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

Applicant's comment on Written Representations by Colney 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 of selected issues raised by Colney Parish Council in their Written Representation to the Examining Authority published 3 July 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.

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. *The JCS has undergone a series of modifications and adoptions, the latest being a few months ago, none of which has been the subject of clearly transparent public consultation. A straw poll conducted by CPRE indicated that less than 10% of the public had even heard of the JCS.*

Applicant's comment

- 1.1.1. The Joint Core Strategy is an adopted plan. It has been subject to public examination and found to be legally compliant and sound. The adequacy of public consultation is part of the assessment of legal compliance.

Representation

- 1.2. *Before the consultation had finished NCC requested the scheme should be treated as a Nationally Significant Infrastructure Project (NSIP) without presenting arguments for the need for this process.*

Applicant's comment

- 1.2.1. Section 2.7.4 to 2.7.8 of the Pre-application Consultation Report (Document Ref 5.1) outlines NCC's 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 included works to be constructed for a purpose connected with the A47(T).

- 1.2.2. Publication of the notice stating where and when the 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.
- 1.2.3. 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.
- 1.2.4. 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

1.3. *Detailed responses to the consultation by the Green Party, CPRE and SNUB, representing thousands of local people, were lost by NCC and not recorded in the responses. Despite this “loss” nearly 80% of responses opposed or expressed serious concerns about the proposals and the overwhelming opposition, concerns over legal procedures and lost responses, the Planning Inspectorate allowed the application to be submitted under NSIP procedures.*

Applicant's comment

1.3.1. 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.

- 1.3.2. 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.
- 1.3.3. 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.

Representation

1.4. *This NSIP Inquiry is a cumbersome process of attrition that seems to be designed to get people to give up on the whole business. It is incredibly biased against opponents and those with concerns about the NDR. Councils with the resources of taxpayers' money can afford to employ planners and legal advisors to present their case over months and big businesses with deep pockets can do the same*

Applicant's comment

1.4.1. Whilst these concerns are noted the Applicant has complied fully with the requirements of the process and has completed significant consultations in relation to the Scheme to engage with as many people as possible.

Representation

1.5. *Under the JCS some 37000 houses are planned around Norwich; the developments proposed to the North and East of Norwich including the NDR form part of that strategy. Some 15,000 houses and associated business and retail parks are being plonked down on communities by councils and government.*

Applicant's comment

1.5.1. The level of housing and employment provision in the JCS is required to meet the objectively assessed need to support economic, household and population growth. This has been determined by the local plan process which is the appropriate mechanism. The JCS legitimately and appropriately takes account of the plans of the transport authority and the highway authority (i.e. NCC) including the proposals for NATS and the NDR. The JCS proposals for growth to the north east of Norwich were subject to examination as recently as 2013 and found sound.

- 1.5.2. The NDR is identified as Priority 1 infrastructure for the delivery of the Strategy. However, it is not appropriate to use the DCO examination of the NDR as an opportunity to re-run arguments about whether the JCS planned growth in housing and employment is the appropriate spatial strategy for Greater Norwich. That was a matter that was fully investigated, tested, and settled by the JCS process.

Representation

- 1.6. *A demographic study by NCC appears to support the GNDP statement that the driving force behind so many houses was inward migration from the EU by revealing that some 50,000 EU nationals came to Norfolk in one year and applied for national insurance registration. Most of these will be hard working people but should the house building and employment strategy for the Norwich area be based on relying on labour from the EU?*

Applicant's comment

- 1.6.1. See Para 1.5.1 above

Representation

1.7. *The Local Impact Report (LIR) contains an account of traffic studies comparing existing conditions with those that would exist in 2032 if the NDR was built and if there was no NDR, assuming growth had occurred. This includes nearly all radial routes across the NDR. In the majority of these cases if the NDR were not built there would be less traffic.*

Applicant's comment

- 1.7.1. It is not true that if the NDR were not built in the majority of cases there would be less traffic.
- 1.7.2. Vol 1 Section 7 of the Traffic Forecasting Report (Document Ref. 5.6) describes the changes in traffic and network performance that would occur with the implementation of the NDR. This describes the changes in strategic traffic movements, including on routes crossing the River Wensum west of Norwich, and in suburban areas of the city. Table 7.2 shows that changes in suburban areas of Thorpe St Andrew, Old Catton, Hellesdon and Drayton which shows reductions in traffic, including reductions on radial routes.
- 1.7.3. In general, traffic flows travelling through the city would be reduced significantly with the NDR. The analysis shows that through the city centre the forecast traffic in 2032 would be almost half of that in the 2012 base year as a result of city centre measures. Traffic forecasts on the Inner Ring Road would be reduced in 2017 and 2032 to levels only just higher than in the base year. On the Outer Ring Road forecast traffic would reduce to levels below those in the base year.

Representation

1.8. *It is not explained how or why the wide spread reductions in existing traffic would occur by 2032. Housing, business and retail developments and related infrastructure are planned around the NDR. The some 15,000 houses planned around the NDR would generate over 100,000 new traffic movements a day. It is difficult to understand how there can be any significant reduction in existing flows in these circumstances especially in the Growth Triangle and larger fringe parishes.*

Applicant's comment

- 1.8.1. Vol 1 Section 7 of the Traffic Forecasting Report (Document Ref. 5.6) describes the changes in traffic and network performance that would occur with the implementation of the NDR.
- 1.8.2. Traffic forecasts have been made in accordance with Department for Transport guidance set out in WebTAG and has taken account of the full implementation of the Joint Core Strategy. The forecast traffic includes all the generated traffic from the development sites in Norwich, South Norfolk and Broadland. This is set out in section 5 of the Traffic Forecasting Report (Document Ref. 5.6).
- 1.8.3. Section 7 of the Traffic Forecasting Report (Document Ref no. 5.6) sets out the traffic impact that would occur with the implementation of the proposed transport interventions compared to conditions without the Scheme. On the basis of comparing these two forecasts it shows that there would be substantial reductions in traffic on existing orbital routes as a result of the reassignment of strategic traffic to the NDR. There would also be substantial reductions on the proposed developer link roads which would not be appropriate routes for carrying strategic traffic.

- 1.8.4. Traffic levels would be reduced on the Outer Ring Road. Traffic flows in the city centre would also be reduced substantially as a result of the city centre measures that could be implemented with the introduction of the NDR. These reductions in traffic would benefit pedestrian movement.
- 1.8.5. Paragraph 4.4.6 of the Forecasting Report (Ref No 5.6) shows a list of complementary traffic management measures that are proposed for Norwich city centre in conjunction with the NDR, with the aim of discouraging through car trips and reducing the dominance of traffic in certain areas. These measures will improve pedestrian movements in the city centre, an area of high pedestrian density.
- 1.8.6. The traffic modelling takes account of the full range of existing and forecast travel across Norwich, both radial and orbital movements. NDR results in reductions in traffic on inappropriate routes and reductions in traffic on the radial routes into the city centre. These impacts are explained in Section 7 of the Traffic Forecasting Report.

Representation

- 1.9. *It is important that if an NDR including an extension to the A47 is being considered that a new application for the new NDR is presented in a fresh consultation document*

Applicant's comment

- 1.9.1. A road linking the A1067 and the A47(w) would have to cross the Wensum Valley, which is designated a SAC under the European Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora - often referred to as the Habitats Directive. An assessment of options across the Wensum Valley concluded, in 2005, that significant impacts on the SAC would be likely, and there was doubt as to whether, under the terms of the Habitats Directive, it would be possible to design an acceptable scheme. This in turn raised the prospect that consent for a wider scheme including such a link might not be granted. On 19 September 2005, the applicant's Cabinet resolved to have no NDR link between the A47(w) and the A1067. It therefore did not form part of the adopted route. At its meeting of 16 September 2013 the meeting of the Norfolk County Council resolved to recommend to Cabinet that they submit an application for a DCO in respect of the NDR as proposed (i.e. between the A47 at Postwick and the A1067 near Attlebridge) and to also commission a report on a feasibility study of providing a link across the Wensum Valley from the A1067 to the A47(w).

- 1.9.2. Whilst at its meeting of 7 October 2013 the applicant’s Cabinet resolved that a “scoping report on the feasibility of providing a link across the Wensum Valley from the A1067 – A47 be written once consultation work was completed”, this study has not been carried out and there is therefore currently no proposal establishing the form any link between the A1067 and A47(w) would take, or indeed whether any such link is feasible. The Transport Assessment for the NDR (Document Ref 5.5.) shows that the NDR can provide substantial benefits without a further link between the A1067 and A47(w) and that the NDR will reduce daily traffic on existing routes between the A1067 and the A47(w) between

Representation

- 1.10. *The NDR LIR gives a misleading impression of the whole spectrum of issues facing the people of Norwich and surrounding communities by 2032. It does not appear to consider the effects of development, transport and other issues holistically. The report presented to the Environment, Development and Transport committee of NCC gives the impression that by 2032 traffic in the Norwich area will experience substantial decreases from existing traffic levels.*

Applicant’s comment

- 1.10.1. Please refer to Para1.7.2 to 1.7.3 above.
- 1.10.2. The traffic modelling takes account of the full range of existing and forecast travel across Norwich, both radial and orbital movements. NDR results in reductions in traffic on inappropriate routes and reductions in traffic on the radial routes into the city centre. These impacts are explained in Section 7 of the Traffic Forecasting Report.