

Norwich and Norfolk Transport Action Group

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Your ref: GOEM 8/1/2/15

Dear Mr Wiseman

A47 Postwick Interchange - Draft Slip and Side Road Orders

Objectors to the A47 Postwick Interchange Orders have recently obtained from Norfolk County Council the letter dated 31 March to Lord Adonis from the Greater Norwich Development Partnership (GNDP). This is a letter signed by the Leaders of four local authorities asking the outgoing Secretary of State not to hold a public inquiry into the draft Side Road Orders for the A47 Postwick Hub Junction in Norwich.

This letter was hurriedly written after the outgoing MP for Mid-Norfolk (now returned for the redrawn Broadland constituency) and his Green Party opponent for the Broadland Constituency wrote to the then Secretaries of State in late March, on behalf of local residents and communities affected, to ask that an Inquiry be held. GO-EM will have those letters. To our knowledge, the letter of 31 March on GNDP paper was not seen by or approved by any other Members of the authorities before despatch; there are no Committee or Cabinet minutes authorizing the position asserted by the Leaders.

The writing of this letter shows how strong and important is the issue to be tested, and that there is a conflict of views and opinions on the road proposal that must be resolved through the public inquiry process. It therefore supports the principle set in Binney & Anscomb v Secretaries of State, Queens Bench 1983.

There it was held that that a deciding Minister could not be satisfied that a public inquiry into Orders for a trunk road scheme published under the Highways Act was unnecessary unless, firstly, he was satisfied that he could properly weigh any two or more conflicting issues and secondly, that those with the right to make representations could have their representations properly taken into account.

With regard to the first point, NNTAG contends that the County's lengthy response to objections in fact enhances the case for an Inquiry due to the number and extent of conflicting views to be weighed between objectors and the developer (the County Council) who has requested the Orders be made.

With regard to the second point, Norfolk County Council's failure to adequately consult the public over the current proposals and the Highways Agency's failure to hold a public exhibition on the changes and to engage with objectors over their concerns has, as noted in our letter of 24 March (attached), denied those affected the right to express their views and have them taken into account.

We wish to make the following more specific responses to the Leaders' letter, because it includes basic errors and omits to address key issues.

1. The letter of 31 March is written on the basis that there is only a Draft Side Roads Order published. This is wrong. The main Order is a Section 14 Line Order which provides for new sections of trunk road connecting the A47(T) with the local road system, replacing sections of trunk road that would be closed. No justification has been made by the Highways Agency for closing existing lengths of trunk road and creating new and less direct replacements which add distance and time to all road users.

2. The Local Authority Leaders do not refer to, and take no account of, the considerable inconvenience that the scheme which the Orders propose would cause to all users, including bus passengers and emergency vehicles. The plans would create a detour through a series of junctions and link roads, resulting in time penalties, extra fuel use, and added carbon dioxide emissions and noise and land take. For example, those travelling from Norwich to Acle and Great Yarmouth would have to negotiate five junctions and link roads or else zig-zag around three junctions and across two A47 (T) overbridges, in place of the simple route today.

3. The Local Authority Leaders assert that there is only a single statutory objection to the orders, which has been resolved. This is not correct. Postwick with Witton Parish Council, in whose parish the scheme lies, sent an objection to the Orders on 2 January 2010 and wrote to the Secretary of State for Transport on 12 April 2010 confirming its objection. The Highways Agency is not known to have replied to it. Postwick with Witton Parish Council is a statutory objector under the Highways Act 1980 Schedule 1 Part 1 para 3.

4. The letter refers to the fact that there was no public inquiry held into the planning application for Postwick Hub (Broadland Gate). Irrespective of other aspects of that application, it is a fact that the closure of the slip roads at A47 Postwick Interchange did not form part of the application or the permission that has been issued by Broadland DC. A decision by the Secretaries of State to hold a public inquiry into the Draft Orders would provide the only opportunity for objectors to the highway changes to be heard by an independent inspector.

6. The Leaders' letter asserts that "This junction is justified on its own merits and provides a practical solution to enable an expanded employment business park and the wider potential for at least 1600 houses...". This is factually incorrect. The junction is not justified to provide access to either the business park or the potential 1,600 houses. Neither are dependent on the roadworks that the Orders would provide for. A separate

application for the second phase of Broadland Business Park, submitted to Broadland DC in August 2009 and yet to be decided, would provide adequate access to the employment land and housing referred to. The Orders are not needed for the development referred to to take place.

7. The Leaders' letter states that "The case for the NDR will need to be made as part of its own planning process and a likely Public Inquiry, a process which has still to commence....". This statement fails to mention that the junction and lengths of road that the Orders would allow to be built are part of the Northern Distributor Road. Far from being a different scheme the two are the same project. Past Departmental decisions (notably by DCLG on the provisional CIF funding for Postwick Hub) specifically link the two. A decision not to hold a public inquiry into the Draft Slip and Side Road Orders would enable the first stage of the NDR to be built without any scrutiny having taken place into the scheme as a whole and its alignment.

Any decision to dispense with an Inquiry into the A47 Postwick Interchange - Draft Slip and Side Road Orders would lead to a judicial review of that decision. The case law is clear.

By contrast, a decision to hold an Inquiry would require the developer who has requested and funded the publication of the Orders to consider whether he wishes to proceed, or withdraw the request. The cost of the Inquiry and all associated procedures will fall in any event on the developer, namely Norfolk County Council. An announcement that an Inquiry will be held would leave it open to County Council to withdraw its request that the Secretary of State for Transport pursues the making of the Orders. The Orders could then be withdrawn without delay, and both time and cost saved to both objectors and public funds.

Yours sincerely

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CC
Mike Evans, Principal Adviser, Development and Infrastructure, GO-East
Mr Christopher Muttukumar, Director of Legal Services, Department for Transport

Enclosure: Letter from NNTAG of 24 March 2010 to Director of Legal Services, DfT.