

# A47 North Tuddenham to Easton

**Scheme Number: TR010038**

**Volume 9**

## **9.42 Applicant's Response to the Secretary of State's Third Request for Comments**

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

Planning Act 2008

July 2022

Infrastructure Planning

Planning Act 2008

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

A47 North Tuddenham to Easton  
Development Consent Order 202[x]

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**9.41 APPLICANT'S RESPONSE TO THE SECRETARY OF STATE'S  
THIRD REQUEST FOR COMMENTS**

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## **1 INTRODUCTION**

- 1.1.1 The Development Consent Order (DCO) application for the A47 North Tuddenham to Easton scheme was submitted on 15 March 2021 and accepted for examination on 12 April 2021.
- 1.1.2 The examination closed on 12 February 2022 and the Examining Authority submitted their recommendations to the Secretary of State on 12 May 2022.
- 1.1.3 This document sets out Highways England's (the Applicant's) response to the Secretary of State's Third Request for Comments issued on 19 July 2022.

## **2 KEY ABBREVIATIONS**

- 2.1.1 The following abbreviations may be used in the Applicant's responses:
  - ARN = Affected Road Network
  - CCC = Committee on Climate Change
  - dDCO = draft Development Consent Order
  - DMRB = Design Manual for Roads and Bridges
  - EIA = Environmental Impact Assessment
  - ES = Environmental Statement
  - ExA = Examining Authority
  - GHG = Greenhouse Gas
  - IEMA = Institute of Environmental Management and Assessment
  - LTP4 = Local Transport Plan 4
  - NPSNN = National Policy Statement for National Networks 2014
  - NWL = Norwich Western Link
  - the Scheme = the A47 North Tuddenham to Easton dualling scheme

### 3 APPLICANT'S RESPONSES TO THE SECRETARY OF STATE'S THIRD REQUEST FOR COMMENTS

No.	Question To	ExA Question	Response
1	The Applicant	<p>In response to questions asked in the Secretary of State's letter dated 27 June 2022 Natural England has provided a response.</p> <p>The Secretary of State invites comments from the Applicant on Natural England's response.</p>	<p>Section 3 of the Applicant's document '9.41 Applicant's Response to the Secretary of State's Second Request for Comments'<sup>1</sup> contains the Applicant's comments on Natural England's response to questions 1, 2 and 3 in the Secretary of State's letter dated 27 June 2022. The Applicant's response to Question 1 and its supporting Annex A, in document 9.41, also provides an update on the Applicant's discussions with Natural England with regards the bat LONI further information request submitted to the Secretary of State on 12 July 2022<sup>2</sup>.</p> <p>The only additional comment the Applicant wishes to make is in relation to the Applicant's commitment to consult Natural England on the design of the tree and shrub planting proposed at the northern extent of the Berry Hall Estate, beside the Wood Lane Junction southern roundabout, prior to seeking Secretary of State approval to of the landscape design. The Applicant would be happy to formally recognize this commitment by adding Natural England to the list of named statutory consultees under Requirement 5 of the Draft Development Consent Order, Rev.9 (<b>REP9-008</b>).</p>
2	The Applicant and All Interested Parties	<p>The Secretary of State would like to invite comments from the Applicant and all Interested Parties on the responses received to questions 1 to 5 in the Secretary of State's letter dated 27 June 2022.</p>	<p>The Applicant has already responded to the majority of the issues raised by Interested Parties' responses to the Secretary of State's letter dated 27 June 2022 within the following previous submissions:</p> <ul style="list-style-type: none"> <li>9.40 Applicant's Response to the Secretary of State's Request for Comments (15 June 2022).</li> <li>9.41 Applicant's Response to the Secretary of State's Second Request for Comments (08 July 2022).</li> </ul> <p>The only additional comments by the Applicant are as follows:</p>

<sup>1</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002240-National%20Highways%20-%20209.41%20Applicant's%20response%20to%20SoS%20Consultation%202.pdf>

<sup>2</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002249-Natural%20England%20-%20SoS%20Consultation%202%20further%20update%20email.pdf>

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			<p><b><u>Comments by Gordon Bambridge and Jacqueline Bambridge, 08 July 2022<sup>3</sup></u></b></p> <p>The Applicant welcomes the response from Gordon Bambridge and Jacqueline Bambridge that supports one of the many the benefits of the Scheme.</p> <p><b><u>Comments Made on behalf of Mr A C Meynell, 08 July 2022<sup>4</sup></u></b></p> <p>With regards the issues raised in this letter, the Applicant would direct the Secretary of State to document 9.34 'Applicant's Statement of Final Position' (<b>REP9-037</b>) which includes the following parts of the table in Section 6:</p> <ul style="list-style-type: none"> <li>• <b><u>Part 7</u></b> – outlines why the Applicant concurs with Natural England that the Inheritance Tax Act 1984 designation has only 'Scenic', not 'historic', status; Part 8 outlines how the historic buildings on the site were considered and that the assessment has been accepted by the relevant Statutory Environmental Bodies and Local Planning Authorities; see Statements of Common Ground with Historic England (<b>REP1-009</b>), Breckland Council (<b>REP4-004</b>) and Broadland District Council (<b>REP7-011</b>).</li> <li>• <b><u>Parts 10 and 11</u></b> – in response to the request for a screening bund, Part 11 confirms there is no requirement for the provision of a noise bund during operation of the Scheme and visual screening is provided by landscape planting, as illustrated within the Environmental Masterplan, Rev.4 (<b>REP8-011</b>). Part 10 confirms that measures to minimise impacts during construction (e.g. dust, vehicle emissions) would be delivered through dDCO (APP-017) Requirement 4 'Environmental Management Plan', which requires the second iteration version to be approved by the Secretary of State following consultation with the relevant planning authority. This plan includes Annex B.3 'Construction Noise and Dust Management Plan' to manage the risks to control emissions of dust and noise during construction. No significant adverse constructions effects are predicted at the Berry Hall properties; Environmental</li> </ul>

<sup>3</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002237-Gordon%20and%20Jacqueline%20Bambridge%20-%20SoS%20Consultation%20%20response.pdf>

<sup>4</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002238-A%20C%20Meynell%20-%20SoS%20Consultation%20%20response.pdf>

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			<p>Statement Figures 11.9 to 11.28 in APP-075 and APP-076 show no significant construction noise impacts during day time or night time, with mitigation in place. However, the Applicant has agreed to position the stockpiles of topsoil, temporally cleared for the construction work area, to provide a visual screening during construction. As stated in Part 10 of <b>REP9-037</b>, it is not possible to offer to permanently retain the temporary construction screening bund since the bund comprises the topsoil cleared from the compound and construction work area, so will be required to restore the land for agricultural use post construction.</p> <p>Finally, with regards providing reassurance of how Natural England would ensure the landscape mitigation planting meets their expectations, the Secretary of State is directed to the Applicant's response to the above Question 1 where the Applicant has proposed formally adding Natural England to the list of named statutory consultees under Requirement 5 of the Draft Development Consent Order, Rev.9 (<b>REP9-008</b>).</p> <p><b><u>Comments Made by Dr Andrew Boswell on behalf of Climate Emergency Policy and Planning (CEPP)<sup>5</sup> and Mr Robinson<sup>6</sup></u></b></p> <p>The contents of the representations of Dr Boswell's response "DfT Consultation 2: 8 July 2022" and Mr Robinson are addressed below by reference to the topics raised.</p> <p>Using Dr Boswell's terminology, with regards to 'absolute' and 'differential' emissions, Dr Boswell is not correct to assert that the identification and assessment of likely significant effects presented in the Environmental Statement should have been undertaken using absolute emissions. In accordance with regulation 14(2) and Schedule 4 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and DMRB LA 114 the Applicant has assessed the impact of the Scheme against the baseline and future baseline scenarios. The Applicant has therefore presented assessments that have</p>

<sup>5</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002243-Climate%20Emergency%20Policy%20and%20Planning-%20SoS%20Consultation%20%20response.pdf>

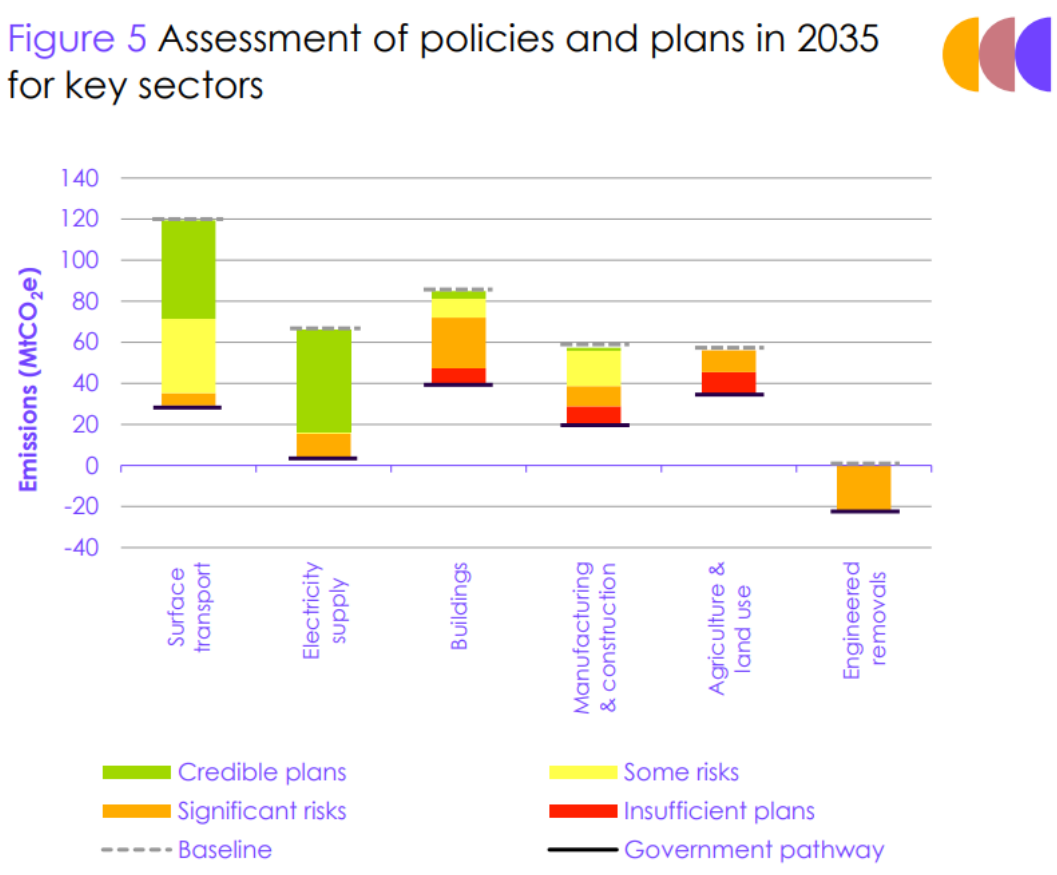
<sup>6</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-002242-Bryan%20Robinson%20-%20SoS%20Consultation%20%20response.pdf>

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			<p>been undertaken using differential emissions (the predicted difference in emissions over the do-minimum scenario). Dr Boswell uses absolute emissions (i.e. baseline emissions plus predicted emissions), which explains why his figures differ so significantly from those of the Applicant.</p> <p>The baseline adopted for the purpose of traffic modelling includes locally committed development (including the A47 Blofield to North Burlington nationally significant infrastructure project (NSIP) scheme, the A47 / A11 Thickthorn Junction NSIP scheme and the Norwich Western Link) within the traffic model along with other committed developments in the affected road network (ARN) for the Scheme (which is not identical to the ARN for each of the other schemes). Environmental Statement (ES) Chapter 14 sets out at Table 14-10 the baseline which includes the carbon emitted by the locally committed development and other developments within the ARN for the Scheme. The Total (Do Something) row sets out the forecast emissions of the other development in cumulation with the Scheme. Thus, the ES identifies the total carbon emissions of the Scheme and the other developments described above on a cumulative basis.</p> <p><b>Committee on Climate Change Progress Update, 29<sup>th</sup> June 2022</b></p> <p>The Committee on Climate Change (CCC) has a statutory duty under the Climate Change Act 2008 to lay before Parliament an annual report setting out the Committee's views on the progress that has been made towards meeting carbon budgets, the further progress needed to meet those targets and whether the budgets and the 2050 target are likely to be met. On 29<sup>th</sup> June 2022 the CCC published its report for 2022 Report to Parliament on Progress<sup>7</sup> in reducing emissions. The Secretary of State must lay a response to this report before Parliament no later than 15<sup>th</sup> October 2022 (unless this period is extended by order).</p> <p>Notwithstanding the recommendations to Government that the CCC makes in its 2022 Progress Report, the Applicant has already set out in "Net zero highways: Our 2030/2040/2050 plan" its programme for achieving net zero carbon travel on the strategic road network. The Applicant's Net zero highways plan records the CCC forecast that traffic</p>

<sup>7</sup> **Climate Change Committee (2022)** *Progress in reducing emissions 2022 Report to Parliament*. Available at: <https://www.theccc.org.uk/publication/2022-progress-report-to-parliament/>



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			<p>levels will be higher than today in 2050, even taking account of the ambitious actions in the Sixth Carbon Budget. The plan explains why roads have to be net zero and sets out the Applicant's commitments to achieve its 2030, 2040 and 2050 emission targets so that it aligns with the 1.5°C reduction goal of the Paris Agreement, the UK's commitment to be a net zero economy by 2050, the Government's Decarbonising Transport: A Better, Greener Britain (2021) (Transport Decarbonisation Plan) and Industrial Decarbonisation Strategy, and the CCC's sixth carbon budget.</p> <p>At a project level, both the Case for the Scheme (<b>APP-140</b>) and Norfolk County Council Local Transport Plan 4 (LTP4) make clear the need for the Scheme for reasons that are material considerations in the determination of the application for the DCO.</p> <p>The concerns raised by Dr Boswell regarding the CCC's 2022 Progress Report do not detract from the need for the Scheme or the Applicant's own commitment to the Transport Decarbonisation Plan objectives and the 2050 net zero target. The CCC Progress Report recognises in respect of transport the positive progress around the choice to adopt electric vehicles ("the biggest source of emissions reduction"). The Applicant notes that the transport sector is one of three sectors in the economy that have not been criticised by the CCC for having insufficient plans in place, and that the CCC assesses that the level of significant risk on delivering sufficient carbon reductions is relatively low in comparison to other sectors (see below Progress Report Figure 5: Assessment of policies and plans in 2035 for key sectors).</p> <p>It is not for project level examination to challenge Government policy and in any event the CCC 2022 Progress Report does not support the claim by Dr Boswell that "no weight can be given" to the proposition that the net zero strategy and TDP will be effective in progressing to delivery of the legally binding 2050 net zero target.</p>

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			<p><b>Figure 5 Assessment of policies and plans in 2035 for key sectors</b></p>  <p>Source: CCC (2020) <i>The Sixth Carbon Budget</i>; BEIS (2021) <i>Net Zero Strategy: Build Back Greener</i>; DfT (2022) <i>Jet zero: further technical consultation</i>; BEIS (2021) <i>Energy and emissions projections: Net Zero Strategy baseline</i>; CCC analysis.</p> <p>Notes: The baseline is an adjustment to the Government's Net Zero Strategy baseline, with the impact of some policies removed so that they can be assessed. Global warming potentials from AR5 without feedback are used.</p>

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			<p><b>Traffic Modelling</b></p> <p>Information on traffic modelling is provided within the Case for the Scheme (<b>APP-140</b>) and queries regarding the transport model have been provided within Agenda Item 3: Transport and Traffic D of the Applicant's Oral Submissions of ISH2 (<b>REP4-015</b>).</p> <p>Contrary to the claims of Dr Boswell and Mr Robinson, the Applicant has undertaken a lawful cumulative assessment of the Scheme in accordance with the EIA Regulations.</p> <p>The net greenhouse gas (GHG) impacts of the Scheme have been assessed and reported within the context of national carbon budgets. The approach to climate assessment within the methodology set out in DMRB LA 114 is inherently cumulative through the inclusion of the Scheme and other locally committed development within the traffic model on which the GHG emissions calculations is based, and through the consideration of the Project Scheme against the UK carbon budgets. The assessment of construction stage emissions is based on design data and estimates of construction activity. The assessment of operational emissions is based on the validated traffic model for the Scheme (as directed by DMRB LA 114). These are then presented in the context of the national carbon budgets for the periods where budgets have been set. The total emissions are presented in the context of the relevant carbon budget period in which they are expected to fall.</p> <p><b>Institute of Environmental Management and Assessment (IEMA) Guidance</b></p> <p>There is no set significance threshold for carbon. IEMA guidance (IEMA, 2022) indicates that the crux of significance is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether the project contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050 (see section 6.2 of the IEMA guidance).</p> <p>The IEMA guidance addresses significance principles and criteria in section 6.3 and Figure 5 and advises (amongst other things) that:</p> <ul style="list-style-type: none"> <li>a project that follows a 'business-as-usual' or 'do minimum' approach and is not compatible with the UK's net zero trajectory, or accepted aligned practice or area-based transition targets, results in significant adverse effects;</li> </ul>

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			<ul style="list-style-type: none"> <li>a project that is compatible with the budgeted science-based 1.5 degree Celsius trajectory (in terms of rate of emissions reduction) and which complies with up-to-date policy and 'good practice' reduction measures to achieve that has a minor adverse effect that is not significant - such a project may have residual emissions but it is doing enough to align with and contribute to the relevant transition scenario to keep the UK on track towards net zero by 2050 with at least a 78% reduction by 2035 and thereby potentially avoiding significant adverse effects; and</li> <li>a project that achieves emissions mitigation that goes substantially beyond the reduction trajectory, or substantially beyond existing and emerging policy compatible with that trajectory, and has minimal residual emissions, is considered to have negligible effect that is not significant and such a project is playing a part in achieving the rate of transition required by nationally set policy commitments.</li> </ul> <p>The adoption of a net zero target does not mean that consent cannot be granted for development that will increase carbon emissions; rather, as set out in paragraph 5.18 of the NPSNN, it is necessary to continue to evaluate whether (amongst other things) the increase in carbon emissions resulting from a proposed development would have a material impact on the ability of Government to meet its carbon reduction targets.</p> <p>The Government has adopted the carbon budgets in order to meet the goals of the Paris Agreement. Thus, a proposed development that is compatible with the 2050 target and interim carbon budgets is consistent with the approach to addressing the adverse effects of climate change. This aligns with the approach to significance set out in the IEMA guidance (IEMA, 2022). The approach set out in the NPSNN continues to be relevant in light of international obligations and domestic obligations related to reducing carbon emissions that have come into force since the NPSNN was designated. It is also to be noted that the carbon budgets are economy-wide and not just targets in relation to transport.</p> <p><b>LTP4</b></p> <p>The Applicant's position on LTP4 is set out in the 9.41 Applicant's Response to Secretary of State Second Request for Comments.</p> <p>Norfolk County Council and the Applicant have agreement on climate and carbon neutrality</p>

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			<p>objectives in respect of the Scheme at reference numbers 43 and 102 of the Statement of Common Ground (<b>REP9-019</b>).</p> <p>It is noted that Dr Boswell has used absolute emissions in his representations on LTP4 and has applied the non-statutory carbon budget set out in the LTP4 Implementation Plan in a way that is not proposed in that document. Although LTP4 sets out a non-statutory transport carbon budget, it has not presented a methodology to determine how this would be relevant in decision-making and there are many considerations that will need to be addressed in order for that to be the case, including how transport carbon effects would be taken into account alongside carbon effects in other sectors, the circumstances in which emission increases could be offset by reductions in other sectors and whether the transport carbon budget figures would be relevant in determining what may or may not be a significant impact for either EIA or planning purposes. The LTP4 Implementation Plan states at Policy 6, under Objective 2, that carbon mitigation and budgets will be embedded into future guidance reviews, setting out objectives and targets. At this time, therefore, there is no statutory carbon budget or carbon reduction targets at less than a national level and the only relevant policy guidance is that set out in the NPSNN.</p> <p><b>The Queen (on the application of (1) Friends of the Earth Limited (2) ClientEarth (3) Good Law Project and Joanna Wheatley v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin)</b></p> <p>The Applicant has noted the recent judgment of Mr Justice Holgate that found the Net Zero Strategy laid before Parliament in October 2021 lacked any quantitative assessment of the contributions expected to be made by individual policies to reductions in GHG emissions, and also because the report did not reveal that the quantitative analysis put before the Minister left a shortfall against the reductions required by CB6, or how that shortfall was expected to be met. The court has ordered the Secretary of State to lay before Parliament a fresh report under section 14 before the end of March 2023. The Net Zero Strategy has not been quashed.</p> <p>The Applicant has noted above the Committee on Climate Change assessment that the level of significant risk on delivering sufficient carbon reductions is relatively low for transport in comparison to other sectors. Recommendations to Government in respect of transport</p>

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			<p>are substantially concerned with electric vehicle charging infrastructure, conventional vehicle efficiency, public transport, car demand (fiscal policy), zero-emission heavy good vehicles, electric cars and vans and active travel, all of which are measures that should reduce the GHG emissions from the operational life of the Scheme. The CCC makes two recommendations regarding future road building, one directly involving the Applicant but applying to RIS3: <i>"In further developing their thinking on Roads Investment Scheme 3, DfT and National Highways must rigorously assess the emissions impacts of these plans and thoroughly consider alternative approaches that could deliver similar benefits with lower emissions. The strategy should not aim to cater for unconstrained growth in road traffic and should be compatible with Net Zero."</i></p> <p>National Highways has already set out commitments to taking fast action to achieving net zero greenhouse gas emissions across their own operations, maintenance and construction and road user emissions in the Net Zero Highways Plan, aligned with the UK's commitment to be a net zero economy by 2050.</p>