Application by Equinor New Energy Limited for an Order granting Development Consent for the Sheringham and Dudgeon Extension Projects

Response to the following responses of to the ExA's WR2;

- **Q2.17.3.1 Removal of Existing Trees and Hedgerows, Replanting and Management (Interested Parties)**

- **Q2.17.3.2 Removal of Existing Trees and Hedgerows, Replanting and Management (Applicant)**

Submitted on behalf of Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited (refs: 20033312, 20032995 and 20033311)

Planning Inspectorate Reference: EN010109

Q2.17.3 EFFECTIVENESS OF MITIGATION PROPOSALS - Removal of Existing Trees and Hedgerows, Replanting and Management

1. Our comments in relation to the ExA's WR2 and relevant responses relate to hedgerows on Mr Clive Hay-Smith's land which are in Order Limits for the purpose of Main Works Access (reference ACC05, BOR plot reference 03-002).

2. ACC05 is shown at Figure 1 below. It leads south from Sheringham Road (A149) outside Weybourne, and connects to Abbey Farm's main farm buildings complex. The importance of the track as a farm access is set out in the IP's Relevant and Written Representations, but in summary it is essential to Mr Hay-Smith and Mr Middleton's farm operations.

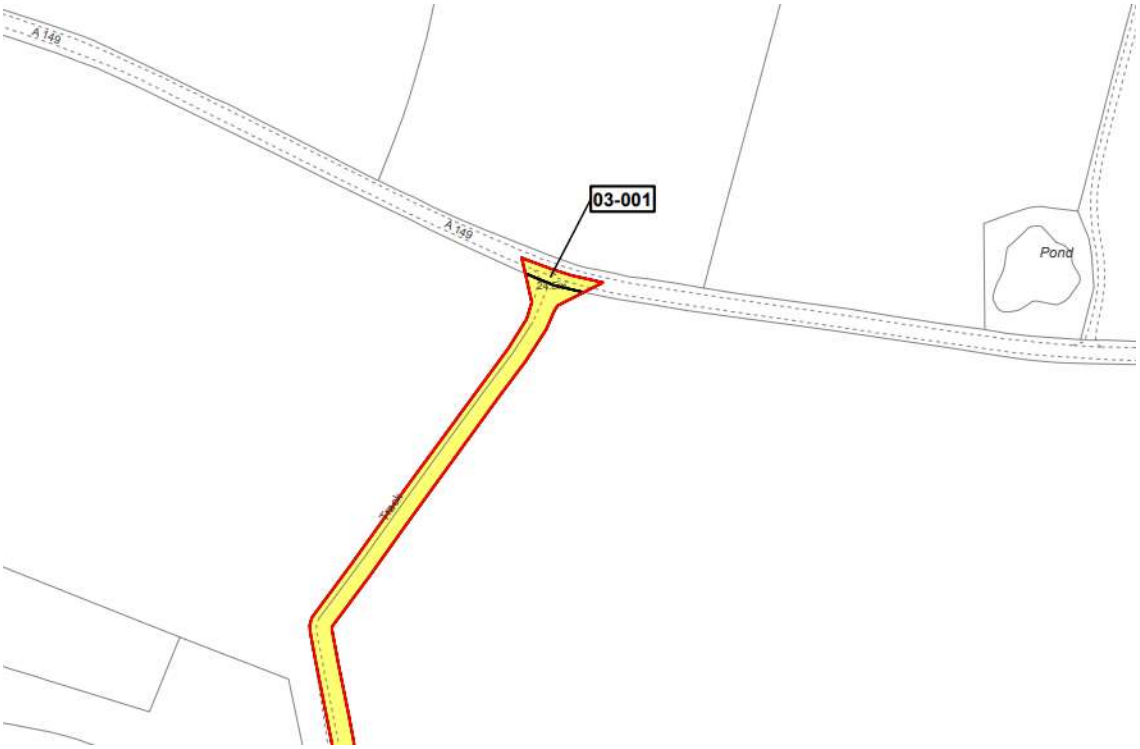

Figure 1: taken from Application Land Plans (Sheet 3)

3. ACC05 comprises an unsurfaced single farm track. For the first 175 metres as it leads from Sheringham Road, the track is bounded on either side by a mature, mixed species hedgerow (the 'hedgerows'). A photo of part of the hedgerows is shown below at Figure 2. The width of the track between the hedgerows is four metres. The aggregate length of the hedgerows is 350 metres.

4. ACC05 will see significant construction movements during the construction period (up to four years in duration). Annex 19 and Annex 23 of the Transport Assessment ('TA') confirm that during the peak construction phase there could be up to 31 HGV trips a day equivalent to 15.5 arrivals and 15.5 departures. On average there could be 8 HGV trips a day, i.e. 4 arrivals and 4 departures. In addition to the HGV trips there would also be a requirement for employee trips to site, at peak there could be up to 24 light vehicle (LV) trips a day (e.g. cars, vans, pickup etc.), equivalent to 12 arrivals in the morning and 12 departures in the evening. On average there would be approximately 10 LV trips a day, equivalent to 5 arrivals in the morning and 5 departures in the evening.

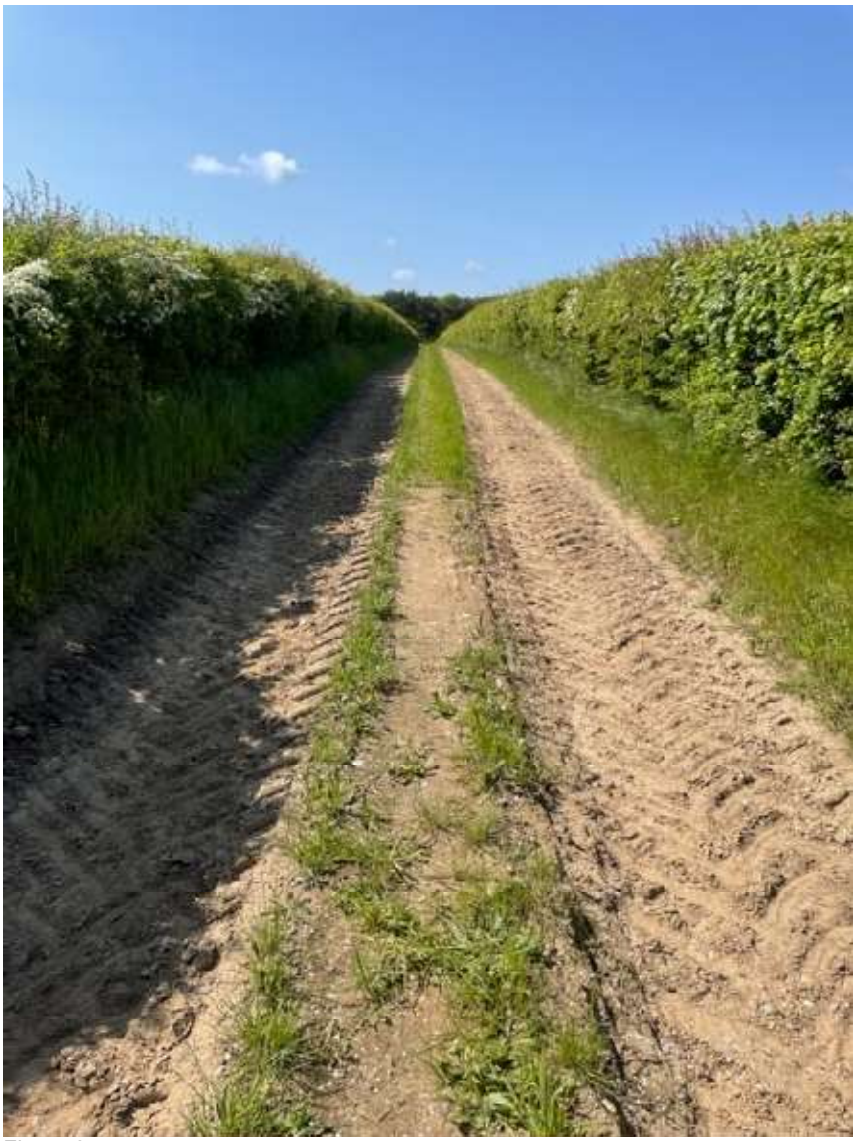

Figure 2

5. The intensity of use described in the TA is significantly greater than the current agricultural use. Mr Hay-Smith and Mr Middleton are concerned that this intensity of use of ACC05 will damage the integrity of the hedgerows with consequent adverse impact on farm ecology.

6. In discussions with the Applicant on this matter they appeared unaware of the existence of the hedgerows, and it is unclear if their Phase 1 ecology reports have accounted for their existence.

7. The width of HGVs will be greater than farm traffic, and weights will be significantly higher (we assume 30 – 40 tonnes), as the principle construction traffic will be for the delivery of bulk loads.

8. With reference to BS 5837:2012 this requires adoption of a root protection zone (RPZ) x12 stem diameter, as referenced in the Application Arboricultural Survey Report. Stem diameters are approximately 80mm, corresponding with a RPZ of 0.5 metres either side

of the hedgerow. In practice this gives a maximum working width for ACC05 of three metres.

9. HGV vehicles are up to a maximum 2.9 metres in width, and it is reasonable to assume HGVs of such dimensions will be used for the development (we have been unable to find any reference in the ES). This leaves no room for error for HGV construction traffic straying off a three metre corridor in order to avoid straying into the RPZ with associated damage to the hedgerows' roots. In practice we consider it is inevitable that over the course of the construction programme that HGVs and LVs will stray into the RPZ and that cumulatively that damage will be done to the hedgerows.

10. Moreover due to the proximity and volume of construction traffic, there is a high risk to disturbance of birds nesting in the hedgerows.

11. We note the Applicant's response to Q2.17.3.2 Removal of Existing Trees and Hedgerows, Replanting and Management; specifically reference to tree and hedgerow protection measures are detailed in within the Arboricultural Survey Report [APP-228], and the Outline Landscape Management Plan (Revision C).

12. In the absence of the Applicant preparing and consulting on a full tree survey for the development, we consider it likely that site selection of AC005 was undertaken without regard to the constraints created by the hedgerows.

13. In the circumstances described above, (specifically with reference to paragraph 8) and given the constrained width of the access track and associated RPZ, we do not consider it reasonably possible that the measures detailed in the Arboricultural Survey Report [APP-228], and the Outline Landscape Management Plan (Revision C) will prevent harm to the hedgerows, nor to realise the Applicant's policy to 'retain and protect' the hedgerows in this location.

14. The risk of harm is nevertheless avoidable; Mr Hay-Smith has proposed to the Applicant they adopt an alternative access route, to the immediate east of west or ACC05 for the first 175 metres leading from Sheringham Road, but with sufficient separation from the hedgerow to prevent harm. There would be no operational disadvantage to adopting such a variation.

15. We await hearing from the Applicant in respect of this proposal, but note that rights could be negotiated by agreement, and necessary consents secured by a Non-material Amendment to the DCO, or a stand-alone planning application.

16. We note that our concerns echo those of various Interested Parties, responding to Q2.17.3.1 Removal of Existing Trees and Hedgerows, Replanting and Management (Interested Parties):

    a. *Are you satisfied that the Applicant's proposals for the removal, replanting and management of existing trees and hedgerows have been set out to a sufficient level of detail at this stage [REP1-036, Q1.17.1.11]?*

    b. *In particular, is the Applicant's approach to managing the likelihood of damage occurring to existing trees and hedgerows during the construction period sufficiently clear [REP1-036, Q1.17.1.11]?*

17. We note the responses of both Broadland District Council and South Norfolk Council echo with our concerns regards protection and retention of the hedgerows:

"a) …It would be preferable for a much stronger emphasis to be placed on establishing existing trees' constraints and for the onus to be on tree retention and that removal should be a last resort…

b) …To date The Council still do not have a full tree survey of the route. A full survey in accordance with BS5837 will be required in order to establish the tree constraints, and adequate protection for retained trees..."

18. We also note the response of Natural England, echoing our concerns about the impact of use of AC005 on ecology:

    "Natural England draws the ExA attention to our advice relating to the importance of maintaining supporting habitats such as trees and hedgerows for protected species"

    Conclusion

19. We consider the use of AC005 is highly likely to cause avoidable damage to the hedgerows described above. Due to the constrained width of the farm access track, and proximity of the hedgerows, we do not consider it is reasonably possible to mitigate this harm through measures embedded in the draft DCO.

20. We ask the ExA to direct the Applicant to urgent engagement with the IPs in order to agree an alternative alignment of AC005 (still on Mr Hay-Smith's land) which will mitigate harm to a significant length of hedgerow.