

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 8

8.3 Statement of Common Ground with Highways England and Natural England

Planning Act 2008

Rule 8(1)(e)

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

March 2022

Infrastructure Planning

Planning Act 2008

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

A47/A11 Thickthorn Junction
Development Consent Order 202[x]

STATEMENT OF COMMON GROUND – NATURAL ENGLAND

Regulation Number:	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010038
Application Document Reference	TR010038/EXAM/8.1
BIM Document Reference	HE551489-GTY-LSI-000-RP-TX-30011
Author:	A47/A11 Thickthorn Junction Project Team, Highways England

Version	Date	Status of Version
Rev. 0	March 2022	Deadline 10

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England.

Signed.....
[NAME]
Project Manager
on behalf of Highways England
Date: [DATE]

Signed.....
[NAME]
[POSITION]
on behalf of Natural England
Date: [DATE]

CONTENTS

1.	INTRODUCTION	1
1.1.	Purpose of this document.....	1
1.2.	Parties to this Statement of Common Ground.....	1
1.3.	Terminology	2
2.	RECORD OF ENGAGEMENT	3
3.	ISSUES	7
3.1.	Issues related to the Environmental Statement (ES), HRA, Environmental Management Plan	7

1. INTRODUCTION

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A47/A11 Thickthorn Junction ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3. The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) Highways England as the Applicant and (2) Natural England.
- 1.2.2. Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3. Natural England is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. Within England, Natural England is responsible for:
 - promoting nature conservation and protecting biodiversity
 - conserving and enhancing the landscape
 - securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment
 - promoting access to the countryside and open spaces and encouraging open-air recreation
 - contributing in other ways to social and economic well-being through management of the natural environment, e.g., changes to wildlife licensing to improve flexibility for developers.

1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.
- 1.3.2. It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

2. RECORD OF ENGAGEMENT

2.1.1. A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in table 2.1.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
11/04/2018	Email	Request for advice. Charged advice request form, preferred route announcement leaflet and proposed site boundary drawing emailed to Natural England from Sweco.
11/02/20	Meeting minutes/ notes	<p>Meeting at Natural England Offices with Natural England, Environment Agency, Highways England, Galliford Try and Sweco on 11/02/2020. The following points were discussed:</p> <ul style="list-style-type: none"> • Attenuation ponds need to be far away enough from River to ensure no fluvial mixing, and be the appropriate size • Be mindful of increases to surface water to ensure attenuation pond is sized appropriately • Statutory sites, County Wildlife Sites and priority habitats to be shown on one plan. • Bats are flying to feed, south of the A47 from Norwich Western Link road. <ul style="list-style-type: none"> - Sweco to ask Norfolk County Council for survey records on barbastelle • A47 scheme wide requirement to consider biodiversity net gain (in particular considering bats for Tuddenham) <ul style="list-style-type: none"> ○ The fragmented landscape between A1067 and A47 presents an opportunity for biodiversity net gain and to ensure no further habitat severance occurs. ○ Meeting to be set up to discuss biodiversity net gain • Discussion on blue/green infrastructure to be held <ul style="list-style-type: none"> ○ Recreation a big issue on sites in Norfolk • The review of chapters / reports for EA and NE would be under the discretionary advice service and depends on the workload and people available to advice.
11/02/2020	Email	Email from Galliford Try to follow up after meeting at Natural England offices. Contact details list for attendees attached.
11/11/2020	Email	Email to request date to receive comments on Habitat Regulations Assessment.
12/11/2020	Email	Response from Natural England to say response/ comments are currently being internally reviewed.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
25/11/2020	Email	<p>Response from Natural England with comments (PDF) attached. Agreement that there are no likely significant effects on the Broads SAC and Broadland SPA and Ramsar, provided the proposed avoidance and mitigation measures in the report are adhered to. The following measures have been advised during construction and operation and will need to be secured via planning conditions:</p> <p>Measures to secure during construction:</p> <p>Air Quality:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality. <p>Road drainage and water environment:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent pollution from dust and pollution of water. - The utilisation of best practice measures for pollution prevention and water management as set out in CIRIA guidelines, Environment Agency groundwater protection and groundwater protection guidelines. - The incorporation of a temporary surface water drainage strategy into the environmental management plan to prevent increased flood risk to people and property elsewhere. As well as to manage pollution risks most commonly associated with increased sediment loading. - The implementation of a temporary surface water drainage strategy for the duration of the construction phase of the project. <p>Noise and vibration:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent noise and vibration, such as, temporary noise barriers, and noise monitoring. <p>Lighting</p> <ul style="list-style-type: none"> - Construction to predominantly take place in the daylight and night lighting will only be used in areas which have previously been cleared of vegetation. - No use of night lighting during construction on Cantley stream to reduce impacts to otters using the stream. - Given the potential risk to Otters, a European Protected Species and interest feature of the Broads SAC, associated with the realignment of Cantley stream we advise that you may need to consider whether this element of the work will need licensing, further information regarding this is provided within Annex 1. We support the proposed approach that that the realignment of Cantley Stream will occur with the new channel being constructed and allowed to mature to suitable condition prior its disconnection from the existing stream.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		Measures to secure in during operation: <ul style="list-style-type: none"> - The measures detailed in the drainage strategies and the drainage designs. - The letter also includes reminder that Natural England supports the use of Biodiversity Net Gain approach to development and the calculations should ideally be based on the Defra biodiversity net gain metric 2.0.
08/04/21	Email	Bat draft licence application submitted Water Vole draft licence submitted
11/05/21	Email	Response to DAS query
14/6/21	Phone Call	Discussion of dates for response to licence submissions
19/7/21	Email	Letter of No Impediment issued for draft Water Vole licence
12/10/21	Email	Discussion around arranging meeting
14/10/21	Email	Discussion around arranging meeting
18/10/21	Email	Discussion around arranging meeting
19/10/21	Email	Queries from NE on Bat licence and SOCG review timeframes. Request for meeting.
28/11/21	Email	Queries from NE re: timeframes for review of draft licences
01/11/21	Email	Response to queries from NE
10/11/21	Email	Issue of additional information for bat licence
11/11/21	Email/file transfer	Reissue of bat licence information Reissue of water vole licence information
17/11/21	Email	Queries on SOCG
22/11/21	Telephone call	Telephone call from Natural England to request a named contact for pending applications for all A47 schemes
09/12/21	Email	Email to Natural England to arrange a meeting to discuss all A47 pending applications
16/12/21	Teleconference	Meeting with Natural England to discuss licence requirements
17/12/21	Email/File transfer	Bat licence information resubmitted
17/12/21	Email	Response on resubmitted bat licence

- 2.1.2. It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Natural England in relation to the issues addressed in this SoCG.

3. ISSUES

3.1. Issues related to the Environmental Statement (ES), HRA, Environmental Management Plan

Reference	Paragraph Reference	Natural England Comment	Highways England Response	Status
Chapter 8: Biodiversity	8.4.17 Assessment methodology	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance.	<p>Consultation was undertaken with Natural England and the Environment Agency to consider biodiversity net gain. A discussion on how the fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance took place.</p> <p>Opportunities for net gain are located in the 'design, mitigation and enhancement measures' section of the ES.</p>	Agreed
	Table 8-10 Consultation Design, mitigation and enhancement measures	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance.	Net gain or loss of each habitat type provided. Breakdown of habitat loss (ha) for permanent and temporary works, and reinstatement or enhancement (ha) provided for each habitat type. The methodology for this included in Appendix 8.12: DMRB Biodiversity Evaluation Assessment.	Agreed
	8.4.19 Assessment methodology	Surveys for the Norwich Western Link Road identified that bats are flying to feed, to the south of the A47.	<p>A bat survey data exchange between this Scheme and the proposed Norwich Western Link Road (NWL) was recommended in the meeting with NCC and Natural England held in February 2020.</p> <p>NCC and the WSP ecologist for the NWL scheme have been consulted regularly on a monthly basis regarding barbastelle bats <i>Barbastella barbastellus</i> and the wider mitigation proposals for bats by the Proposed Scheme. In addition, bat mitigation implemented as part of the completed northern</p>	Agreed

Reference	Paragraph Reference	Natural England Comment	Highways England Response	Status
			distributor road and the associated monitoring data was discussed. Data was exchanged on the locations of barbastelle bats, survey techniques and mitigation. Data was also exchanged for GCN, reptiles, birds, fungi and invertebrates. The meetings are ongoing.	
	Table 8-9	The utilisation of best practice construction mitigation measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality.	Mitigation measures for ecological receptors have been outlined in table 8-9 in the biodiversity ES chapter. Where there is potential for an ecological receptor to experience likely significant effects, air quality will be monitored throughout construction.	Agreed
	Table 8-9	Noise and vibration: <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent noise and vibration, such as, temporary noise barriers, and noise monitoring. 	Disturbance from noise will be mitigated by temporary noise barriers, quieter plant, leaving a buffer zone around sensitive receptors and reducing time on noisy activities. Real-time noise monitoring shall be provided on sites where there are sensitive ecological receptors. Vibration will be reduced with early warning, pre-condition surveys, short work durations, and vibration monitoring.	Agreed
	Table 8-9	Lighting <ul style="list-style-type: none"> - Construction to predominantly take place in the daylight and night lighting will only be used in areas which have previously been cleared of vegetation. - No use of night lighting during construction on Cantley stream to reduce impacts to otters using the stream. - Given the potential risk to Otters, a European Protected Species and interest feature of the Broads SAC, associated 	<ul style="list-style-type: none"> - Night lighting during construction will be directed away from sensitive receptors. - In the event a holt is found in use during the otter camera surveys, mitigation will be detailed in a Natural England mitigation licence. This may include the construction of an artificial holt. 	Agreed

Reference	Paragraph Reference	Natural England Comment	Highways England Response	Status
		with the realignment of Cantley stream we advise that you may need to consider whether this element of the work will need licensing, further information regarding this is provided within Annex 1. We support the proposed approach that that the realignment of Cantley Stream will occur with the new channel being constructed and allowed to mature to suitable condition prior its disconnection from the existing stream.		
	Table 8-10	Attenuation ponds need to be far away enough from River to ensure no fluvial mixing and be the appropriate size.	Drainage design shows location of attenuation ponds to be away from the River and will be constructed north of the A11 and to the south of the Proposed Scheme, west of the A47	Agreed
	General	Statutory sites, County Wildlife Sites and priority habitats to be shown on one plan.	Figure showing Statutory sites, County Wildlife Sites and priority habitats.	Agreed
Appendix 8.2: DMRB Biodiversity Evaluation Assessment Methodology	1- 1.4	Natural England supports the use of Biodiversity Net Gain approach to development and the calculations should ideally be based on the Defra biodiversity net gain metric 2.0.	Approach to assessment of biodiversity loss and implementation of biodiversity net gain described in appendix.	Agreed
Chapter 5: Air quality	5.9.1 Design, mitigation and	Air quality: - The utilisation of best practice construction mitigation measures and the	Construction dust assessment concluded no significant effects for ecological receptors. Best practice measures are	Agreed

Reference	Paragraph Reference	Natural England Comment	Highways England Response	Status
	enhancement measures	acquisition of appropriate permissions to ensure there are no lasting impacts to air quality.	recommended to monitor effectiveness of proposed mitigation measures in the EMP: <ul style="list-style-type: none"> - Development of dust management plan with measures to monitor effectiveness of mitigation as part of the EMP; - Daily onsite and off-site inspections to be included in EMP Record of complaints/exceptional dust events to be included in EMP	
Chapter 7: Landscape and visual effects	7.9.3 Design, mitigation and enhancement measures	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance.	Chapter 7 states that the environmental masterplan sets out proposed mitigation for enhancement of habitats and biodiversity. This consists of: <ul style="list-style-type: none"> - Creation of reptile habitat enhancement area south of the existing Thickthorn interchange and improvement to water vole habitat along Cantley Stream 	Agreed
Chapter 14: Road Drainage and the Water Environment	13.9.30 Design, mitigation and enhancement measures	Be mindful of increases to surface water to ensure attenuation pond is sized appropriately.	The proposed increase in areas of hard standing and alteration of ground elevations due to re-profiling would result in an increase in peak flow rates discharging to Cantley Stream. Any increase in surface water runoff is to be attenuated using oversized pipes and attenuation ponds. The drainage is designed to attenuate new drainage systems to the greenfield runoff rate up to a 1 in 100-year rainfall event including a 20% climate change allowance and a sensitivity test undertaken to 40% climate change allowance to consider impacts to the Proposed Scheme drainage as well as downstream receptors.	Agreed
	13.9.3 Design, mitigation and	Road drainage and water environment: <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to 	Best practice measures to be employed during the works are described in Table 3-1 within the EMP. Pollution prevention and water management would be implemented by the Principal Contractor). Guidance on best practice in relation to pollution prevention and water management is set out in CIRIA guidelines (Charles and Edward, 2015; Gaba et al. 2017;	Agreed

Reference	Paragraph Reference	Natural England Comment	Highways England Response	Status
	enhancement measures	<p>prevent pollution from dust and pollution of water.</p> <ul style="list-style-type: none"> - The utilisation of best practice measures for pollution prevention and water management as set out in CIRIA guidelines, Environment Agency groundwater protection and groundwater protection guidelines. 	<p>Murnane et al., 2006) and the Environment Agency’s approach to groundwater protection (Environment Agency, 2017a) and groundwater protection guides (Environment Agency, 2017b). The potential for impacts to occur as a result of contamination from accidental spillages should be minimised by construction best practice guidance.</p> <p>The EMP includes a temporary surface water drainage strategy</p>	
		<p>Road drainage and water environment</p> <ul style="list-style-type: none"> - The implementation of a temporary surface water drainage strategy for the duration of the construction phase of the project. 	<p>A temporary surface water drainage strategy must be developed and be incorporated into the EMP.</p>	Agreed