

From: [DfT]  
Sent: 13 July 2015 12:17  
To: [NCC]  
Subject: RE: Norwich NDR DCO

xxxx

You've identified correctly how the maths was done, and which item doesn't count, but our reason is not quite as you have interpreted the situation. It was perhaps slightly unfortunate that PINS lumped all the correspondence together on their website (though perhaps we weren't clear enough in advising them on handling).

No. 6 (HA Historic Railways Estate) we wouldn't count as a representation – we approached them during the decision stage to request they clarified the situation with their affected land, as the earlier correspondence from HA on the subject of crown land consent available to the Panel was inadequate in terms of the s.135 (PA 2008 as amended) tests. Correspondence item 6 was their response to our request. The issue fell away as regards Trunk Road land (for the reason in the first sentence of para. 44 of the Decision Letter), but remained for the ex-railway land at Marriott's Way.

All the others volunteered a view on the scheme post-examination to the Secretary of State or Planning Inspectorate without prompting.

[NCC]

.....  
From: [NCC]  
Sent: 13 July 2015 11:10  
To: [DfT]  
Subject: RE: Norwich NDR DCO

Dear xxxx

Can you confirm that In para 53 of decision letter we think eight representations referred to are 1, 2, 3, 4, 5, 7, 8 and 9. Not 6 as this is referred to in para 44. Para 53 should be read with para 44.

Please can you confirm this understanding is correct.

Yours sincerely

[NCC]

.....  
From: [DfT]  
Sent: 01 July 2015 09:41  
To: [NCC]  
Subject: Norwich NDR DCO

xxxx

We spoke.

Sorry, I was wrong about there being guidance on the PINS website about making changes to DCOs – a guidance note is contemplated but has not yet been published, not least because the underlying legislation changes with effect from 14 July 2015. Schedule 6 of the Planning Act 2008 as amended is the relevant part.

There is also the procedure in Schedule 4 of the Planning Act 2008 as amended for “Correction of Errors in Development Consent Decisions” : I point you towards this without prejudice to any view of the Secretary of State as to whether the change which concerns you is properly an “error” or not. I advise NCC to seek its own legal advice on what course (if any) to follow – as the people who would advise the Secretary of State on a Correction or Amendment Order, I’m afraid we cannot provide that advice to you.

[DfT]