA's comments have been noted.	The Applicant has no further comments.

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	<u>New Requirement - Removal of temporary construction welfare and material storage compound facilities</u>	The Applicant queried the extent that this requirement is necessary given that Article 34 (3) already sets out more precise timescales for remaining in possession and deals with restoration of the land.	The Applicant has made more detailed submissions on this point at Deadline 8 (REP8-014).
	<u>New Requirement - Removal of temporary construction welfare and material storage compound facilities</u> The ExA stated that he is willing to retract this as a suggested amendment as Article 34 sufficient covers this.	The Applicant thanked the ExA for his comments.	The Applicant has no further comments.
	<u>Part 7 - Article 41- (8) (d) - "Removal of Human Remains"</u>	The Applicant confirmed that this wording can be deleted from the draft DCO.	The Applicant has updated the dDCO submitted at Deadline 8 (REP8-002).
	The ExA asked whether Norfolk County Council and South Norfolk District Council are satisfied with the scope and terms of Article 41 having regard to cultural heritage and archaeological considerations local to the area and the inclusion of Requirement 9 and stated that if no one comments then he will take that as no objections.	<i>No comments by any party.</i>	The Applicant has no further comments.

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	The ExA asked whether any Interested Parties/Affected Persons or Applicant's comments pertinent to the wording of the dDCO.	<i>No comments.</i>	
Agenda Item 5: Miscellaneous Matters and AOB			
	The ExA asked for an update on Statements of Common Ground. Including confirmation of whether there is expected to be one agreed with Vattenfall Ltd.	<p>In relation to the Statement of Common Grounds (SoCG), the Applicant updates as follows:</p> <ul style="list-style-type: none"> • Environment Agency – the SoCG is agreed and awaiting execution. • Natural England – the Applicant has sent the SoCG to Natural England and awaits comments back. However, Natural England has not raised any issues. • Historic England – the SoCG is with Historic England and the Applicant awaits comments on the same. The Applicant is not expecting any issues. • Norfolk County Council – the SoCG is well progressed and a final close out meeting has been arranged in advance of Deadline 9. The Applicant hopes this will be agreed and signed by Deadline 9. • South Norfolk District Council - the SoCG is well progressed and a final close out meeting has been arranged in advance of Deadline 9. The Applicant hopes this will be agreed and signed by Deadline 9. • Network Rail, Cadent Gas, Anglian Water - the SoCG with each of these parties is agreed and is being executed. The Applicant hopes to submit a signed SoCG at Deadline 9. 	The Applicant has no further comments.

Ref	Questions / Issues Raised at ISH2 and Hearing Action Points	Summary of Applicant's Response at ISH2	Applicant's Additional Written Response
		<ul style="list-style-type: none"> Big Sky – the SoCG is well progressed and a final close out meeting has been arranged in advance of Deadline 9. The Applicant hopes this will be agreed and signed by Deadline 9. Vattenfall - there is not going to be a SoCG. 	
	The ExA asked the Applicant to explain why there is no Statement of Common Ground with Vattenfall Ltd.	The Applicant explained that none was required and the Applicant will explain this in writing.	<p>The Vattenfall Ltd works are remote from the project and as a result of this there are no specific issues to consider in excess of those associated with the typical use of the strategic road network.</p> <p>Vattenfall Ltd have been included in the Applicant's communication plans so that any restrictions on the use of the A47 or A11 will be shared with Vattenfall so that they can plan their works accordingly.</p>
	The ExA asked the Applicant to address any updates to Licenses and other Consents that are applicable.	<p>The Applicant provided an update as follows:</p> <ul style="list-style-type: none"> Bats – the Letter of no Impediment is to be submitted. Voles – the Letter of no Impediment has been submitted to examination, but may be returned to Natural England for an amendment. Badgers and Crested Newts - There are no badger or great crested newts found on site. However, the Applicant has commissioned precautionary surveys. The Applicant does not expect that letters will be required. 	The Letter of no Impediment for bats was submitted at Deadline 8 (REP8-015).

Ref	Questions / Issues Raised at ISH2 and Hearing Action Points	Summary of Applicant's Response at ISH2	Applicant's Additional Written Response
		Abstraction and Discharge Licenses - The Applicant has had discussions with the Environment Agency regarding abstraction and discharges licenses and no issues have been raised, but these will not be agreed before close of examination.	