

Ref.	Comments to Examining Authority's Questions from Bryan Robinson (ref 20028154)
Ex Q1.0.6	<p><i>Comments have been submitted from Interested Parties (IPs) with regards to the design of the proposed Wood Lane Junction. Please provide details of alternatives considered and explain how and why the design approach as submitted was determined.</i></p> <p><b>Comments:</b> I wish to reaffirm my belief that <u>both</u> the Wood Lane and Norwich Road junctions are over designed for considerations other than the dualling of this section of the A47.</p> <p>I asked the reverse question in my representation to the Planning Inquiry for the A47 Blofield to North Burlingham proposals (TR10040) as to whether the South Walsham junction was under designed against the designs for A47NTE. The reply to this representation is attached in the Appendix, which concludes that a <u>compact</u> grade separated junction caters for the traffic flows and constraints.</p> <p>It is regrettable that there is not a requirement for <u>standardisation</u> of existing and predicted traffic numbers (including full AADT, peak and off-peak levels) at ALL appropriate relevant locations applicable to each junction which would ensure both transparency and consistency for comparison of schemes.</p> <p>The major disappointment is that the Examining Authority has not asked questions regarding the Norwich Road junction which was noted in both my and other representations. Subsequently, there has been further comments in the Deadline 1 submission from NCC and others suggesting that there should be a connection to the Food Enterprise Park (FEP) via Blind Lane which is to remain open, contrary to the scheme proposal that it should be closed to traffic. It is also noted that the owners of the FEP have submitted a planning application to Broadland District Council for a connection from the A47 spur at the southern roundabout to the existing Blind Lane proposing that this road should remain open to traffic for this new access and all road users. I am concerned with the potential conflict of interest in that the technical drawings, dated 02/21, submitted with the application have been prepared by NCC and I question in what role are the Local Highways Authority acting.</p> <p>I have not submitted a comment to the Broadland application (20211335) as its practicability is dependent upon a change to the A47 scheme for the removal of Blind Lane. The Applicant in its reply to RR-067 submitted on behalf of the FEP, noted that it would not have an objection to a private access from the scheme. However, an access to the FEP off the very narrow road open to all traffic would be both unsuitable and extremely dangerous. A private access is not the same as the continued use of Blind Lane as proposed in the planning application to Broadland. Clarification is required between the Applicant, NCC, FEP and Broadland to establish what is acceptable. Consideration must also be given to implication of the proposed FEP access design for the potential to exaggerate the flood risk with heavy rain cascading down the 10m fall from the site entrance and the A47 junction.</p> <p>My opinion remains that the location of the FEP is inappropriate and the resulting issue of access has been contrived in the granting of the LDO but with conditions restricting the development until a proper access route is resolved. This is demonstrated by the minutes of Honingham Parish Council on 14 March 2016 when Broadland's Head of Planning (Mr Courtier) attended to present the LDO for the FEP. I do not have a copy of the full minutes but an extract taken at the time reads <i>"There was much discussion about access to this area, to and from the A47, the increase of traffic on the A47 and</i></p>

	<p><i>through Easton and surrounding villages. The general consensus was that thought should be put into the road infrastructure, and dualing of the A47 before the Hub should be built. However, <u>we were told by Mr Coultier that the plans had to be put in place first otherwise there would be no access to the A47 at a later date.</u> When questioned about the start of this project it became apparent that it could be as early as next year – despite there being no hope of the NDR or dualing of the A47 until 2020 at least. The plight of Wood Lane junction at Honingham and the increase of traffic that could further increase its fame as an Accident Blackspot was brought to Mr Coultiers attention – but more or less dismissed as an area of concern”.</i></p> <p><b>Details of alternatives considered for the Norwich Road junction, with traffic numbers, should be requested as those for Wood Lane with explanation of why the proposed design was determined.</b></p> <p><b>For convenience, the Wood Lane junction is discussed at Ex Q1.0.7 below</b></p>
Ex Q1.0.7	<p><i>The Wood Lane Junction makes provision for a new link to the Norwich Western Link (NWL). Please explain what assumptions have been made with regards to the delivery of the NWL in terms of the scheme design and supporting modelling. Should the NWL not be delivered or be delayed, what would the implications be for the surrounding road network?</i></p> <p><b>Comments:</b> The Applicant notes throughout the submission, its liaison and cooperation with NCC and it is my opinion that the Wood Lane junction is designed not to meet the requirements for the A47 as part of the SRN but specifically for the NWL based on an assessed certainty of its implementation. NCC is now seeking further revisions to increase the underpass from single to dual carriageway in its Deadline 1 submission. This latest request for enhancement from single to dual carriageway on the underpass supports the subtle change in the NCC OBC submitted to DfT for funding under the Large Local Majors programme which promotes the NWL as the completion of an orbital route around Norwich. Not only has this concept of a Norwich M25 not been subject to public consultation in any local plan regarding economic implications to the City, but the Applicant has not had an opportunity to assess any consequences to the predictions presented in A47NTE.</p> <p>The question of certainty of the NWL is disputed as must now be realised from the environmental concerns of a protected species of bats in the path of its selected route. Of note is that NCC Cabinet at its meeting of 6 September 2021 approved the inclusion on the Council’s Risk Register (21 July 2021) of the failure to receive DfT funding for the NWL (see Appendix). This belated recognition and the concerns under the Habitats Regulations at planning, question the assumption of near certainty by the Applicant.</p>
EX Q3.0.2	<p><i>ES Chapter 8: Biodiversity [APP-047], paragraph 8.4.13, should consideration be given to the in-combination effects of the proposed development with the NWL. If so, please explain what these would be. If not, why not?</i></p> <p><b>Comments:</b> Paragraph 8.4.13 refers to the scoping out of the other three schemes by HE for the A47, but does not mention the NWL. However this is noted at paragraph 3.4.7 of the Report to Inform the Habitats Regulations as, <i>“Details of works for the Norwich Western Link Road are not yet known and as such, the Norwich Western Link Road Scheme will have to take into account the A47 Proposed Scheme as part of their in-combination effects assessment. <u>At this time, we can therefore assume that there will be no in-combination effect with the Norwich Western Link Road”.</u></i></p> <p><b>I do not agree that any environmental considerations of the NWL should be scoped out. The A47NTE is over influenced by the</b></p>

	<p>NWL project by NCC detracting from the basic environmental effects of an upgrade to the Strategic Road Network. The A47 design is based on the assumption of the NWL being part of the overall changes which have influenced the traffic predictions and junction designs. The assumption that there is no in-combination effect of the two schemes would appear to be based on the fact that details of the works for the NWL “are not yet known” and that the NWL will have to account for the cumulative effects of the A47NTE in that planning process. One of the tenets of the NWL is that it is not dependent on the A47 upgrade and therefore, when it is eventually considered at its planning application stage in 2022, it will not be appropriate to consider the implications of the A47NTE works, if previously approved.</p> <p>However, HE has proposed a design based on the traffic levels from the NWL. The statement that the NWL connection can be omitted if that scheme does not proceed has no relevance without a revised base design as dictated by the existing lower traffic numbers associated with the several existing junctions and/or as rationalised by the side road strategy. My contention is that this would differ significantly from that with the concentration of all north/south traffic via the NWL. Currently the proposed side road strategy is dependent on the NWL and this is also likely to have to be revised if the NWL does not proceed.</p> <p>Transparency would suggest that the A47 scheme should be designed and costed against the requirements without the NWL. An alternative against a possibility of the NWL can then be considered and the changes in both environmental effects and costs can then be determined and attributed accordingly. Currently any extra costs of construction and land purchase will be lost in the RIS1 budget but in order to assess the true cost and BCR of the NWL these extras should attributed to it.</p>
Ex Q3.0.3	<p><i>ES Chapter 8: Biodiversity [APP-047], paragraph 8.4.20, is the Applicant able to provide an update on these discussions, especially in light of a number of comments raised in the Relevant Representations with regards to bats and the NWL? It would be helpful to the ExA if there can be a regular provision of updates on these discussions during the course of the Examination.</i></p> <p><b>Comments:</b> See Ex Q3.0.16</p>
Ex Q3.0.4	<p><i>ES Chapter 8: Biodiversity [APP-047], Section 8.7, Baseline conditions, are the parties satisfied that this section provides an accurate and robust assessment of the baseline conditions. If not, why not?</i></p> <p><b>Comments:</b> My simplistic view on the environmental issues and HRA is that if the A47NTE scheme is based on the design assuming the NWL but without these matters having previously been considered in planning, <u>they must be considered</u> as part of the environmental and habitats under TR10040. This may create a problem if the evidence for the Habitats Regulations shows an unacceptable risk to a protected species and its environs, and may mean that the scheme has to be rejected. If this is the case not only will the NWL have to be rejected but presumably also the A47NTE the design for which incorporates the NWL. I have always considered that A47NTE should be the base design with its specific HRA with an alternative incorporating the NWL which can identify any additional land take and extra environmental issues which need to be considered as part of the NWL habitats assessments.</p>
Ex Q3.0.16	<p><i>The Proposed Development is located within the 6km radius Core Sustainance Zone of a nationally important 'super-colony' of a very rare Annex II bat species, the western barbastelle (Barbastella barbastellus). This super-colony is located in the</i></p>

*Ringland/Attlebridge/Weston Longville/Lenwade area and includes a known 77 confirmed barbastelle roosts (to date - located from radio-tracking), one of which is the largest known extant barbastelle roost in the country. The area exceeds criteria for Special Area of Conservation designation and as such should be treated in the same manner. (Wild Wings Ecology [RR-084]). Norfolk County Council (NCC) [RR-061] states that the bat activity survey area (all species) was up to 1km from the DCO boundary. NCC states that in its comments in response to the Preliminary Environmental Information Report, it requested that bat survey work should consider in-combination impacts with the NWL and that it should be acknowledged that core sustenance zones for bats varies with species (6km for barbastelles). NCC went on to note that the Core Sustenance Zones for Barbastelle bats is 6km away and there is moderate confidence in zone size. There is a known colony of bats at Morton-on-the-Hill which is less than 6km from the site. Can the Applicant comment on whether they have consulted with relevant consultees on the potential effects of the Proposed Development on the colonies of barbastelle bat species as highlighted by Norfolk County Council and Wild Wings Ecology in their relevant representations and clarify whether these colonies were considered as part of the Habitats Regulations Assessment.*

**Comments:** Whilst I did not raise the issue of barbastelle bats in my representation, I feel that I cannot ignore the way the concerns of an experienced respected ecologist are dismissed in the Applicant's response to the Representation (ref RR-058) from Wild Wings Ecology concerning the 'super- colony' of barbastelle bats.

The response was published on 3 September 2021 at *TR010038/EXAM/9.2* and is repeated at Common Response I. The Applicant relies and endorses the position of NCC in this matter and "understands" that NCC has requested a copy of Dr. Packman's research findings which have not been submitted. HE then suggests that the Examining Authority requests that these findings are made available to relevant interested parties in advance of any Issue Specific Hearing on the topic. I find it astonishing that there is no understanding by the Applicant of the open letter sent to NCC by Dr Packman and others dated 26 February 2021 which gives an overview of earlier findings and notes that 2021 surveys are still on-going and all the results will be subjected to peer-review prior to publication.

It would seem a reasonable process to conclude a study and seek peer comments prior to publication of findings and the questioning and assumptions by cabinet member Graham Plant at the referenced NCC Planning and Highways Delegation Committee on 28 August to why the full data was being withheld, was unnecessary and disingenuous, particularly as the reason had already given to the Council in February.

I have been involved in protracted correspondence with NCC concerning timing of an Appropriate Assessment under the Habitats Regulations for the NWL and have been informed that this will be undertaken by Council officers responsible for planning when an application is submitted. Assurances have been given that until this happens "an appropriate degree of separation exists between the Council's officers that are responsible for the promotion of the NWL and those that would exercise other functions of the Council in relation to it. Perhaps this is why the officer presenting the report to the Planning and Highways Delegations Committee was not aware of the letter which was addressed to the NWL Project Manager. What is certain is that the open letter from Dr Packman was sent to the NCC NWL Project Manager and presumably it is this team that

has been liaising with the Applicant. I see no reason therefore why this interim summary information was not provided to the Applicant to enable dialogue on the Core Substance Zone for barbastelles for A47NTE. Simply to suggest that the Examining Authority now requests this information is too late for the Habitats Regulations Assessment details as submitted. Also of concern is that there is no mention of the WSP 2020 Interim Bat Survey Report published in June 2021 and is available on NCC website. This updated information is again pertinent to the TR10040 Habitats Regulations Assessment and the Applicant needs to confirm whether this has been taken into account.

The purpose of the 28 August Committee meeting was to correct factual errors and omissions to the commentary relating to bats in the proposed representation to the Planning Inquiry for Thickthorn and to which reference was made in several representations to TR10040. The corrections are outlined in NCC submissions REP1-033 and REP1-062. The main change is that the earlier statement *“while this colony is not afforded SSSI or SAC status it would otherwise qualify as such”* is substituted with *“currently, the area is not formally designated as an SSSI or SAC on the basis of the presence of barbastelle bats, 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)”*. The essence of the change is that NCC is withdrawing the qualification statement of pSAC status if the findings of Wild Wings Ecology are correct, as was originally drafted. However, the qualification status is still factually correct but NCC no longer wishes to draw this to the attention of the Planning Inspectorate. It is interesting to note the following extract from the Bat Conservation Trust’s website in its position statement on the NWL (see Appendix) *“This barbastelle population is of national significance because of the number of bats it supports. Whilst the site is not yet designated as a Special Area of Conservation (SAC) it does qualify and should not need to be designated to be protected”*. Whilst it is accepted that this statement is more applicable to the NWL than the A47NTE, cognisance should also be made by the Applicant in assessment of implications within the CSZ.

A question was raised at the NCC Planning and Highways Delegation Committee on 28 August by a member whether the Committee would be making a recommendation to the Council *“for 1) SAC accreditation in relation to the land situated within the Wensum Valley which has recently been found to be the home for a super colony of barbastelle bats, and/or 2) an amendment of the conservation objectives of the River Wensum SAC to include the commuting and foraging routes of the barbastelle bats found to be situated within the immediate area of the SAC.”* It will be appreciated that awarding such status would dramatically influence the consideration of mitigation both for the NWL and potentially the A47 works. The chair of the meeting stated that *“this was not relevant to the Committee”*, which I find disappointing particularly as the 3 voting members had agreed earlier in the meeting to remind the Planning Inspectorate (for the Thickthorn scheme) of its duty as a public body under the Natural Environment and Rural Communities Act 2006 including in relation to this asserted colony of barbastelle bats.

Appendix Supporting Details Footnotes		
Ex Q1.0.6	<b><u>My Representation to TR10040 –A47 Blofield to North Burlingham:</u></b> I am	<b><u>Highways England Response (Document REP1 – 060):</u></b> VISSIM operational modelling has been undertaken to provide a detailed assessment of the Scheme’s performance

	<p>confused at the at-grade junction design for this scheme incorporating a limited widened carriageway at exit and joining locations while the scheme for the section of the A47 upgrade between Easton and North Tuddenham has two major grade separated junctions. The main junction for this scheme must cater for traffic to and from Lingwood. Bearing in mind the population of Lingwood and sugar beet lorries going to Cantley, I am unable to understand why this can be an at-grade design but the junctions for the Norwich Road junction within the Easton scheme which will take much lower levels of traffic has to be grade separated. Both schemes are on the A47 and it would be assumed will be subject to the same design constraints.</p>	<p>across the A47 mainline Scheme section and the upgraded B1140 junction. To support this assessment PICADY analysis has been undertaken of the priority junction connecting the de-trunked A47 east to B1140 South Walsham Road on the northern side of the A47. (see Transport Assessment (TR010040/APP/7.3 Rev 1) Section 6.2 'Overview of the Operational Modelling' and Section 7.8 'Impact on Junctions, Queuing and Delay'). For the VISSIM and PICADY assessments, October 2019 traffic counts were utilised to calculate the additional seasonal growth in traffic relating to the British Sugar PLC located in Cantley. The additional British Sugar PLC demand was added to the NATS 2040 forecasts. This ensures that the VISSIM and PICADY operational assessments account for the extra demand generated from the British Sugar PLC during its seasonal period. In summary the VISSIM and PICADY analysis shows that the Scheme design is suitable even during the British Sugar PLC peak season where there is a large increase in HGV demand. VISSIM (Section 7.8 of APP-122 from 7.8.1 to 7.8) shows minimal delay on all merges and diverges. PICADY (Section 7.8 of the Transport Assessment (TR010040/APP/7.3 Rev 1) from 7.8.1 to 7.8.3) indicates that all arms will operate well within the available capacity and that on average minimal delays of around 6-10s will be experienced during peak periods. The Scheme Design Report (TR010040/APP/7.6 Rev 1) sets out the justification for the junction at Yarmouth Road and details the options considered. A grade separated junction was discounted due to the low use of the existing junction arrangement in the forecast future years do-minimum scenario with the strategic traffic model. <b>The B1140 junction is proposed to be a <u>compact grade separated junction</u> based on the traffic flows and existing constraints.</b></p>
Ex Q1.0.7	<p>New corporate risk proposed and agreed at NCC Cabinet meeting of 6 September 2021. Extract from Agenda.</p>	<p><u>Proposal:</u> It is proposed to open a new corporate risk relating to the Norwich Western Link; RM033 - Failure to receive the necessary funding or statutory approvals to enable the Norwich Western Link (NWL) project (at £198m) to be delivered to the agreed timescales (target opening by late 2025). This follows the agreement at Cabinet in June 2021 to undertake a programme of capital works for which Council has agreed a budget, as further set out in the paper Capital strategy and programme 2021- 22. <u>Details of Risk:</u> There is a risk that the NWL project could fail to receive funding approvals from the Department for Transport (DfT), and/or statutory approvals necessary within the</p>

		<p>necessary timescales to achieve the Orders to construct the project (related to planning consent, land acquisition, highway orders). Cause: Objection to the project (particularly related to environmental impacts) that results in either DfT or Secretary of State failing to provide the necessary approvals for the funding/Orders. Event: The scale of the project and the funding requirement from DfT (at 85%) is such that without their funding contribution, it will not be possible to deliver the project. Without the necessary Orders in place, it will not be possible to deliver the project. Effect: The benefits that the project would bring in terms of traffic relief, accommodating growth in housing and employment, economic recovery and journey time savings would not be achieved. If ultimately the project does not get constructed there is the possibility that any funding already provided by DfT would need to be repaid and that the capital expenditure up to that stage could need to be repaid from revenue funds (as there would be no capital asset to justify the use of capital funding).</p> <p><u>Risk Treatment - Treat:</u> Likelihood 3 – Possible; Impact 4 - Moderate; Risk Score 12 – Amber (Medium Risk)</p>
Ex Q3.0.16	Extract from the Bat Conservation Trust website on Position Statements for national projects.	<p><b>BCT’s Position Statement on the Proposed Norwich Distributor Road Western Link</b></p> <p><b>Date: 04 March 2021</b></p> <p><b>Background</b></p> <p>This position statement sets out the Bat Conservation Trust’s (BCT’s) position on the proposed Norwich Distributor Road (NDR) Western Link. This is a proposed extension to the NDR, construction of which was completed in 2018.</p> <p>Wild Wings Ecology have reported that survey work carried out by them in 2019 and 2020 has resulted in the discovery of a large, nationally significant population of bats of the species barbastelle (<i>Barbastella barbastellus</i>) along the proposed road route. Within this is the largest known UK roost for barbastelle, supporting 105 individuals within one tree, and it is reported that the whole population consists of 270 individuals with maternity roosts spread through several woodlands in the area (Packman, 2020). The nationally important status of the colony</p>

and the threat to this is the reason for BCT producing this position statement.

**Legal protection for bats**

All of the UK's bat species are legally protected from killing / harm, disturbance, and obstruction / destruction of their roosting habitat by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This legal protection was put in place as a result of historic declines and some bat species are showing early signs of recovery.

**Status of barbastelle**

However, the barbastelle is particularly rare and thought to still be declining throughout its range across Europe. Barbastelle is listed as 'Near Threatened' on the Global IUCN Red List and 'Vulnerable' on the UK Red List, which also describes it as 'at imminent risk of extinction' and estimates a population of 4500 individuals in England. It is offered special protection through its listing on Annex II of the Habitats Directive, requiring for member states to designate Special Areas of Conservation (SAC) to protect the species and its habitats.

**Potential impacts of major road schemes**

The potential impacts of road schemes on bats include destruction, degradation and fragmentation of roosting, foraging and commuting habitat; mortality of bats through collision with vehicles and disturbance from noise and lighting associated with the road.

The impact of roads on bats was studied by Berthinussen and Altringham (2012a), who reported that bat activity and diversity reduced with increasing proximity to a major UK road, probably due to habitat degradation (through noise, light and chemical pollution), the barrier effect and/or road mortality. Finch *et al.* (2020) report that both bat activity and feeding behaviour are negatively affected by traffic noise playback.

**Mitigation and compensation methods available**

Attempts to mitigate and compensate for the impacts of road schemes on bats generally include the provision of alternative roosting habitat (for example, using bat boxes or veteranisation of trees), planting of new commuting and foraging habitat, the provision of crossing points for bats to cross the road safely and sensitive lighting schemes.

**Limitations of these methods**

It is clear that new planting cannot replace mature woodland and the roosting and foraging opportunities it offers to mature woodland specialists such as the barbastelle. Indeed, it will take many years for any such new planting to provide those needs. Too long to support current colonies of bats impacted by the scheme.

Berthinussen and Altringham (2012b) reported on the efficacy of road crossing points for bats, concluding that bat gantries are ineffective but underpasses do have potential (if they are



		<p>of sufficient size and placed along pre-construction commuting routes) and green bridges warrant further research into their efficacy.</p> <p>Fensome and Mathews (2016) analysed evidence on road mortality for bats from across Europe and found that juveniles are more prone to collision (making maternity colonies close to roads particularly vulnerable) and that rare species such as barbastelle have been discovered as casualties on the roads studied.</p> <p>Impacts from light pollution are often addressed by sensitive lighting schemes but this does not reduce the negative impact of vehicle headlights. Impacts from noise and chemical pollution are often not addressed and we are not familiar with any mitigation measures that have been both proposed and tested for their efficacy.</p> <p><b>Local Planning Authority duty</b></p> <p>This barbastelle population is of national significance because of the number of bats it supports. Whilst the site is not yet designated as a Special Area of Conservation (SAC) it does qualify and should not need to be designated to be protected.</p> <p>A SAC site threatened by impacts from development would be subject to a Habitats Regulations Assessment. Where an adverse impact on the integrity of a SAC is predicted and no alternatives are available permission can only be granted <i>if there are imperative reasons of over-riding public interest and if appropriate compensatory measures are available and applied.</i></p> <p>Regardless of SAC status, the National Planning Policy Framework (2019) states that:</p> <p>Planning policies and decisions should <i>contribute to and enhance</i> the natural and local environment by: a) protecting and enhancing valued landscapes, <i>sites of biodiversity or geological value</i> and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and</p> <ul style="list-style-type: none"><li>• When determining planning applications, local planning authorities should apply the following principles: a) <i>if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.</i></li></ul> <p>The available evidence suggests that the impacts of the proposed NDR Western Link on this nationally significant barbastelle population cannot be adequately mitigated or compensated for and we have significant concerns about this scheme if taken forwards as proposed.</p>
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