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

Statement of Common Ground between Norfolk County Council and Network Rail Infrastructure Ltd.

Planning Act 2008

Infrastructure Planning

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

PINS Reference Number: TR010015

Document Reference: NCC/EX/6

Author: Norfolk County Council

Version	Date	Status of Version
0	21 st July 2014	Final

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1.1 Network Rail Infrastructure Ltd

The following document is a Statement of Common Ground prepared by Norfolk County Council and Network Rail Infrastructure Ltd.

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NORWICH NORTHERN DISTRIBUTOR ROAD

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

Planning Inspectorate Scheme Reference TR010015

STATEMENT OF COMMON GROUND

Between

Norfolk County Council

and

Network Rail Infrastructure Limited

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Rev 4	21/7/14	Final

Norwich Northern Distributor Road (PINS Scheme Ref No: TR010015)
Statement of Common Ground between
Norfolk County Council and Network Rail Infrastructure Limited

1.0	Introduction
1.1	Norfolk County Council is applying to the Secretary of State for an Order to construct the Norwich Northern Distributor Road ("NDR") pursuant to section 37 of the Planning Act 2008 ("the Act").
1.2	<p>The main aspects of the NDR project are:</p> <ul style="list-style-type: none"> • The construction of a 20.4km primarily dual carriageway road from the A1067 Fakenham Road near Attlebridge to the A47 Trunk Road at Postwick. • Construction of new roundabout junctions with the A1067 Fakenham Road, C262 Fir Covert Road, C261 Reepham Road, C282 Drayton Lane, B1149 Holt Road, B1150 North Walsham Road, A1151 Wroxham Road, C283 Salhouse Road, C874 Plumstead Road and the Broadland Gate Development Link Road together with a new roundabout junction on the NDR north of Norwich Airport. • Construction of a grade separated junction with the A140 Cromer Road – i.e. involving a new bridge on the A140 Cromer Road linking roundabouts either side of the NDR and slip roads onto/off the NDR. • Construction of the NDR junction with the A47 at Postwick, including new slip roads and grade separated crossing over the A47. • Construction of new bridges over the NDR at the Marriotts Way Permissive Path, Bell Farm Track (Horsford Restricted Byway No 5), C246 Buxton Road, Newman Road (private means of access) and C442 Middle Road. • Construction of bridges carrying the NDR over the Norwich to Sheringham railway line and C874 Plumstead Road. • Construction of new culverts across the NDR including a combined culvert/bat tunnel beneath the NDR near Rackheath. • Construction of new highways linking the NDR with the existing highway network. • Provision of new drainage works in connection with the above highway works. • Stopping up of private means of access and the creation of new private means of access to premises and farm land in the vicinity of the route. • Stopping up/diversion of existing footpaths, bridleways and restricted byways and the provision of new bridleways, cycleways and cycle tracks. • The compulsory acquisition of land and rights. • Improvements to the existing highway at the B1150 North Walsham Road/C249 Crostwick Lane/C249 Rackheath Lane junction, the A1151 Wroxham Road/C258 Green Lane West junction and the C874 Plumstead Road through Thorpe End. • The alteration, diversion and stopping up of lengths of existing highway and the making or amendment of Traffic Regulation Orders. • Such ancillary, incidental, and consequential provisions permits or consents as are necessary or convenient.
1.3	This statement of common ground ("SOCG") has been prepared in connection with the NDR project between Norfolk County Council and Network Rail Infrastructure Limited ("Network Rail").
1.4	Guidance about the purpose and content of SOCG's is given in paragraphs 57-

	<p>62 of the "Planning Act 2008: examination of applications for development consent" document published by the Department for Communities and Local Government on 26 April 2013. Paragraph 57 provides:</p> <p><i>A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it may also be useful for a statement to identify areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.</i></p>
1.5	<p>SOCG's are therefore a useful means of ensuring that the evidence during the course of the examination focuses on the material differences between the parties, thus leading to a more efficient examination process.</p>
2.0	The Role of Network Rail
2.1	<p>The role of Network Rail in the context of the project is as a statutory undertaker under the Act. This document is a SOCG between Norfolk County Council and Network Rail, and is based upon its relevant representations submitted to the Planning Inspectorate and on-going discussions with Norfolk County Council.</p>
2.2	<p>Section 3 below summarises the issues raised in the Network Rail's relevant representations and on-going discussions; sets out Norfolk County Council's response; and notes where agreement has been reached between the parties or where the matter remains outstanding.</p>
3.0	Issues Raised, Response and Agreement/Disagreement
3.1	<p>Topic: Protective provisions in DCO Network Rail is very concerned that Norfolk County Council has submitted a draft Development Consent Order which does not contain protective provisions. The form of protective provisions required by Network Rail is annexed to its written representations dated 30 June 2014.</p> <p>Norfolk County Council's Response Norfolk County Council acknowledges the need for protective provisions and has submitted draft provisions to Network Rail's solicitors.</p> <p>Agreement/Disagreement There is agreement on the need for protective provisions to be included in the Development Consent Order. The form of the protective provisions for inclusion in the Development Consent Order has not yet been agreed.</p>
3.2	<p>Topic: Asset protection agreements Network Rail notes that whilst a basic asset protection agreement has been entered into with Norfolk County Council, further asset protection agreements will be required.</p> <p>Norfolk County Council's Response Norfolk County Council has had a Basic Asset Protection Agreement (BAPA) in</p>

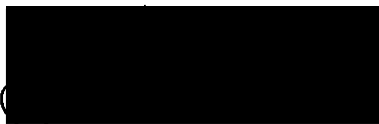
	<p>place since 16 October 2013 that covers Network Rail's services associated with:</p> <ul style="list-style-type: none"> • the design input into and technical approval of the NDR Bridge (Over Railway Line), including the reinforced earthwork embankment either side, • the opportunity for Network Rail to comment on the design of the NDR Bridge (Over Plumstead Road). <p>As part of this BAPA, technical approval for the NDR Bridge (Over Railway Line) will be sought and approval documents (Forms 001/002) have been submitted to Network Rail. Norfolk County Council has received a response to this submission from Network Rail, which it is currently considering.</p> <p>Norfolk County Council intends to enter into an Over Bridge Agreement for the NDR Bridge (Over Railway Line) and the NDR Bridge (Over Plumstead Road) to cover Network Rail's services associated with:</p> <ul style="list-style-type: none"> • the approval of construction method statements, • construction site supervision, • final signing of technical approval of the bridge design, • co-ordinating and arranging possession opportunities and bookings. <p>Agreement/Disagreement The parties acknowledge the need for the additional agreements to be entered into as set out above. However, the timeframe for completing these agreements is not time critical.</p>
3.3	<p>Topic: Easements Norfolk County Council is seeking a permanent easement associated with the NDR Bridge (Over Railway Line) and a temporary easement during the period of its construction.</p> <p>Network Rail's Response Network Rail notes that discussions about easements are taking place, although no agreements have been reached at this stage. Any acquisition must be by consent and will also need to go through the clearance process and is subject to any relevant regulatory consents/approvals being secured.</p> <p>Network Rail will be seeking consideration (including any shared value) and its costs associated with the grant of rights over its land together with any third party costs. Network Rail will strongly resist the compulsory acquisition of any rights over its land.</p> <p>Agreement/Disagreement The parties agree (subject to the necessary approvals being obtained and consideration and costs for the grant of the easement being agreed) that this will be dealt with by a separate of Deed of Grant.</p>
3.4	<p>Topic: Compulsory acquisition of Network Rail rights The Development Consent Order seeks to extinguish existing rights over land</p>

	<p>held by Network Rail. Network Rail requires that all existing rights are retained in order for it to carry out its statutory undertaking and will strongly resist the compulsory acquisition of these rights. If Network Rail is required to carry out any investigations or survey work in respect of these plots Network Rail will expect the costs of such work to be met by Norfolk County Council.</p> <p>Norfolk County Council's Response The affected rights cover 27m² from Plot 10/48 and 36m² from Plot 10/53 which will both become new areas of public highway. The rights over the remainder of the land areas as granted in the 1968 conveyance will not be affected. Norfolk County Council therefore does not consider there to be a material impact on the extinguishment of the rights on these two small areas.</p> <p>Agreement/Disagreement The parties disagree on the acquisition of rights over Plots 10/48 and Plot 10/53 but agree to continue to discuss the issue and the impact on Network Rail.</p>
3.5	<p>Topic: Level crossings Network Rail is concerned that Norfolk County Council has not shared the results of any assessment of the potential impact on the proposals on level crossings. Network Rail has requested that Norfolk County Council consider and, where necessary, contribute to any potential solutions to address enhanced risk at level crossings in the vicinity of the development. Network Rail will not be in a position to withdraw its objection until the impact of the proposals on the nearby level crossings is fully known. If Network Rail is required to carry out any investigations or survey work in respect of the level crossings Network Rail will expect the costs of such work to be met by Norfolk County Council.</p> <p>Norfolk County Council's Response There are two level crossings in the vicinity of the proposed scheme. The first is located on Plumstead Road close to the NDR and Appendix I of the Traffic Forecasting Report (Document Ref 5.6) identifies a slight reduction in vehicle flows on this road in 2017 and 2032 as a result of the NDR when compared to a do minimum scenario.</p> <p>The second is located on Broad Lane/Green Lane East between Salhouse Road and Plumstead Road. Appendix I of the Traffic Forecasting Report (Document Ref 5.6) identifies a significant reduction in vehicle flows on this road in 2017 and 2032 as a result of the NDR when compared to a do minimum scenario.</p> <p>As a result of these forecast reductions Norfolk County Council considers that the potential risks at the level crossings are reduced as a result of the NDR.</p> <p>Agreement/Disagreement The parties disagree on the impact of the proposals on the above mentioned level crossings and the measures to manage any impact. Discussions will continue.</p>

Norwich Northern Distributor Road (PINS Scheme Ref No: TR010015)
Statement of Common Ground between
Norfolk County Council and Network Rail Infrastructure Limited

This statement of common ground has been prepared jointly and agreed by:

Signed:



Date: 21/07/14

On behalf of Norfolk County Council

Signed:



Date: 21 July 2014

On behalf of the Network Rail Infrastructure Limited