

From: [Steven Bell](#)
To: [A47-A11 Thickthorn](#)
Cc: [Jonathan Rush](#); [Nikki Fonseka](#)
Subject: Application by National Highways Limited ("the Applicant") for an Order granting Development Consent for the A47/ A11 Thickthorn Junction [BIRKETTS-LEGAL.FID9234081]
Date: 31 August 2022 12:18:26
Attachments: [Written Representation Mr & Mrs Thompson with plans.PDF](#)

Dear Sirs

We are instructed by Mr & Mrs Thompson of the Sycamores which adjoins Cantley Lane South and the proposed new overbridge. We enclose a copy of our original representations regarding this matter and would advise that despite ongoing discussions with the applicant no agreement has been entered into to secure the mitigation measures required to offsite the impact of this scheme. We therefore wish to make a holding objection until an agreement has been entered into and our clients position is protected.

Yours faithfully

Steven Bell

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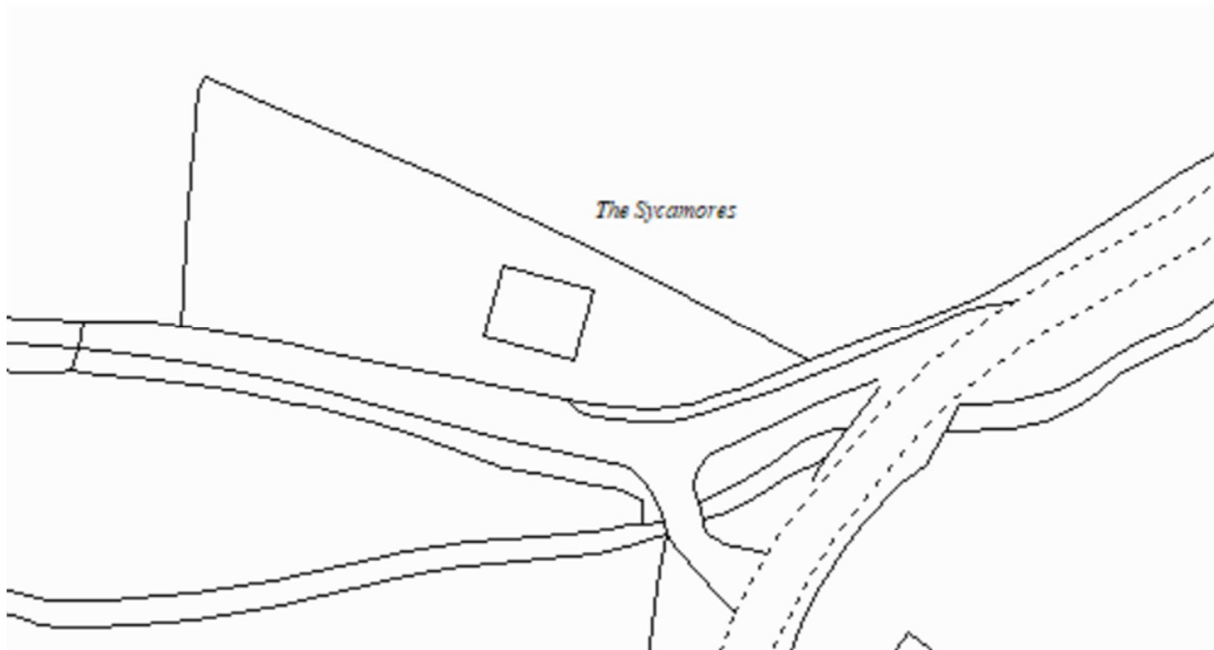
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**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE A47/A11 THICKTHORN JUNCTION**



MR AND MRS THOMPSON – THE SYCAMORES

WRITTEN REPRESENTATION

PINS REFERENCE: TR010037

Birketts

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EXECUTIVE SUMMARY

This written representation is provided on behalf of Graham and Patricia Ann Thompson (the “Thompsons”) who are the freehold owners of the land known as The Sycamores, 128 Cantley Lane South, Norwich, Norfolk, NR4 6TF (the “Sycamores”). The Sycamores directly adjoins the Scheme and land within the ownership of the First Viscount Mackintosh of Halifax Will Trust (the “Trust”) which would be subject to compulsory acquisition, temporary possession and acquisition of rights in the Development Consent Order (“DCO”).

The Thompsons do not, in principle, object to the Scheme but have concerns regarding the content of some of the DCO documents, the arrangements regarding land acquisition and in the way in which the Scheme would impact on the Sycamores, both during construction and after completion of the Scheme.

The Thompsons key concerns, which fall into four main categories, are set out in detail in this written representation, and are summarised as follows:

1. Transport/Highways impacts with a particular concern that the DCO lacks sufficient detail to understand its impact on the Sycamores and provides unsuitable alternative access arrangements
2. Impact on local wildlife and biodiversity as a result of hedge removal
3. Permanent and temporary acquisition of land directly adjoining the Sycamores with particular concerns regarding;
 - 3.1 Handover of land which was previously public highway to adjoining landowners resulting in a loss of access rights to the new proposed highway.
 - 3.2 Return of land to the Trust and adjoining landowners following completion of the Scheme which will be bounded on all sides by the Sycamores and public highway resulting in a loss of control over the land, areas of unmaintained land and inadequate access rights and easements.
4. Certain DCO Requirements, in particular:
 - 4.1 Requirement 3 – Detailed Design
 - 4.2 Requirement 4 – Environmental Management Plan
 - 4.3 Requirement 10 – Traffic Management
 - 4.4 Part 3 of Schedule 3 – Traffic Regulations (and Order Limits)

1. INTRODUCTION

- 1.1 This written representation is provided on behalf of the Thompsons.
- 1.2 The Thompsons are the freehold owners of The Sycamores.
- 1.3 The Thompsons have been in discussion with Highways England regarding the proposed A47/A11 Thickthorn Junction Improvement (the "Scheme") and a suitable legal mechanism to resolve the objections contained in this written representation. These discussions are ongoing and the Thompsons wish to maintain a holding objection until the legal agreement is in place.
- 1.4 The Thompsons do not, in principle, object to the Scheme but have concerns regarding the content of some of the DCO documents, the extent of the proposed land acquisition and in the way in which the Scheme would impact on their use of the Sycamores, both during construction and after completion of the Scheme.

2. THE SYCAMORES BACKGROUND

- 2.1 The Sycamores previously formed part of the wider estate owned by the Trust. The Sycamores was transferred to the Thompsons on 4th August 1989 with the benefit of a right of way over the adjoining access track.
- 2.2 Whilst the extent of the Thompsons ownership does not include the land between the Sycamores and the current and proposed highway they have used and maintained the land up to the current highway boundary and the land between the Sycamores and the hedgerow marked H1 and H2 on the Hedgerow Plan (Sheet 3) HE551492-GTY-LSI-000-DR-CH-39003 throughout their ownership and occupation. The hedgerow screens the Sycamores from the adjoining land.

SUMMARY OF THE KEY CONCERNS

The Thompsons concerns fall into four main categories:

- i) Transport/Highways impacts;
- ii) Impact on wildlife and biodiversity;
- iii) Permanent and temporary acquisition of land; and
- iv) Certain DCO provisions.

3. TRANSPORT / HIGHWAY IMPACTS

- 3.1 The DCO plans lack sufficient detail to understand its impact on the Sycamores and the surrounding area in terms of amenity.
- 3.2 The proposed access to the Sycamores shown on the Works Plans (Sheet 3), drawing number HE551492-GTY-LSI-000-DR-CH-32003 and the Rights of Way and Access Plans (Sheet 3) drawing number HE551492-GTY-LSI-000-DR-CH-33003 lacks detail but based on the information currently available the following issues exist:
 - 3.2.1 The extent of the new access is insufficient to allow access and egress for tanker deliveries of oil required to heat the Sycamores. The Thompsons have proposed an extended access. This is shown indicatively on the plan attached at Appendix 1 and marked "Proposed Extended Access". We request that the Works Plans and Access Plans are updated accordingly.
 - 3.2.2 It is unclear whether the hedge along the northern line of the new access will be affected/removed as a result of the works. The Thompsons require certainty that this will be retained as part of the detailed design for the new access for biodiversity and as a boundary feature to their garden.
 - 3.2.3 The current proposals require removal of the hedge along the southern boundary of the Sycamores where it adjoins the Scheme. The Thompsons require certainty in the form of Requirements in the DCO or amended plans requiring reinstatement of the hedge and/or alternative boundary treatments to ensure their property is screened.
 - 3.2.4 The design lacks any detail in terms of materials and finish. The Thompsons require certainty in the form of Requirements in the DCO to secure approval of the detailed design or revised drawings and plans showing the detailed design.
- 3.3 The Engineering Drawings HE551492-GTY-LSI-000-DR-CH-36019, HE551492-GTY-LSI-000-DR-CH-36020 do not contain details of any noise mitigation or screening measures to protect the amenity of nearby residential properties including the Sycamores from highway users on the link road. The Thompsons require certainty in the form of Requirements in the DCO to include these measures as part of the detailed design or revised drawings and plans showing the detailed design. In addition the Thompsons are in discussions with Highways.
- 3.4 The Thompsons are concerned about the speed of traffic approaching the link road. They request that the Scheme is amended so as to relocate Point H on Sheet 3 of the Traffic Regulation Plans, drawing number HE551492-GTY-LSI-000-

DR-CH-35003 to a point south of the Railway Bridge. This would involve extending the Order Limits on the plan from the point marked G south to the other side of the bridge.

4. IMPACT ON WILDLIFE AND BIODIVERSITY

- 4.1 The Scheme adjoins the hedges number H1 and H2 on the Hedgerow Plans (Sheet 3) HE551492-GTY-LSI-000-DR-CH-39003. In addition the proposed new access will adjoin an existing hedge along the boundary of the Sycamores which is not shown on the hedgerow plan.
- 4.2 The Thompsons are concerned about the loss of historic hedgerows and habitats for wildlife and wish to see these retained where possible.

5. PERMANENT AND TEMPORARY ACQUISITION OF LAND

- 5.1 The areas of land adjoining the Sycamores to be acquired permanently and temporarily are shown on the Land Plans (Sheet 3) HE551492- GTY-LLO-000-DR-BL-30003 and marked 3/3d, 3/3h,3/3g. The Thompsons currently access the Sycamores over parcels 3/3d, 3/6d, 3/3h. The existing highway forms parcel 3/6c.
- 5.2 Once the various areas of land between the Sycamores and the highway are acquired the Thompsons will have no rights of access to the highway. Suitable rights of access need to be granted by Highways England to the Thompsons and access to the Sycamores maintained during the construction period.
- 5.3 Parcel 3/3h is to be acquired temporarily. Once returned to the Trust there will be no direct access to the land acquired by Highways England and the adjoining highway. It is therefore essential that where land is returned to the Trust it is subject to appropriate rights of way and easements for services in favour of the Sycamores.
- 5.4 From discussions with Highways England it is understood that part of Parcel 3/3d directly adjoining the Sycamores which is to be acquired permanently, including the new access to the Sycamores, will likely be handed back to the Trust. Again it is therefore essential that any land returned to the Trust is subject to appropriate rights of way and easements for services in favour of the Sycamores.
- 5.5 The Scheme will result in the realignment of Cantley Lane South to the south east into parcel 3/7a. The highway where it adjoins the existing access to the Sycamores will be stopped up. From discussions with Highways England it is possible that some or all of this land will be returned to the land owners. This will result in an area of land being returned to the owner of the land opposite based on the legal presumption of ownership to the centre line of the highway. This land would then be bound by highway and land owned by the Trust and would result in

an unmaintained area of land. The affected area is shown indicatively on the plan attached at Appendix 2 and marked “land between property and highway” by a blue broken line.

- 5.6 Also shown on the plan at Appendix 2 is an area of land edged red. Highways England have indicated that all or some of this land will be returned to the Trust along with the land shown coloured pink on the plan attached at Appendix 3 and marked “Proposed land to be transferred”. If returned this land would be bounded by the new link road and the Sycamores.
- 5.7 The Thompsons wish to ensure that all of the land marked by a blue broken line and so much of the land edged red on the plan at Appendix 2 as is necessary for mitigation measures is retained by Highways England and dedicated as highway. As detailed at 6.1 below the Thompsons wish to ensure appropriate noise mitigation and light barriers are installed in this area to reduce the impact of the Scheme on the Sycamores.
- 5.8 The Thompsons are in discussions with Highways England and the Trust to secure the various rights and easements and agree a transfer of land to them following completion of the new link road to ensure that they have adequate control over land directly affecting the Sycamores. The proposed land to be transferred is shown coloured pink, blue and green on the plan at Appendix 3 and edged red (but excluded the blue area and so far as the same is not required as part of the highway as detailed at 7.6 above) on the plan at Appendix 2 to them. If these areas are handed back to the original landowners it will result in areas of unmaintained land over which only a right of way would exist. This would prevent the erection and maintenance of suitable fencing and boundary features protecting the amenity of the Sycamores. An appropriate legal agreement needs to be in place before the DCO is made and the Thompsons wish to maintain a holding objection to the Scheme until this has been completed.

6. CERTAIN DCO PROVISIONS

Requirement 3 – Detailed Design

- 6.1 As stated at 7 above the current plans do not contain sufficient detail to verify what mitigation measures will be included as part of the Scheme to protect the amenity of nearby residential properties including the Sycamores. The Thompsons require certainty in the form of an amendment to Requirement 3 to require:
- 6.1.1 The provision and retention of noise mitigation measures.
- 6.1.2 The provision and retention of light barriers at the junction of Cantley Lane South adjoining the Sycamores.

- 6.1.3 A restriction on street lighting within 400 metres of any residential property without express permission. to make it clear that the detailed designs should include measures to reduce noise and light from the Scheme and that these should be retained in perpetuity.
- 6.1.4 The provision of appropriate boundary treatments to protect the amenity of adjoining residential properties, including the Sycamores.

Requirement 4 – Environmental Management Plan

- 6.2 The Thompsons are concerned about the impact of the Scheme on the amenity of residential properties in the area, including the Sycamores, during construction. The Thompsons require certainty in the form of an amendment to Requirement 4 to secure the following:
 - 6.2.1 A condition which restricts construction work and construction traffic carrying out works to the link road in the vicinity of the Sycamores between the hours of 7pm and 7am Monday to Friday, 7am to 1pm on Saturdays and no working on Sundays/Bank holidays.
 - 6.2.2 A condition which requires noise mitigation measures to be agreed and retained during the construction period.
 - 6.2.3 Provisions to control construction traffic, debris, dust noise, health and safety, access, waste and air quality to include the provision of temporary boundary treatments to mitigate the impact on adjoining residential properties during the construction period.

Requirement 10 – Traffic Management

- 6.3 Traffic management provisions should apply to all works carried out near residential properties to ensure construction vehicles do not adversely affect the amenity of those properties and to ensure access is maintained to those property at all times.

Part 3 of Schedule 3 – Traffic Regulations (and Order Limits)

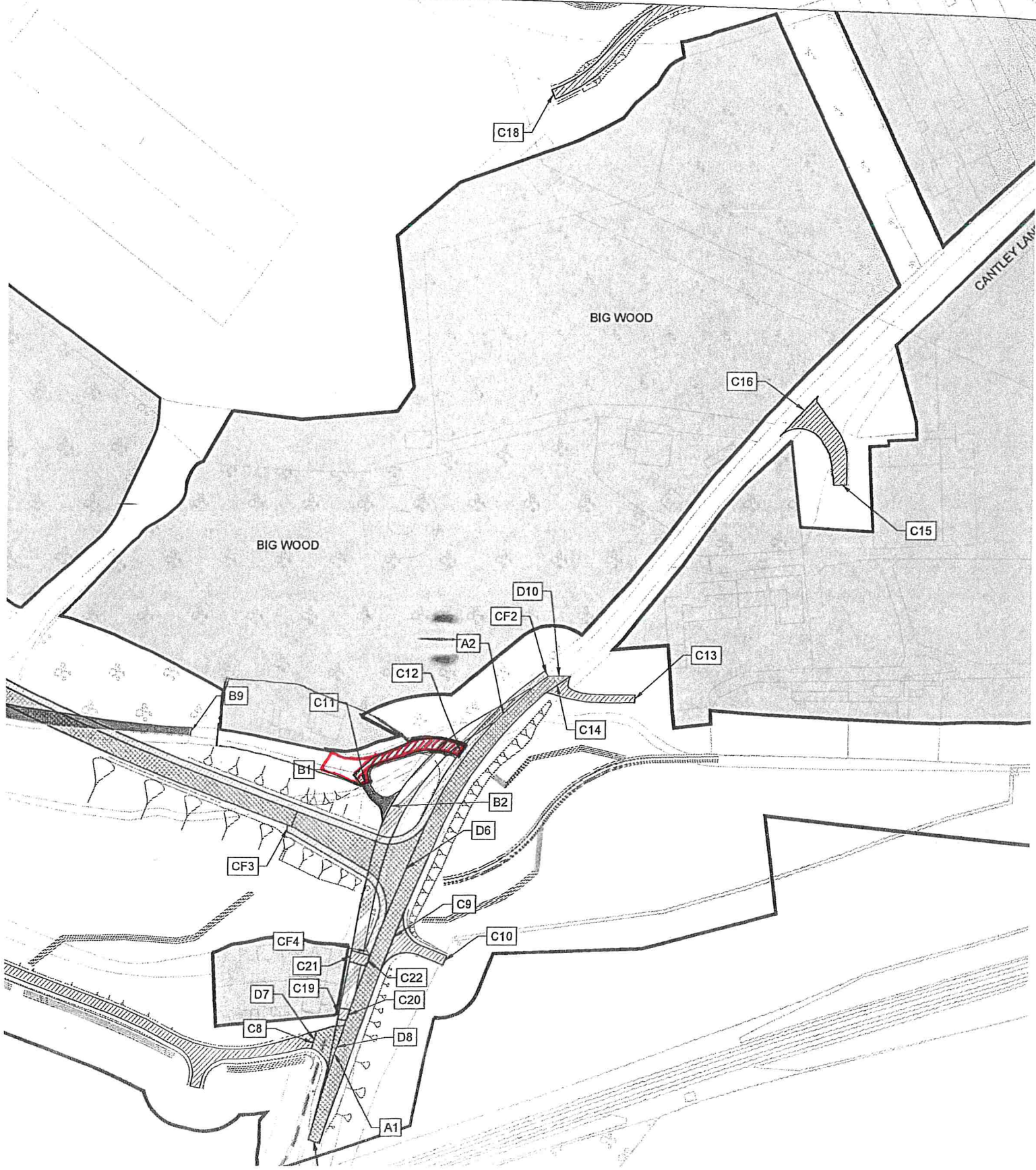
- 6.4 In line with the request at 3.4, Part 3 of Schedule 3 needs to be amended to enable the relocation of Point H on Sheet 3 of the Traffic Regulation Plans, drawing number HE551492-GTY-LSI-000-DR-CH-35003 to a point south of the Railway Bridge.

APPENDIX 1 – Proposed Extended Access

PROPOSED EXTENDED ACCESS

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CONTINUED ON DRAWING
HE551492-GTY-LSI-000-DR-CH-33006

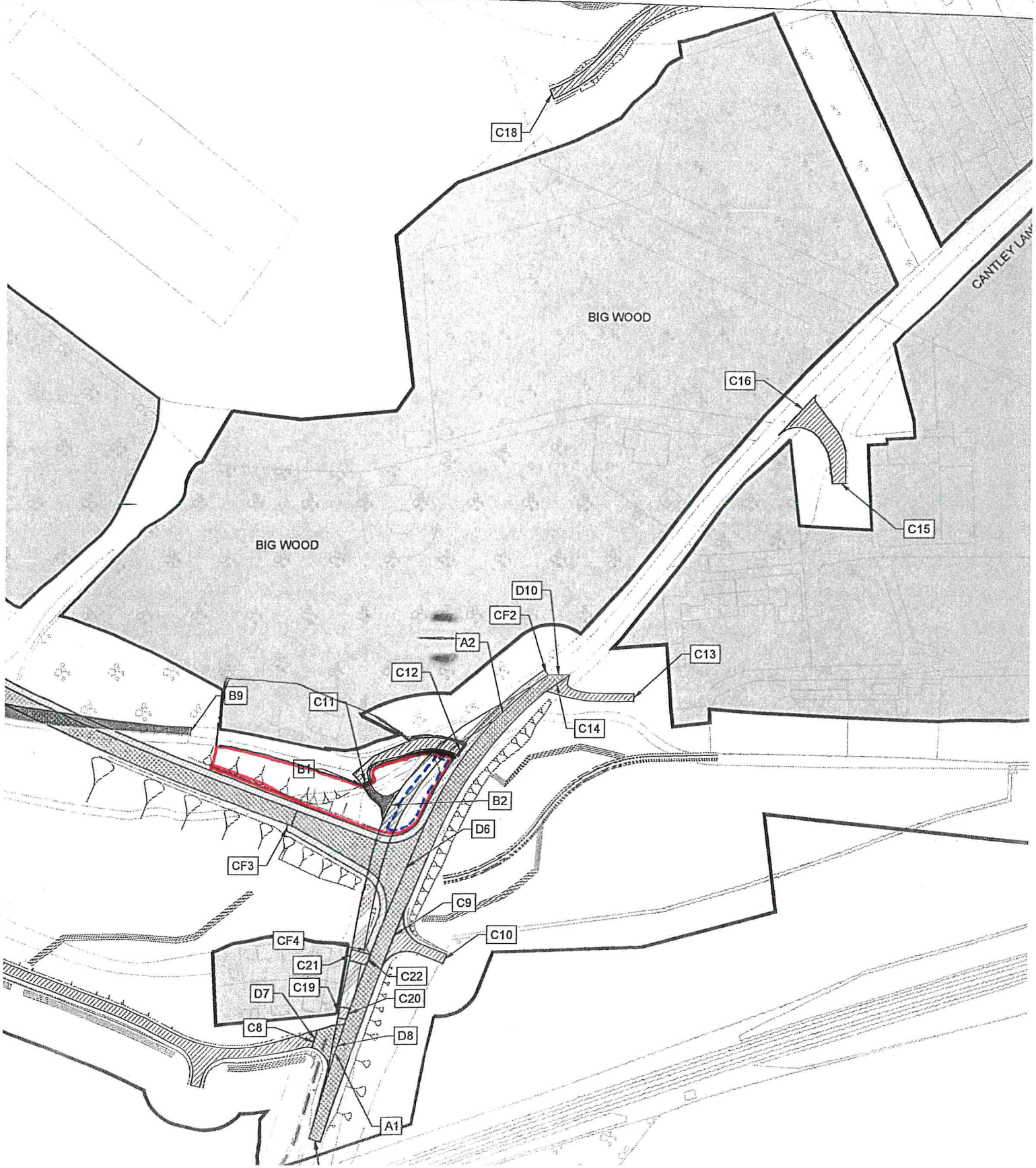


APPENDIX 2 – land between The Sycamores and the highway

LAND BETWEEN PROPERTY AND HIGHWAY

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CONTINUED ON DRAWING
HE551492-GTY-LSI-000-DR-CH-33006



APPENDIX 3 – Proposed land to be transferred

PROPOSED LAND TO BE TRANSFERRED
- green & blue - automatic, red subject to HE handover

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