
The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order

Applicant's comment on Written
Representations by
CPRE Norfolk
Norwich Green Party,
Norfolk & Norwich Transport Action Group,
Stop Norwich Urbanisation
Hockering Parish Council

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

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Introduction

This document provides the Applicant's responses in respect to the 6 individual issues raised by the following in their Written Representation to the Examining Authority dated 30 June 2014. The Written Representation covers many issues. Some of these have been addressed elsewhere (including the Applicant's comments on Relevant Representations, and the Applicant's comments on other Written Representations). Therefore a limited selection of issues raised have been extracted and comments provided.

- CPRE Norfolk
- Norwich Green Party,
- Norfolk & Norwich Transport Action Group,
- Stop Norwich Urbanisation
- Hockering Parish Council

The points have been responded to where possible in the order they were raised. Each issue, or in some cases a summary of it, is shown in italics.

Applicant's comment on Written Representations

Representation

- 1.1. *Norfolk County Council Changed the NDR from a Local Road Scheme to a 'Nationally Significant' Project to the Detriment of Local People (1988 – Present)*

Applicant's comment

- 1.1.1. Progression of the Scheme through the Development Consent Order process (i.e. as a nationally significant infrastructure project) in accordance with the Planning Act 2008 is not detrimental to local people (nor anyone else) in any way. The process is established through statute, is sanctioned by Government as being reasonable for the determination of proposals for infrastructure and provides a clear procedure for the involvement of all parties. Local people have been invited to participate in the Examination process, and previously had opportunities to be involved in both non-statutory and statutory pre-application consultation.
- 1.1.2. Section 2.7.4 to 2.7.8 of the Pre-application Consultation Report (Document Ref 5.1) outlines Norfolk County Councils (NCC) reasoning for its view that the NDR is a development for which development consent is required. This includes a chronology of events prior to the application for a DCO being made, which states that in December 2012, the applicant decided to promote the NDR as a Nationally Significant Infrastructure Project (NSIP). At that time the NDR fell within the definition of a NSIP set out in Section 22(2) of the Planning Act 2008 (as it then was) because it was to be constructed for a purpose connected with the A47(T) .

- 1.1.3. Publication of the notice stating where and when the Statement of Community Consultation (SOCC) could be inspected took place on 21 June 2013 and on 28 June 2013, with the first publication exhibition held on 8 July 2013. The Section 48 Notices were published on 12 July 2013 and 19 July 2013. The programme of public exhibitions ran until 12 August 2013. Section 42 consultation letters were issued on 30 July 2013 and representations under all three strands of consultation were invited until 20 September 2013. Further information on the consultation is set out in the rest of the Consultation Report.
- 1.1.4. On 24 July 2013 the Highway and Railway (Nationally Significant Infrastructure Project) Order 2013 (S.I. 2013/1883) (the Highways Order) was made and the Order came into force on 25 July 2013. This was some weeks after the start of the statutory consultation process referred to above. The Order amended Section 22 of the Planning Act 2008 so that a project such as the NDR would not (from 25 July 2013 onwards) fall within the definition of a NSIP. The Secretary of State made the Direction on 9 August 2013. The effect of the Direction on the validity of the pre-application consultation is set out at sections 2.7.1 to 2.7.3 and 2.7.10 to 2.7.17 of Document Ref 5.1.
- 1.1.5. On 25 July 2013, the applicant submitted a qualifying request to the Secretary of State for a direction under Section 35(1) of the Planning Act 2008 that the NDR was a project of national significance and so should be treated as development for which development consent was required.

Representation

1.2. <i>The failure of the consultation process between 2003 and 2013</i>

Applicant's comment

- 1.2.1. NCC's consultations, as described in Section 3.2 of the Pre-Application Consultation Report (Document Ref. 5.1), undertaken on the NDR sought comment on route options for the NDR between the A47 near Postwick and the A47 to the west of Norwich. These consultations and further consultation work undertaken in 2004 and 2005 helped to inform the decision made by its Cabinet in September 2005 to agree an adopted route for the NDR. This route was between the A47 at Postwick and the A1067 near Attlebridge (i.e. no link between the A1067 and A47) and it has not significantly changed up to the statutory pre-application consultations undertaken in accordance with Planning Act 2008. The statutory pre-application consultation included consultation on the principle of and need for the NDR and on alternative ways of meeting the need and on the route of the NDR (as set out in the Statement of Community Consultation in Appendix J of Document Ref 5.1).
- 1.2.2. All consultations undertaken since 2005 have shown the route of the NDR as being from the A47 at Postwick and the A1067 near Attlebridge. More recently these have included the statutory pre-application consultations and the consultations also undertaken in April/May/June 2012 and February/March 2013 (as described in 3.3 and 3.4 of the Pre-application Consultation Report (Document Ref 5.1)). During these consultations there was the opportunity to comment on the route as well as on alternative ways of meeting the need.

Representation

1.3. *The illegitimacy of the NSIP pre-application consultation on Norwich Northern Distributor Road (Summer 2013)*

Applicant's comment

1.3.1. Refer to Para 1.1.1 to 1.1.5 above.

Representation

1.4. *The lack of consultation with affected parish councils*

Applicant's comment

1.4.1. Section 56 of the Planning Act 2008 outlines how and who NCC is required to notify regarding the acceptance of the DCO application and that it will be moving forward to examination. In accordance with this section of the Planning Act 2008 NCC placed a Section 56 Notice in both local (on 14 and 21 February 2014) and national newspapers (on 14 February 2014) and sent a copy of this notice to:

- local authorities, the Planning Act 2008 states that the local authorities (both at County and District level) to be notified are those through which the NDR passes together with their neighbouring authorities,
- prescribed consultees, the list of these being identified by The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009,
- those with a interest in land affected by the NDR.

1.4.2. With regard to parish councils, although the relevant legislation only requires NCC to consult parish council's in whose area the scheme is located, it decided to adopt similar principles as for the local authorities and also notified neighbouring parish councils.

Representation

1.5. <i>The disappearance of consultation responses from key objectors</i>
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Applicant's comment

- 1.5.1. NCC received over 1400 responses to its consultations under Section 47 of the Planning Act, which commented on a wide range of issues associated with the NDR proposals. NCC is aware that three submissions made by Norwich Green Party, CPRE and SNUB were on the balance of probabilities received but unfortunately were not logged. In respect of these submissions, the Planning Inspectorate has concluded that the points raised in them had been raised by other consultees and therefore are covered in the Consultation Report. A legal point raised about the changes to the legislation during the consultation process was addressed in any event in the Consultation Report (as referred to in section 2.8.10 above) In addition there will be further opportunity for these comments to be considered during the examination process.
- 1.5.2. The County Council's Head of Procurement carried out an extremely thorough investigation, and although he was unable to arrive at a definitive view as to what happened, NCC have apologised to the Green Party, SNUB and CPRE. The full report has now been published (Review into missing submissions to Norwich Northern Distributor Road consultation process - included within Appendix A of NCC/EX/4 Applicants Comments on Relevant Representations) No other individuals or groups have come forward suggesting that their submissions have not been included within the consultation report.

Representation

<p>1.6. <i>NCC's misrepresentation of consultation responses to PINS, NCC elected members and the public.</i></p>

Applicant's comment

1.6.1. The volume of respondents objecting to scheme is considered small when compared to the overall number of people consulted. It is approximately 2% of the 57,000 residential and business addresses sent consultation letters. The proportion of respondents opposed to the scheme is considered a reflection of the area of consultation. i.e. that the consultation focused on the areas most directly affected rather than areas further afield, which are likely to benefit from the NDR and future NATS measures that depend on the NDR. NCC's analysis of the Section 47 and 48 consultation responses is contained in Chapter 5 of the Pre-application Consultation Report (Document Ref 5.1), with the key issues identified highlighted in Section 5.4 and is considered not to be a misrepresentation of the consultation responses.