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

Applicant's comment on Responses to ExA First Questions

Planning Act 2008

Infrastructure Planning

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

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Introduction

This document contains Norfolk County Council's comment on a selected number of responses to the ExA first questions.

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Applicant's comment on Responses to ExA First Questions

1.1. Norfolk County Council (relevant planning authority) – Dated July 2014

Response to ExA First Questions Q2.14

Paragraph 15.2 of the submitted joint LIR requests certain amendments to the DCO requirements, including a request to amend requirement 5, landscaping to include a period of 5 years maintenance (see LIR, DCO Requirement 5 (4)). Similarly, a 5 year monitoring period would be a more appropriate monitoring period to assess the successful establishment of new created habitats.

Applicant's comment

- 1.1.1. The Applicant agrees to amend the maintenance period to 5 years, in addition and in line with Natural England's response on this issue (refer to Para 1.3.2 below) monitoring will be carried out at years 1, 3 and 5. The next version of the draft DCO, to be submitted by noon on 8 September 2014, will include amended text.

Response to ExA First Questions Q14.3

The Lead Local Flood Authority consider that in catchment OL12, in the culvert blockage scenario there is indicated a potential impact on adjacent property. It is unclear the depth or duration of this flood extent. Clarification of the risk posed to people, property and infrastructure should be explained as part of the detailed drainage strategy.

Applicant's comment

- 1.1.2. The Applicant has provided flood depths as part of Addendum to the Environmental Statement Volume 1: Chapter 14 and Volume 2: Chapter 21 Flood Risk Assessment.

- 1.1.3. At Overland Catchment Area 12, the Applicant considers this risk to be very low, as Plan No MMD-233906-DT-0948 in the Drainage and Surface Water Management Plans (Document Ref 2.11) shows the flooding extent that would be reached for a 1 in 100 storm event plus a simultaneous complete blockage of the culvert at chainage 10800.

1.2. Environment Agency – Dated 21 July 2014

Response to ExA First Questions Q2.8

We consider that the applicant should be responsible for monitoring. We recommend that water table and water quality monitoring should be undertaken during construction and for five years post construction. Water quality and post construction water table monitoring are not currently included in the submitted draft CEMP, but the draft does include sections on post construction ecological monitoring at this location (A.10.49 & A.10.50). However, we do question whether the CEMP is the best mechanism for securing post-construction environmental monitoring, and whether inclusion within a requirement of the DCO would be more appropriate.

Applicant's comment

- 1.2.1. The Applicant agrees to post construction monitoring requirements at years 1, 3 and 5, details of will be included within the next version of the draft DCO, to be submitted by noon on 8 September 2014, within the schedule of required mitigation.

Response to ExA First Questions Q2.13

Whilst a suite of appropriate ecological mitigation measures are referenced within the CEMP, it currently lacks details of the precise measures that will be implemented for each of the ecological receptors. A detailed action plan, setting out details (e.g. location, timing, methodology) of each of the mitigation measures that it is proposed to implement would improve confidence that the measures relied upon in the ES will be appropriately secured, implemented and monitored. However, we recognise that this could be achieved by the implementation of Requirement 7: Ecology.

Applicant's comment

- 1.2.2. Details of the required post construction monitoring will be included with the Landscape and Ecological Management Plan (LEMP). However they will

also be included within the DCO schedule of required Mitigation and secured through that process

Response to ExA First Questions Q15.31

We currently have outstanding areas of concern in respect of mitigation to ensure the protection of groundwater. The risks to groundwater are further detailed in our response to Q14.1. While it is proposed that we will be included as consultee for Requirements 15 and 25, key design principles are currently not proposed to be incorporated, and we are therefore concerned that it will not be possible to secure these mitigation measures post-approval.

Applicant's comment

- 1.2.3. The SUDS Manual (CIRIA C697 - 2007) provides guidance on the design, construction and maintenance for sustainable drainage systems (SUDS).
- 1.2.4. The Applicant acknowledges that three stage treatment steps are not provided in all instances. However, the Addendum to the Environmental Statement Volume 1: Chapter 14 and Volume 2: Chapter 21 Flood Risk Assessment provides further assessment of the treatment stages proposed and the risk of accidental spillage and routine road run off to groundwater.
- 1.2.5. This concludes that during operation of the scheme the overall affect to groundwater quality is likely to be neutral to slightly beneficial.
- 1.2.6. The Applicant and the Environment Agency currently disagree that the proposed treatment steps are appropriate. Both parties will continue to work together to resolve this matter.

1.3. Natural England – Dated 21 July 2014

Response to ExA First Questions Q2.13

Natural England is not satisfied currently. The CEMP is a document which requires further details on its relationship with the ecological management plan. The wording of the DCO needs amendment in the following places:

A model requirement for EPS needs to be included in relation to bats and great crested newts.

R7 – We are satisfied with the wording except with the term ‘advance works’

R19 – We are satisfied with the wording except with the term ‘advance works’

Applicant’s comment

1.3.1. The Applicant is discussing with Natural England the relationship between the CEMP and the ecological management plan, and the appropriate provisions in relation in relation to bats and great crested newts. The reference to “advance works” has now been removed from all the requirements in Schedule 2.

Response to ExA First Questions Q2.14

It is usual practice for the monitoring of newly created habitats to be undertaken over a longer period than 2 years, often over 5 year period, although it may not be necessary to monitor every single year (e.g. years 1, 3 and 5).

Applicant’s comment

1.3.2. The Applicant agrees to amend the maintenance period to 5 years. Refer to Para 1.1.1 above.

Response to ExA First Questions Q15.7

Reference is made to the two bat houses under Work Number 16(ix) in Schedule 1 Authorised Development in the DCO so there is no need to repeat this in the DCO. On a related matter, it is unclear why there is only one reference to one of the bat gantries on a specific section of the road (under Work Number 8(ii)), with the rest of the bat gantries being referred to in the footnotes (i) after the end of Work Number 24(iii). Natural England advises that there should be a specific reference to each gantry in each relevant Work Number in the DCO.

Applicant's comment

1.3.3. In the version of the draft DCO submitted on 21 July 2014 the individual bat gantries have been included within the relevant work no's.

1.4. CPRE Norfolk – Dated 21 July 2014

Response to ExA First Questions Q10.3

CPRE response on the benefits of the section of road between the A140 to A1067, the complete text has not been repeated.

Applicant's comment

- 1.4.1. Refer to Applicants comments on point raised at the open floor hearings NCC/EX/45.

Response to ExA First Questions Q10.9

CPRE response on traffic management measures to reduce traffic cutting through to the A47, the complete text has not been repeated.

Applicant's comment

- 1.4.2. Refer to Applicants comments on point raised at the open floor hearings NCC/EX/45.

1.5. Norwich and Norfolk Transport Action Group – Dated July 2014

Response to ExA First Questions Q2.4

The Do-Something traffic flows show an additional ADDT two-way 2500 vehicle trips along the Acle Straight IN 2030. An Appropriate Assessment is required to establish whether additional emissions, noise pollution and severance could impact on biodiversity and habitats of international importance (SPA/SAC/Ramsar/SSSI) along the Acle Straight. This is an “indirect” effect that should be covered by EIA and Habitat Regulations Assessment. The Habitats Directive pits the onus on developers to show that developments would not impact to Natura 2000 sites.

Applicant’s comment

- 1.5.1. Refer to Applicants comments on point raised at the open floor hearings NCC/EX/45.

Response to ExA First Questions Q2.4

We also consider that an Appropriate Assessment should be undertaken for the River Wensum SAC at this stage, NCC is intent on building the NDR across the River Wensum. If a DCO for the three quarters NDR is permitted, it would very difficult to stop completion of a full NDR, hence the need to understand the consequences as part of the process of examining the current scheme.

Applicant’s comment

- 1.5.2. Refer to Applicants comments on point raised at the open floor hearings NCC/EX/45.