

A47 North Tuddenham to Easton

Norfolk County Council as Scheme Promoter of Norwich Western Link

Written Representation

1. This Written Representation is made by Norfolk County Council (“**NCC**”) in its capacity as the promoter of the Norwich Western Link (“**NWL**”) scheme and comprises two elements: comments on selected relevant representations (as referenced in Appendices A and B below); and an update on the issues that NCC raised in its Relevant Representation [RR-069].

Comments on Selected Relevant Representations

2. NCC notes that the relevant representations listed in Appendix A to this submission all include the following statement in almost identical terms:

“Norfolk County Council has identified that the area north of the scheme has a nationally significant breeding barbastelle colony of bats, recently found, which although not yet afforded SSSI or SAC status would otherwise qualify as such (see: page 85 in NCC submission to PINS on the A47/A11 Thickthorn Junction, June 3rd, at http://bit.ly/NCC_PlanDeleg_June2021).”

3. NCC notes that the above statement contains a number of errors:
 - 3.1 The reference in the above statement to the “NCC submission to PINS on the A47/A11 Thickthorn Junction, June 3rd, at http://bit.ly/NCC_PlanDeleg_June2021” is erroneous.
 - 3.2 The above link does **not** reference NCC’s relevant representation submitted to PINS on the A47/A11 Thickthorn Junction scheme.
 - 3.3 The above link leads to a Report published by NCC on 25 May 2021 in preparation for NCC’s Planning and Highways Delegations Committee meeting on 3 June 2021. Item No. 9 on the agenda for that meeting was Highways England’s A47/A11 Thickthorn Junction scheme, which NCC was considering in its capacity as local highway authority and host local planning authority for the A47/A11 Thickthorn Junction scheme.
 - 3.4 Pages 65 to 108 of the Report have regard to the A47/A11 Thickthorn Junction scheme and include a recommendation to agree the terms of an initial representation on that scheme, on the basis set out in the Report, with the intention being (as expressed in paragraph 1.3 of the Report) to submit a Local Impact Report (“**LIR**”) based on the detailed representations set out in the Report, where key issues and impacts are each summarised and then followed by NCC’s proposed representation on each issue.
 - 3.5 NCC has submitted a relevant representation on the A47/A11 Thickthorn Junction scheme. This was received by the Planning Inspectorate on 6 July 2021 and was allocated the document reference [RR-001]; it is available here: [A47/A11 Thickthorn Junction | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/a47-a11-thickthorn-junction-national-infrastructure-planning).
 - 3.6 NCC’s relevant representation does **not** contain the reference to a “*nationally significant breeding barbastelle colony of bats*” which the relevant representations, submitted in relation to the A47 North Tuddenham to Easton scheme and listed in Appendix A below, suggest it does.
4. Since the submission of that relevant representation [RR-001], the Examining Authority (“**ExA**”) for the A47/A11 Thickthorn Junction scheme has issued its Rule 6 Letter indicating that LIRs should be submitted on 13 October 2021. As such, a LIR has not yet been submitted by NCC in relation to the A17/A11 Thickthorn Junction scheme.
5. In the meantime, and since NCC’s Report to the Planning and Highways Delegations Committee meeting on 3 June 2021 (“**Report**”) was published, it has come to light that the information on its

page 85 (at paragraph 3.35 of the Report) as referenced in each of the relevant representations listed in Appendix A, contains a number of factual errors and omissions in relation to the commentary relating to bats.

6. In order to rectify those factual errors and omissions, an amended Report has been prepared and was considered and agreed by NCC's Planning and Highways Delegations Committee at a meeting held on 27 August 2021.
7. That Report¹ corrects the aforementioned factual errors and omissions to enable a Written Representation to be submitted for the A47/A11 Thickthorn Junction scheme which reflects the correct and properly reported position in relation to assertions about the presence of a barbastelle bat super-colony in the area of the NWL and the A47 dualling schemes.
8. In terms of substantive points, the corrected Report has been amended:
 - 8.1 to reflect more accurately the statements made in paragraph 8.4.20 of the A47 NTE Environmental Statement, Chapter 8, Biodiversity, in terms of how information has been shared between NCC and Highways England in relation to barbastelle bat locations associated with the NWL and the Norwich Northern Distributor Road (Broadland Northway). In particular, the incorrect statement that "*Woods used by these barbastelle bats (e.g. the Ringland Hills, Hall Hills) are located within 6km CSZ (Core Sustainance Zones) of the proposed A47 Thickthorn Roundabout improvements*" has been deleted, on the basis that both of these two woodland sites are located beyond the 6km CSZ of the proposed A47 Thickthorn Roundabout improvements;
 - 8.2 to make it clear that it is Dr Charlotte Packman (of Wild Wings Ecology), as distinct from NCC, who "*believes that there is a nationally significant breeding barbastelle colony of over 150 bats in this area*";
 - 8.3 to explain that, to date, no survey data has been shared with NCC or otherwise published by Dr Packman to provide supporting evidence which would substantiate Dr Packman's belief that there is a nationally significant breeding barbastelle bat colony in the area; and
 - 8.4 to confirm that, currently, the area is not formally designated as a SSSI or SAC on the basis of the presence of barbastelle bats, and nor has it been selected for assessment by the Joint Nature Conservation Committee and, as such, it does not have the status of a notified SSSI or a possible SAC (pSAC).
9. In addition to the relevant representations listed in Appendix A to this submission, all of which seek to rely upon the erroneous elements in the above mentioned Report to NCC's Planning and Highways Delegations Committee, a number of relevant representations – as listed in Appendix B to this present submission – also seek to assert the presence of a nationally significant barbastelle bat colony in the NWL area, and/or to allege that NCC has acknowledged and/or is in receipt of evidence demonstrating that the colony size would qualify for pSAC or notified SSSI status. As has been explained in paragraph 8 above, these representations do not accurately reflect NCC's position. NCC would therefore be grateful if the ExA would take this explanatory submission into consideration when deciding how much weight to afford to the relevant representations listed in Appendices A and B to this submission.

Update on Matters Raised in NCC's Relevant Representation [RR-069]

10. NCC has continued to discuss the matters raised in its Relevant Representation [RR-069] with the Applicant since it was submitted. NCC is also mindful of question 7.0.18 of the ExA's First Written Questions ("**ExQ1**") which focuses on the nexus between the Applicant's design at the Wood Lane junction and the linkages with the NWL (referred to in paragraph 11 below as "**the proposals**").
11. To assist the ExA, NCC wishes to clarify that in relation to the concerns raised by the ExA in ExQ1 7.0.18, and further to NCC's discussions with the Applicant, NCC's position is as follows:

¹ Available here: <https://tinyurl.com/ym7w3mfw>

- 11.1 Fundamentally, the proposals put forward under Work No. 26a were not initially discussed with NCC by the Applicant; and had they been discussed:
- (a) NCC would have proposed an alternative arrangement that it considers the Applicant could potentially have delivered as part of the A47 scheme; and
 - (b) NCC would never have proposed or supported a non-motorised user ("NMU") connection crossing the NWL at this location (i.e. the proposal is not part of NCC's NMU strategy for the NWL project);
- 11.2 If the proposals are to remain in the DCO, then the Applicant should provide certainty within the DCO as to what the position would be in both a 'non-NWL world' and a 'NWL world'. In particular, should the NWL come forward, NCC would not expect to have to provide design solutions for a NMU connection on its network that it does not support; and
- 11.3 as such, NCC expects the Applicant to amend the draft DCO to provide for:
- (a) ideally, a replacement NMU route to that proposed by Work No. 26a; or
 - (b) if this is not possible and Work No. 26a is to be only a 'temporary' connection before the NWL is operational, then there should be a defined trigger for its removal when the NWL is brought forward coupled with drafting in the DCO that expressly displaces the legal presumption that a way laid out by a highway authority in exercise of its statutory functions is to be treated as a highway; and
 - (c) if it is required to remain in place once the NWL is in place, that specific proposals within the DCO are put forward for crossing of the NWL, which is likely to require a bridge.
12. NCC recognises that the latter course of action would have procedural implications for the Applicant, so it is making its concerns as clear as possible now to allow the Applicant to consider an appropriate way forward.
13. Finally, NCC would re-emphasise its view that the 'NWL stub' that forms Work No. 98 to the DCO should be included within the Rights of Way and Access Plans as a highway to be created.
14. This is important to ensure that the handover of that work is dealt with in the same way as the rest of the works that are to be handed over to NCC as part of the DCO, i.e. in a manner that is consistent with NCC's ability to operate and maintain the assets as part of its highway network.
15. As the rest of the roundabout to which the NWL stub connects is to form part of NCC's highway network (as confirmed by the Classification of Roads Plans [APP-014]), NCC cannot see that there is any disbenefit to the Applicant in having to complete the NWL stub to NCC's satisfaction as relevant highway authority (as is required by article 12 of the DCO), in handing over the assets in that location as a whole.

APPENDIX A

PINS Reference No.	Name	Link to Relevant Representation
RR-058	Nick Bishop-Clark	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-065	Olivia Hanks:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-005	Anne Robinson:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-026	Deepak Rughani:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-027	Dr Larch Maxey:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-032	Emma Tristram:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-047	Joe McCarney:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-001	Adrian Holmes:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-017	Christine Way:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-037	Hannah Hoechner:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-038	Hanne Lene Schierff:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-034	Gil Murray:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-073	Robert Palgrave:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-077	Steve Hale:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-081	Victoria Rance:	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)

APPENDIX B

PINS Reference No.	Name	Link to Relevant Representation
RR-065	Norwich Green Party Group of City and County Councillors	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-045	Jamie Osborn, Councillor	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-018	Andrew Boswell, Climate Emergency Planning and Policy (CEPP)	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-025	David Pett on behalf of Stop Wensum Link	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-059	Norfolk Barbastelle Study Group	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)
RR-084	Wild Wings Ecology	A47 North Tuddenham to Easton National Infrastructure Planning (planninginspectorate.gov.uk)