

A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

COMMENTS on Applicant's replies to ExQ1

On behalf of A.C. MEYNELL of the [REDACTED]

IP reference 2002/8353



ACM 08 Rev 1 (clean)

6 October 2021

Infrastructure Planning - Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010
Regulation 10

The A47 North Tuddenham to Easton Development Consent Order

COMMENTS on Applicant's replies to Ex Q1
On behalf of ANTHONY CHARLES MEYNELL

Application reference:	TR 010038	Interested Party reference:	2002/8353
Document reference:	ACM 08	Date:	5 October 2021
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A C Meynell comments on Applicant's replies to ExQ1

<i>Q ref</i>	<i>Subject</i>	<i>Address see</i>	<i>Precis Summary of Ex A question (by BHE)</i>	<i>Precis summary of App reply (14/9/21) (by BHE)</i>	<i>BHE comments</i>
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Q1.0.1	General	App	<p>How does dev't deliver good design under paras 4.28-4.35 of National Networks NPS and NIC's design principles?</p>	<p>App refers to its Scheme Design Report (AS-009 as amended June 2021) and in particular to "3.4 Good Road Design is Understandable; 3.5 - Good Road Design fits in Context, 3.6 ...is Restrained; 3.8 ... is Environmentally Sustainable 3.7 ... is Thorough. The relevant paras in the Scheme Design Report (AS-009) state; [see below]</p>	<p>Comment 1: The Applicant fails to address the wording of the paragraphs of the NNPS referred to.</p> <p><i>NNPS (Dec 2014) states:</i> 4.31 A good design should meet the principal objectives for the scheme ... by improving operating conditions and simultaneously minimising adverse impacts".</p> <p>Comment 2: As a result of the Applicant's:</p> <ul style="list-style-type: none"> (a) imposition of the south part of the Wood Lane Junction (including associated rebuilt local roads and the cycle path across the Merrywood field) over the existing A47 and Berry's Lane / Dereham road and over the [REDACTED] (BHE) land, (b) being obliged in consequence of this to divert drainage and utilities which could have remained in situ otherwise had the junction been more carefully located, and (c) utilisation of BHE land for satellite compound 2 and soil storage area as a result largely of the location of the south part of the junction and other substantial works south of the existing A47, when there are feasible alternatives to doing so, the Applicant has failed to minimise adverse impacts at its Wood Lane Junction by its design and location adopted and that of the associated compounds during construction. <p>Consequential unnecessary adverse impacts have been caused to (1) the HMRC designated landscape of BHE; (2) the listed Berry Hall curtilage in its setting and its occupiers (3) Merrywood House and its sensitive receptors (4) the Gas main, Anglian Water and BT utilities passing through its junction site; (5) the wider landscape around the site which will lose more vegetation and biodiversity than it needs to (6) local road users who can no longer use the existing A47 in this location (7) NMU's who will be obliged to take a long diversion travelling east-west around the north side of the junction which they would not have had to do were the option available of travelling along the existing A47; and (8) walkers in Honingham who will no longer be able to enjoy the tranquillity of</p>
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					<p>the footpath over Merrywood field which will be turned into an paved cycle path All BHE alternatives succeed in minimising all those adverse impacts.</p> <p><i>4.32 The S of S needs to be satisfied that ... projects are sustainable and as aesthetically sensitive as they can reasonably be"</i> Comment 3: For the same reasons as given in response to 4.31, the Applicant's Wood Lane junction as above is not as aesthetically sensitive as it can reasonably be. The BHE alternatives show that it can reasonably be so.</p> <p><i>4.33 The applicant should therefore take into account both functionality and aesthetics (including the scheme's contribution to the quality of the area in which it would be located)"</i> Comment 4: The Applicant has failed to take account aesthetics by damaging the quality of the area in which it has proposed to locate the south part of the Wood Lane Junction and local roads and cycle path and diverted utilities, and associated compounds on BHE land</p> <p><i>4.34 While the applicant may have only limited choice ... there may be opportunities for the applicant to demonstrate good design in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation."</i> Comment 5: There is choice which the Applicant failed to consider in its design and location for the junction after deciding to make it grade separated and there are such opportunities at the Wood lane junction as demonstrated by the BHE alternatives</p> <p><i>4.35 Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved.</i> Comment 6: The Applicant has failed to demonstrate how it arrived</p>
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					<p>at its chosen location of the parts of the Wood Lane Junction, and how those parts which it has sought to locate on the existing A47 and to its south evolved.</p> <p><i>S of S should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy</i></p> <p>Comment 7: The purpose of the infrastructure was to make a more free-flowing road for traffic using the A47 while minimising the adverse effect of the development on the surrounding landscape and residents. The Applicant's design for and siting of the Wood Lane junction in its precise chosen location fails to fulfil the ultimate purpose for the reasons given above.</p>
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				<p>3.4 Junction Design. Throughout the design process, several proposed design elements have been considered and incorporated to make them more understandable for road users. Examples ... include:- The new A47 mainline will provide a continuous dual carriageway between North Tuddenham and Acle.; - Both the Wood Lane and Norwich Road junctions are fully grade separated;- the layout of the dumbbell roundabouts at the Wood Lane and Norwich Road junctions is consistent with the existing Longwater and Watton Road junctions further east providing continuity of approach and layout.</p>	<p>Comment 8: The Applicant fails to state why it chose the Longwater and Watton Road junctions as exemplars other than that they are next closest to the east:- (1) Longwater is a connection to a road to Norwich and a retail park on one side and to the Norfolk Showground on the other of its two dumbbells. It is known to be operating over its capacity. See Comment of North Tuddenham Parish Council to Planning Inspectorate EIA Scoping Assessment by email dated 22 October 2019 (EIA Scoping Opinion adopted 1 Nov 2019, Pre-application docs) at para 4 "the Longwater Junction, just beyond Easton off the A47 leading to Costessey, is a severe bottleneck and will need to be considered for improvement" (2) the Watton Road junction connects to a single B road crossing over the A47 by two small dumbbells above the A47. Neither has a comparable type of traffic usage to the intended Wood Lane Junction if NWL is built. The single roundabout of the A140 junction and the Thickthorn junction is more consistent exemplars in the NWL situation and for traffic using the A47 even if NWL is not built, to maintain a free flowing traffic movement.</p>
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			<p>3.5 Good Road Design fits in Context</p> <p>3.5.1 The A47 Highway corridor between North Tuddenham and Easton is located within a largely rural landscape characterised by agricultural land use and dispersed settlement. Physical features in the immediate vicinity of the existing A47 corridor which contribute to the landscape character of the wider area include agricultural fields enclosed by hedgerows with mature trees and small areas of woodland.</p> <p>3.5.2 The landscape design sought to integrate the Scheme with the surrounding landscape character, minimise visual intrusion and minimise impacts on the settings of the Listed Buildings. For example ... Norwich Road junction was moved 150m away from St Andrew's Church to reduce the intrusion on its setting and allow a retaining wall to be replaced by a landscaped earth bank.</p> <p>3.5.3 The landscape design objectives include retaining notable extents of existing planting...</p>	<p>Comment 9: The two large dumbbells of the Proposed Wood Lane junction taking up a distance 300m across, are not in context with the agricultural landscape described. NCC has stated in its Reply to the Applicant's response to its RRs that where there is a loss of such trees and there is scope for movement of the route, the Applicant should endeavour to save such as it can as they are irreplaceable in biodiversity terms. The Applicant did not carry out its arboricultural survey of these trees until 2020, after the Wood Lane Junction had been designed and selected as the preferred option. The Wood Lane Junction as proposed by the Applicant does not minimise visual intrusion nor does it minimise impacts on the setting of the listed Berry Hall and its curtilage. Nor was it even designed to minimise effects on the BHE in its own right given the failure of the Applicant to take into account the designation of the Estate under the IHTA at any stage. The south dumbell junction is embanked as is the link road to the detrunked A47 toward Honingham. The cycle path passes immediately to the north of Merrywood House, losing a belt of protective trees within the BHE on its boundary. Both the BHE Alternatives minimise the impacts by allowing all trees on the BHE to remain and in addition the majority of the hedgerows on the north side of the existing A47 west of the junction which are proposed to be felled. Further, the movement of the roundabouts north allows the south side of the roundabout (whether single or Dumbbell) to be at grade or in a cutting and the slip roads behind existing hedges on the north side of the A47, hence minimising its visual intrusion to a far greater extent.</p> <p>Comment 10: The Applicant's proposal at the Wood Lane Junction involves a disproportionate amount of tree loss. Not only those on the BHE but of the 12 Grade A trees to be felled on the whole of the proposed route between North Tuddenham and Easton, 8 of them (two thirds of the total) are located within the proposed Wood Lane Junction (T347-353 inclusive and T365). Four of these grade A trees</p>
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					are rated "Notable" by the Woodland Trust and one as a Veteran. Of the 52 Grade B trees to be felled 19 (one third) are within the Wood Lane Junction.
				3.6 Good Road Design is restrained	Comment 11: For the reasons given in the previous comments 9 and 10 above, the Wood Lane junction design in its proposed location is not restrained.

			<p>3.6.1 Sections 4, 5 and 6 of this report outline the considerations applied during the design of the junctions, side roads and structures forming the Scheme to minimise the potential impact on existing infrastructure...</p> <p>... and the environment.</p>	<p>Comment 12: The Wood Lane Junction does not minimise potential impact on existing infrastructure.</p> <p>(1) The position of the east-going link road from the south dumbbell and the demolition of the existing A47 east of the junction to allow for the westbound off slip road, requires a doubling of the distance for which the National Grid Gas Main has to be diverted, over that which it should be possible to achieve in the BHE alternatives.</p> <p>(2) the positioning of the south dumbbell over the existing junction requires diversion of the Anglian Water Main and the underground E-W BT cables on the A47, neither of which should be required at the junction in the BHE alternatives. (see the utilities plans at Appendix E to the Scheme Assessment Report - at Highways England 2020 consultation docs)</p> <p>(3) Again by placing the South dumbbell over the existing junction, the Applicant removes the head of the existing drainage channel from the 1968-improved A47 to the river Tud on the east side of Berry's Lane, which is retained in the BHE alternatives.</p> <p>(4) the placing of the South dumbbell over the existing junction and demolition of the north end of Berry's Lane, has led to the perceived need for the construction of the proposed cycle path from Berry's Lane to Dereham Road. Retention under the BHE alternatives of the existing Dereham Road and Berry's Lane (the latter for NMU's and tractors only) minimises the disruption to existing infrastructure and removes the need for a cycle path, allowing the well-used natural public footpath to remain, together with its connection to the BHE permissive footpath over meadows to the River Tud which the Applicant's design proposes to sever.</p> <p>Comment 13:As to the environment, the impact is not minimised at the Wood Lane Junction, for the reasons given in all comments above.</p>
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				<p>3.6.2. The new A47 will be predominantly offline... therefore enabling the use of the existing A47 during construction to minimise disruption to road users.</p>	<p>Comment 14: The new A47 is not offline at or either side of the Wood Lane Junction as designed and located by the Applicant. The south dumbbell is on the A47 as are part of the slip-roads on the south side. A portion is also being demolished in order to tie in the proposed new link road east to the detrunked A47. The Applicant's location and design for the junction prevents the use of the existing A47 during construction of these elements at or either side of the Wood Lane Junction due to this and to the diversion of utilities at the junction.</p> <p>During construction in this phase (Phase 3 per Annex B to REP2-014)) the existing A47 traffic is be diverted off the existing A47 through part of the new dualled highway east of the junction, then through part of the junction itself and then along the new link road to the north of the new road leading to Sandy Lane when that is completed, in order to construct the elements on the existing road.</p> <p>The BHE Option A proposal allows the retention of those parts of the existing A47 with construction of the Lady's Grove underpass, for the whole construction period until ready to travel on the new dual carriageway or part of it.</p>
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				<p>3.6.3... disruption to biodiversity within the vicinity of the existing A47 will also be reduced.</p>	<p>Comment 15: Disruption to biodiversity at the Wood Lane junction and associated compounds is not reduced. The Applicant's Environmental Statement Chapter 8 (Biodiversity) (APP-047) accepts that construction impacts and operational impacts on arable field margins, deciduous woodland, hedgerows both at National and county level will be major adverse (para 8.8.8, table 8-9, at page 35 and para 8.8.10 and table 8-10 at page 38), before mitigation. The mitigation measures which can be taken are described generally at 8.9.5 to include in turn (a) avoidance and prevention - design to prevent the effect (for example, alternative design options or avoidance of environmentally sensitive sites,) (b) reduction, where avoidance is not possible, when mitigation is used to lessen the magnitude or significance of the effects, and finally (c) remediation, where it is not possible to reduce a significant adverse effect then measures to offset by compensation or enhancement. Those steps that it is stated that have been taken in relation to hedgerows, deciduous woodland and field margins are stated in Table 8-11 as "reduction of as much permanent habitat loss as possible has been embedded in the design" and that compensatory planting will be carried out.</p> <p>At and around Wood Lane Junction it is incorrect that reduction of as much as possible has been embedded in the design. The BHE alternatives demonstrate that significantly more can be preserved than has been by the proposed design prepared by the Applicant. Such further preservation should be made if possible, according to the Applicant's own criteria.</p> <p>Under the Applicant's proposals:</p> <p>(1) (as mentioned already) 8 of the 12 Grade A trees on the route, including one veteran and 19 of the 52 Grade B trees on the route, plus the hedgerows on the north side of the A47 and trees and hedgerows on the BHE, with the biodiversity within them, will be</p>
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					<p>lost.</p> <p>(2) Farm Woodlands Premium Scheme (FWPS) rides as well as trees will be permanently lost in the Merrywood field,.</p> <p>(3) field margins, a bee pollinating area, grassland will be lost to compounds and a and winter bird feeding area located immediately adjacent to the compound, as described in Mr Meynell's statement (ACM03). The existence of these did not appear to have been on the Applicant's radar prior to the submission of the dDCO. The BHE alternatives allow 3, possibly four and, with judicious precise locating of the BHE alternative roundabouts and Wood lane, possibly two more of the 8 Grade A trees, to be retained and 14 of the 19 Grade B trees, as well as all the BHE plantation trees and a significant amount of the hedgerow and the Merrywood field margin /ride.</p> <p>(4) In terms of temporary loss, relocation of the compound and soil storage area to arable land currently to be used by the Applicant's road design, will avoid loss of CSS field margins, bee pollinating land and wintering bird land which will be so lost in the Applicant's proposals.</p>
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Q1.0.2	General	App	How much has HE's Strategic Design Panel been involved in the design?	<p>SDP intended to focus on strategic input rather than scheme specific details. Not of direct relevance. It was reviewed by [HE's] Internal design panel but not considered complex or contentious.</p>	<p><i>Comment 17:</i> The Applicant's reply is incorrect in its comment on the purpose of the Strategic Design Panel. See:-</p> <p>(1) <u>The DfT's Road Investment Strategy 2 (RIS2)</u> laid before Parliament in March 2020 states in Part 1, Strategic Vision, section d, Delivering the Vision, para 3, A safer and more reliable network, under the heading "Designing wisely". This states: <i>"[The SRN's] design ... needs to take into account [its] relationship with other roads and modes, enabling seamless integration for users, and with the wider environment, encompassing natural, human and built environmental factors.</i> <i>"Infrastructure design must always be respectful of place, and where roads pass through areas of substantial environmental and cultural value, design work must take extra care to incorporate the road and roadside furniture sensitively into the landscape...</i> G "Highways England's Strategic Design Panel will continue to provide both general advice and independent design reviews of individual Highways England projects.</p> <p>(2) <u>The SDP's own Progress Report 4 (March 2021).</u> This states in its Executive Summary "<i>Design Review and Advice. The design review panel (DRP) has continued to provide scheme specific design advice, as well as reporting strategic issues from reviews to the Panel.... The Panel ...recommends reviews continue to be undertaken by a separate design review panel under its direction</i> in the second road period." [emphases added]</p>
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Q1.0.4	General	App	How were scheme objectives determined. Why no ref to design	DMRB GG103 principles have been applied.	<p>Comment 18:</p> <p>The Applicant refers to RIS2.</p> <p><i>RIS2, Part 1, Strategic Vision, section d, Delivering the Vision, para 3, A safer and more reliable network, DfT state under the heading “Designing wisely”¹ states:</i></p> <p><i>“Infrastructure design must always be respectful of place, and where roads pass through areas of substantial environmental and cultural value, design work must take extra care to incorporate the road and roadside furniture sensitively into the landscape...</i></p> <p><i>“Highways England’s Strategic Design Panel will continue to provide both general advice and independent design reviews of individual Highways England projects.</i></p> <p><i>“Yet there are some general ambitions that should, over time, be applied across the SRN reflecting its principal purposes. Where practicable, within environmental, affordability and value for money constraints, and working with partners. our vision is for the SRN to develop progressively to reflect eleven ideals.</i></p> <p><i>[The eleven ideals are set out in box form and include]</i></p> <ul style="list-style-type: none"> - <i>Separation of traffic flows through the use of dual carriageways with central safety barriers and grade-separated junctions;</i> - <i>A well-designed and maintained soft estate;</i> <p>For the reasons given in comments to Q1.0.1 above, The Applicant has failed with its Wood Lane Junction design in its precise location, to be as respectful of place as it might have been or to have taken the extra care that the Sof S requires. The failure to consider any alternatives to the precise location</p>
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					<p>of the junction location or to the particular grade separated form chosen, together with the lack of understanding shown by its reply to Q1.0.2of the purpose or the availability of the Strategic Design Panel to assist by giving project specific advice, demonstrates its failings in this regard.</p> <p>Nor is the soft estate in the vicinity of the Wood Lane junction,well designed, by:-</p> <p>i) failing generally to make the best use of existing trees and hedgerows on both sides of the existing A47 both to assist in maintaining the existing biodiversity as far as possible in this location and as screening between the new carriageway and junction and the local traffic route and the BHE</p> <p>ii) failing to respect the countryside and incurring unnecessary cost, as it has proposed in the field by Merrywood House, by inserting an inappropriate cycle path with new planting and fences and a cutting to take it to road level at the west end, through an agricultural field in open countryside currently used regularly as a rural footpath, with the effect of a) suburbanising the rural area; b) severing the field from the next which are both used for grazing by cattle and as an access point for the cattle to the next field c) cutting off a permissive footpath through the BHE d) exposing the sensitive receptors of Merrywood House by removing a large part of its shelter tree belt on its north side; e) needing to remove for the cutting another tree which its arboricultural expert had failed to record.</p>
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¹ RIS2, pp34-35

Q1.0.6	General	App	IPs have commented on WLJ design. Please provide details of alternatives considered and explain how and why the design approach as submitted was determined.	Scheme design report (AS-009) sets out justification and the options considered.	<i>Scheme design report (SDR) is dated Rev 0 - March 2021; Rev 1 June 2021. It mentions the Wood Lane Junction in three places: (1) <u>para 3.4.1</u> "Both the Wood Lane and Norwich Road junctions are fully grade separated... The layout of the dumbbell roundabouts on the Wood Lane and Norwich Road junctions is consistent with the existing Longwater and Watton Road junctions further east providing continuity of approach and layout."</i>
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<p>Q1.0.6</p>					<p>(2)paras 4.1.3 to 4.1.7. <i>- Para 4.1.3 says "The Preferred Route Announcement, in 2017, identified three proposed junctions along the route; see Figure 4-1 below"</i></p> <p>[this is the plan used in and taken from the August 2017 PRA which shows the location of three junctions, by indicative boxes, one at the west end at Fox Lane, the second in the centre at Sandy Lane and the third at the east end at Easton].</p> <p><i>"Since that time, the junction locations were refined whilst taking account of the existing network junction locations and existing constraints."</i></p> <p>Comment 18(a): The document omits describing the location of the junctions and merely does so by reference to the plan.</p> <p><i>- A refinement by omission of the western Fox Lane junction is explained at para 4.1.5 because it was no longer needed, - a refinement that changes the location of the eastern junction from the Easton box to a point just west of it, at the intersection of Taverham Road and Blind Lane, is explained at para 4.1.6 as being due constraints adjacent to the Easton Roundabout, residential properties, Orsted cable route, Food Enterprise Zone development and PRA commitment, which "informed the decision to locate the Scheme's eastern junction where the existing A47 meets Taverham Road and Blind Lane.</i></p> <p>Comment 18(b) : By contrast to the other two refinements, no explanation is given for the move of the centre junction from Sandy Lane to Wood Lane. Para 4.1.7 merely says</p> <p><i>-"Therefore, the Scheme contains two new junctions onto the proposed A47 from the local roads</i></p>
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					<p>- Wood Lane junction, at the existing A47 junction with Wood Lane and Blind Lane (sic) (and including a future connection to the Norwich Western Link</p> <p>- Norwich road junction, at the existing A47 junction with Taverham Road and Blind Lane"</p> <p>Comment 18(c): The Applicant nowhere in this document explains the reason for the change of location of the Junction now appearing at Wood Lane. The omission of any explanation here for the largest change, while explaining multiple reasons for the two smaller ones, is surprising to say the least. The reader may be given the impression that the Applicant did not wish the reader to notice that it has moved the centre junction 1km eastwards from its previously approved, announced and preferred location at Sandy Lane. That perception is strengthened by the fact that the Applicant has not mentioned in words the name of the previous location from which the junction was moved to its new location at Wood Lane and Berry's Lane (which it also - perhaps inadvertently - misdescribes as Blind Lane). If the omission is by oversight, rather than design, it suggests a very poor quality report.</p>
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<p>Q1.0.6</p>					<p>(3) section 4.2 <i>4.2.2 The initial [2020] junction design concept proposed a new roundabout located north-west of Honingham with connections to Wood Lane to the north and Berry's Lane to the south. The junction included the option of providing a future connection for the Norwich Weste3n link road scheme.</i> <i>4.2.3 Traffic analysis of an At grade roundabout ... indicated that during afternoon peak hours several arms... would be operating over the target capacity leading to unacceptable delays.</i> <i>4.2.4 -4.2.6 Analysis ... also indicated that the majority of traffic flow would be straight through traffic. Therefore, given the results of the traffic modelling it was determined that an at grade roundabout was not suitable; Further modelling suggested that a compact grade separated junction would not be appropriate because of expected mainline flows, so the design was developed as a full grade separation layout.</i> <i>4.2.7- 4.2.8 explains refinements from the initial design presented to public consultation to the final design the subject of the DCO Application.</i> <i>Para 429 states "the final junction design also took into consideration" (but without explaining how) "the landscape setting of the grade II listed Berry's Hall to the south west, the high pressure gas pipeline crossing the existing A47, the need to retain access to Honingham via Dereham Road and the need to maintain walker and cyclist connection between Berry's Lane and Dereham Road."</i></p> <p>Comment 19; Again, the Applicant provides no reasoning for the move. Nor does it give any explanation for its choice of the precise location for the junction at its new site at Wood Lane.</p>
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					<p>No suggestion is made for example that different options were considered to minimise the impact on the infrastructure to be diverted at a significant expense to allow the junction designed to be located where it is proposed, or to enable a larger section of the existing A47 to be continued in use as the App expresses desires elsewhere should be done. Or why the precise location was chosen with the south dumbbell across the existing A47 at the current junction and extending to the south of it, instead of to the north of it, which would have been consistent with the Applicant's statements that the road is here predominantly north of the existing A47. That no attempt is recorded as having been made to situate it elsewhere or to reduce the costs of the junction in this respect is surprising, given that earlier in the project in January 2017, it is reported in the SAR (see Chapter 21) that a Deep Dive Value engineering exercised had been carried out (it was actually done on all six A47 projects) to reduce the cost of the project from an estimated £192m to £131m with a consequential reduction of BCR from 2.4 to 1.5, The reason given is that it was over budget (as were the others, evident from their SARs on the App's website for them). See further at Comment 21</p>
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<p>Q1.0.6</p>					<p>Comment 20:</p> <p>In the Planning Inspectorate’s Scoping Opinion adopted on 1 November 2019 (in the Pre-Application documents) The Inspector noted:</p> <p><i>“Alternatives</i></p> <p><i>2.3.4 The EIA Regulations require that the Applicant provides ‘A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics and an indication for the main reasons for selecting the chosen option, including a comparison of the environmental effects.’”</i></p> <p>There no indication in any of the Applicant’s published documents that it has complied with the requirements of the EIA Regulations in relation to reasonable alternatives studied for the design, location, size or scale of a fully grade separated junction at Wood Lane, once a fully grade separated decision was made or, if they were, what they were or why they were not chosen.</p>
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<p>Q1.0.6</p>				<p>Stage 2 Scheme Assessment Report (SAR) inf of the junctions (sect 23.3) All 4 options had a proposed junction on the Axis of Berry's Lane and Wood Lane. Sect 23/1/13 also confirms these were used for the transportation and env assessments.</p>	<p>Comment 21:</p> <p><u>Overview.</u> The roundabouts were not always there. The first indicative junction and sideroad layouts at PCF Stage 1 were for a grade separated indicative junction at Taverham Road and an overbridge at Wood Lane. (See SAR Appendix L) At grade roundabouts in place of both were introduced as part of a Deep Dive value engineering exercise carried out in January 2017 at the beginning of PCF Stage 2. No junctions were shown on any plans at Wood Lane for the public consultation carried out in March 2017 (see the consultation brochure in the 2017 consultation tab on the Applicant’s website). This has previously been explained in Mr Meynell’s Written Representations submitted at Deadline 1.</p> <p><u>Preparation of the SAR.</u> The Stage 2 SAR (Applicant’s website for the project, under 2020 Consultation) was prepared by Amey up to section 20, they having been engaged on PCF Stage 2 and previously with Aecom on PCF Stage 1. (see the list of authors and comments on the first page inside the cover). Aecom had been retained on PCF Stage 0. Sweco were introduced subsequently at PCF Stage 3.</p> <p><u>Steps analysis.</u> From reading the SAR in full the steps taken, as they occurred, were:</p> <p>1) As reported in the SAR, at PCF Stage 1 (see SAR para 11.1.1) as a result of an options review held on 16 June 2016 four options were shortlisted from the 14 which had been developed and considered at PCF Stage 0 (1, 3, 4 and 6., renamed as 1,2 3 and 4) At Stage 0 they had been sketched by hand without junctions (see Section 9).</p> <p>2) The four options taken forward to PCF Stage 1 are shown (without junctions) at figure 11-1 and described at 11.3.1.</p>
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					<p>3) During PCF Stage 1 the four shortlisted option layouts were further developed with indicative junctions and side road layouts (see SAR para 13.1.2). The drawings which include plans and long sections, prepared by Aecom and Amey and issued on 11 August 2016, are contained at SAR Appendix L.</p> <p>4) At the same time and to influence the drawings in Appendix L an indicative junction layout and side road strategy was developed for each of the four options (see para 13.2.4) which, to provide consistency for pricing, was as far as possible similar for each. (13.2.25). The existing grade separated junction at the western end (Fox Lane) was retained and a second (in effect the only new) junction was provided towards the eastern end (approximately on the location of Blind Lane / Taverham Road). This was formed by an overbridge taking the side road over the A47 and on and off slip roads in both directions. (paras 13.2.26-27). No other junctions or accesses were included. It is stated that consideration to other junction locations will be made when the appropriate traffic modelling is available (at PCF Stage 3) (para 13.2.8) .</p> <p>5) The indicative junction and sideroad strategy as shown on the layout for each of the 4 options in the drawings at Appendix L was as developed in PCF Stage 1 for pricing purposes (para 13.4.2).</p> <p>6) The plan in Appendix L for option 3 (which as renamed at this point became option 2 and subsequently in a revised form the Preferred Option in August 2017) shows the dualled A47 crossing over Wood Lane at its junction with the existing A47 into the existing Berry's Lane and Dereham Road. A link road to the north of the bridge is shown carrying local traffic from Wood Lane west to Sandy Lane.</p> <p>7) In the costing Option 3 on this basis was indicatively priced at £192m with a BCR of 2.44 (Table 18-3).</p>
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					<p>8) The original Option 4, now renamed Option 3, crossed the A47 south – north to the east of the Sandy Lane Junction and ran east from there not far north of the line taken by the refined Option 2 which became the Preferred Route in August 2017. Option 3’s plan in Appendix L shows it passing in a cutting beneath Wood Lane with Wood Lane crossing over it by a bridge. The junction at the east end by Taverham Road / Blind Lane, is the same as described for option 2</p> <p>9) PCF Stage 1 was concluded in November 2016 with the Stage Gate Assessment Review meeting (SGAR 1) held that month (see SAR 19.2.1 and 20.2.5). At this point Aecom’s involvement in the North Tuddenham to Easton scheme ceased and Amey took it on by itself through PCF Stage 2</p> <p>10) HE’s Investment Decision Committee (IDC) met in December 2016 on all six A47 improvement schemes (see SAR at 19.2.1 and the same section in the SARs for all other schemes, also available on the Applicant’s website for the appropriate scheme). The IDC required a value management Deep Dive to be held at the commencement of PCF Stage 2, the successful outcome of which would be a precondition to their passing to public consultation (which was scheduled on all schemes for March 2017)</p>
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<p>Q1.0.6</p>					<p>11) The Deep Dive review took place at a series of meetings in January 2017 attended by members of the Applicant and Amey and was intended to demonstrate that a scheme could be delivered within the budget of £130m that was likely to achieve a BCR in excess of 1.5. The results were to be presented to IDC for sign off prior to consultation launch. (21.2.3).</p> <p>12) Value engineering initiatives taken forward to the revised unassured estimate included Bridge works removed by removing grade separation at Easton and at Wood Lane overbridge. (21.3.5). In addition, grades of slopes of the road were increased to reduce the height / depth of embankments cuttings and hence the amount of earthworks involved. As a result of the changes in the indicative design the most likely cost outcome was reduced to £131.3M, in line with the budget which had been presented to DfT in 2015 to inform the Government’s announcement of the A47 improvement scheme as a whole.</p> <p>13) It is emphasised in the SAR that the changes are predominantly around assumptions made around design elements for which the detail will be developed in later PCF stages. The drawings prepared by Amey for the Deep Dive review are shown at SAR Appendix N and are undated and marked as work in progress. No other drawings of this indicative design have been seen. Amey were later replaced by Sweco at the end of PCF Stage 2 in or about December 2017.</p> <p>14) The drawings which were provided for the public consultation in March 2017 showed box-indicated junctions at each end of the scheme and none at Wood Lane.</p> <p>15) Comments in the consultation and reported after the consultation (see 2017 Consultation report) were critical about the</p>
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					<p>lack of any information about the box-marked junctions or any sideroads strategy.</p> <p>16) At the Preferred Route Announcement (PRA) in August 2017 (see the public brochure for the PRA in the Applicant’s website) the Statutory Public Consultation was said to be due to take place in late 2017 or early 2018. Later at a meeting with the Planning Inspectorate on 30 January 2018 relating to all the schemes the Applicant informed the Planning inspectorate that it would take place in June 2018 and that it would be shortly submitting its Scoping Report which it said was ready (see Planning Inspectorate’s minutes of the meeting on its website).</p> <p>17. After more than 18 months of unexplained delay, the Applicant submitted its Scoping Report to the Planning Inspectorate in September 2019. The Scoping report (available under pre-Application documents on the Planning Inspectorate’s website) contained the same indicative plan of the Preferred Route as had been announced two years earlier at the PRA in August 2017 (see Plan 1-1 in the Scoping Report). No information was given by the Applicant to the Planning Inspectorate in the Scoping Report about the three junctions other than their existence as shown by the dotted line rectangular boxes on the plan in the PRA public brochure.</p> <p>18) In the Scoping Opinion (available also under Pre-Application Documents on the Planning Inspectorate website) the Planning Inspector commented on the dearth of information supplied by the Applicant in the following terms;-</p> <p><i>“2.3.1 The Scoping Report does not include a complete or consistent description of the Proposed Development.</i></p> <p><i>“2.3.2. Section 2 of the Scoping Report includes a description of the Proposed Development, however, further detail, absent from the</i></p>
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					<p><i>overall description, is interspersed throughout the report. The description being presented in this way detracts from the overall understanding of the Proposed Development. The details absent from Section 2 but embedded within different chapters of the Scoping Report include:</i></p> <p><i>- the construction of three new junctions as illustrated on Figure 1-1</i></p> <p><i>...”</i></p> <p>The fact that no other details of the junctions had been given to the Planning Inspectorate is evident from the next following paragraph of the Scoping Opinion:</p> <p><i>2.3.3 It would be useful for the description of the Proposed Development to include details relating to:</i></p> <p><i>...</i></p> <p><i>- the dimensions of the junctions”</i></p> <p>No indication was ever given to Mr Meynell by the Applicant until his meeting with Mr Powis in January 2020 (see ACM 03) that any junction was intended at Wood Lane to take his land.</p>
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<p>Q1.0.6</p>				<p>Prop'd new junctions were presented at Stat cons along with the A47 junction and sideroad report (HE website)</p>	<p>Comment 22:</p> <p>The first iteration of the existing grade separated twin dumbbell junction designs were presented as stated to the statutory consultation in February 2020.</p> <p>But the Junctions and Sideroads Report gave no more explanation than the Scheme Design Report since has for the move of the central junction from Sandy Lane to Wood lane or for the choice of the location at Wood Lane of the form of grade separated junction adopted.</p> <p>1) Para 1.1 of the Junction & Sideroads report shows the Preferred Route Announcement plan at Figure 1-1 and confirmed the three junction locations at para 2.1 as including Sandy lane / Church Lane. para 2.3 states that at grade, compact grade and fully grade separated junctions had been assessed, and 2.4 that two roundabouts (ie two junctions with at grade roundabouts) were proposed during PCF Stage 2 and initially designed as the first option.</p> <p>2) Para 2.4.1 starts to describe the Wood Lane junction without any explanation as to why it had changed from Sandy Lane and no explanation is given later in the document for this having changed.. Nor is any indication given in this document for the choice of precise location of the junction at Wood Lane.</p> <p>3) Section 2.6 explains the choice of full grade separation. Section 3 describes the slip road design, Section 4 the layby provision, section 5 the sideroad strategy, including at Section 5.6 the sideroad junction strategy.</p> <p>4) Section 7 explains the impact of the NWL and provides alternative designs for the Wood Lane Junction with and without the NWL. The modelling it is stated confirms that there should still</p>
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					<p>be a full grade separated junction even without the NWL (para 7.2.3).</p> <p>5) Para 7.4 explains the chosen 2 lane connector road between the two dumbbells which it is suggested would perform "with only a low level of queuing anticipated".</p> <p>6) The capacity of the northern and southern dumbbell roundabouts is discussed at Section 8.2.</p> <p>No discussion is mentioned nor is any description given of any alternatives being considered for the precise location of the junction at Wood Lane or the form of full grade separation adopted, other than the currently proposed location and the twin dumbbells of 100m dia.</p> <p>Nor are the comments of Norfolk County Council addressed concerning the resilience of the proposed two lane single carriageway connector road (most recently expressed in its Local Impact Report dated September 2021 at REP2-022 (para 4.3.3)</p> <p>Comment 23:</p> <p>Summary of comments on 1.0.6</p> <p>The response states that the Applicant has responded to the relevant representations by Interested Parties in the Applicant’s Responses to the Relevant Representations (REP1-013). Responses are summarised below: RR-061.9 (route alignment) and RR-061.12 (alternative option).</p> <p>Notwithstanding the acknowledgements below and the impending professional review and further feedback, recent</p>
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					<p>discussions and responses to date do not give confidence that the alternatives options presented on behalf of Mr Meynell are being given genuine consideration.</p> <p>We would re-iterate the key conclusions, as stated in the Transport Written Representations submitted by Mr Meynell at Deadline 1 (ACM 04), which have not been addressed by responses to date:</p> <ol style="list-style-type: none">1. The Applicant’s rationale for the proposed junction explained the need for a fully grade separated option ‘to support our aim to create a more free-flowing, safe and serviceable, integrated network’. However, it did not detail or justify why the proposed online dumbbell roundabout option was preferred over an offset option or single roundabout two bridge option.2. It is considered that given the level of growth proposed and that the future design year is 2040, the approach to modelling junction performance sets a very high bar of essentially free flow traffic with no queueing, which would result in the over-design of this junction. It is essentially a predict and provide approach but with inbuilt spare capacity even in 2040. <p>Unnecessary strict adherence to DMRB has prevented the proper consideration of other technical solutions. A focus on construction costs to the detriment of other environmental costs, such as heritage impact, and opportunity such as reducing utilities costs. Sustainability has not been fully taken into account in accordance with NPPF, in particular the potential to reuse the existing/old A47. This would also appear to be at odds with the Applicant’s stated intention to use a</p>
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					<p>hierarchical approach to carbon management. All the alternative option schemes presented are expected to meet the key scheme objectives and would perform better in key respects as regards the Estate (and other considerations). The alternative options presented have merit and should be investigated properly by the Applicant.</p> <p>It should also be noted that although attention is drawn in the Applicant's response to Q1.06 to the options that were considered, this does not address Mr Meynell's principal complaint that no other options to the fully at-grade option for which development consent is now sought have been considered (as described in previous comments). It would appear that the Applicant is unable to address that central complaint, presumably because no other options were considered.</p> <p>.</p>
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Q1.0.6				B1535 is local HGV route - needs to connect pre-NWL. WLPC free flow is not required and would be over designed. App will provide feedback on Weston Longville PC's WR at deadline 3 HE has validated traffic modelling.	
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Q1.0.7		App	<p>WLJ provides link to NWL. Pse explain what assumptions have been made with regard to delivery. If not delivered or delayed, what would the implications be for the surrounding road network?</p>		<p>Comment 24</p> <p>We would re-iterate the key conclusions as regards the relationship between NWL and the Project, as stated in the Transport Written Representations submitted by Mr Meynell at Deadline 1 (ACM 04), and which have not been addressed by responses to date;</p> <ul style="list-style-type: none"> ▪ Should the NWL proceed, it will provide a new Norwich northwest orbital connection to the A47 and will reduce pressure on these minor routes. ▪ However, since separate traffic modelling has been undertaken for the A47 and NWL schemes, it is unclear to what extent traffic forecasts, and detailed junction modelling have been refined to ensure that the proposed A47 junctions are not over-designed to accommodate forecast future traffic levels. In Section 4.2 of the Design Report the Wood Lane junction is described and in 4.2.3 and 4.2.5 the traffic modelling carried out for it is referred to. However, there is no mention there as to whether any predicted flows between the dualled A47 and the NWL have been assessed and factored in and if so how. ▪ It is considered that extensive sensitivity testing will be required to give confidence that forecast traffic flows accurately reflect post pandemic traffic conditions and forecast growth and infrastructure requirements in both NWL and no NWL scenarios. No such testing has been provided, as far as we have been able to ascertain, which may compromise the assessment of likely significant effects in the Environmental Statement.
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<p>Q1.0.1 2</p>		<p>App</p>	<p>Length and location of utility diversions unclear. Please confirm they have been included in assessment of likely effects</p>	<p>See Sch 1 d DCO REP1-004 S10 Scheme Design Report AS-008</p>	<p>Comment 25</p> <p>Whilst this question related specifically to the utility diversions likely to be occasioned by the scheme for which consent has been sought, we would wish to emphasise that retention of the existing A47, as proposed in our suggested alternative Wood Lane Junction schemes, would benefit from fewer utility diversions on the existing road network, improved construction methodology and better A47 traffic management during construction. The Applicant should be required to undertake a review of the potential cost benefits of the alternative schemes as part of its due consideration of them.</p>
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Q3.0.4	Biodiversity	NE, NCC, B C, SNC, BDC	Are parties satisfied that sect 8.7 of Ch 8 provides an accurate and robust assessment of baseline conditions? If not, why not?		<p>Comment 26</p> <p>Mr Meynell is not satisfied with the baseline conditions</p> <ol style="list-style-type: none"> 1) for the bats (crossing points – report APP-108 and winter hibernation – report APP 106) which he believes are underestimated because of deficiencies in the data collection on which the baseline was assessed, and the conclusions reached by the Applicant. 2) for the biodiversity aspects of the hedgerows on the BHE which have been reported incorrectly and are omitted from those reported upon and to be felled for the proposed development 3) for the biodiversity aspects of field margins, bee pollinating nectar and wild bird winter feeding areas on the BHE, which have not been reported upon. <p>For details please see the replies to the next question Q3.0.5</p> <p>.</p>
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<p>Q.3.0.5</p>	<p>Biodiversity</p>	<p>App, NE, NCC, B C, SNC, BDC</p>	<p>Are all surveys valid and in-date. If not what is needed to address them?</p>		<p>Comment 27</p> <p>Although this question deals specifically with surveys, the failures in survey effort are subsequently reflected in failures in the reports. Consequently, Mr Meynell also identifies here failures in reports relevant to biodiversity (including trees and hedgerows).</p> <p>Mr Meynell is not satisfied in relation to the following aspects:</p> <p>1) The Applicant’s Arboricultural survey report (6.3 app 7.6 at APP-094)</p> <p>This fails properly or sufficiently to record or assess the plantations and hedgerows on the north side of the [REDACTED].</p> <p>(a) Plantations</p> <p>Mr Meynell refers the Ex A to the Woodland Survey prepared by his consultant A C Coombs at ACM 05 (REP1-058).</p> <p>The particular woodlands of relevance are:</p> <p>i) <i>The plantation to the west of Berry’s Lane</i> immediately south of the A47 (Mr Coombes’ W1 referred to in REP1-058 at his paras 3 and 4 (page ACM 05/3-4)). This plantation is referred to by the Applicant as G232 and is so marked on its Arboricultural Impact Assessment Plan 4/7 (referred to hereafter in this comment as “Plan 4/7”).</p> <p><i>(The entirety of G232 and the woodland ride to manage it, together with the hedge along its north and east sides (G228, 229 and 189)</i></p>
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					<p>are within Plots 8/5c and 9/1b (permanent acquisition) and Plots 9/1a and 8/5a (temporary acquisition) from the [REDACTED])</p> <p>In the unpaginated Appendix 3 (Tree Survey Schedule) of APP-094 plantation G232 is described at pdf page 86/159 as Mixed broadleaves by category and by description as “Mixed Planting including some pine and conifer species. Close proximity planting”.</p> <p>The Applicant describes the woodland as category B1.</p> <p>Mr Coombes comments on the Applicant’s assessment at para 6 of his report (page ACM 05/5) that the plantation should have been graded at a minimum as B2 and comments further at paras 7 and 8 on the quality and significance of the trees within it and their future potential. (There is a cascade chart describing the categories under BS 5837:2012 at Appendix 4 to APP-094 (pdf page 96/159))</p> <p>NB.</p> <ol style="list-style-type: none"> a. In appendix 7 of the Applicant’s report (list of impacts by tree number), which is also unpaginated, G232 is referred to at pdf page 144/159. It states there “unaffected – retain and protect with temporary barrier in accordance with BS 837-2012”. This appears to be incorrect since on the Applicant’s Plan 4/7 two sectors of G232 at its east end are shown as “Groups or hedgerows to be removed”, for the Wood Lane Junction south dumbbell and works in its vicinity. In Table 3 in the body of the Report, G232 is noted for partial removal. b. In Table 2 of the Applicant’s report (tree features requiring complete removal) T346, a grade A1 oak within the area of G232, is noted for complete removal. However in Appendix 7 the same tree is
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					<p>noted with green highlighting as being “Special construction measures; level changes”. It is unclear therefore whether this Grade A1 tree is scheduled for removal or not although more likely it is to be removed as it is not one of the two trees referred to in the body of the report at para 3.4 as being retained with level changes.</p> <p>ii) <i>the plantation to the east of Berry’s Lane</i> and to the south of Dereham Road (Mr Coombs’ W2 referred to at paras 3 and 5 in REP1-058 (page ACM 05/3-4) This plantation is referred to by the Applicant as G159 and is so marked on the Applicant’s Plan 4/7.</p> <p><i>(Note: The entirety of G159 and the woodland ride to manage it, together with the hedge along its east, north and west sides (G158, G162, G163 and G167) are within Plots 9/1f and 9/1i (permanent acquisition) and Plot 9/1j (temporary acquisition with rights) from the [REDACTED])</i></p> <p>In the unpaginated Appendix 3 (Tree Survey Schedule) of APP-094, plantation G159 is described at pdf page 81/159 as Mixed broadleaves by category and by description as “Mixed buffer planting. No major defects observed”.</p> <p>Mr Coombs in his comments referred to earlier at paras 6 and 7 of his report (Page ACM 05/5) states that in his opinion G159 (his W2) in particular appears to have been graded inaccurately at C1 by the Applicant and he assesses the plantation as a minimum of B2 for the reasons he gives there.</p> <p>NB. In Appendix 7 of the Applicant’s report (list of impacts by tree number), G159 is referred to at pdf page 140/159 where it states (as it does for G232) inaccurately “unaffected – retain and protect with temporary barrier in accordance with BS 837-2012”. On the</p>
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					<p>Applicant’s Plan 4/7 however a sector of G159 comprising approximately a third of its total area is marked as “Groups or hedgerows to be removed” in order to construct a new section of the proposed new link road leading to the east side of the Wood Lane Junction south dumbbell and for the embankment on which it is proposed to be raised. It is not known if the removal is reported or not because Table 3 merely says 37 Total (see Appendix 7). Since it is not marked in Appendix 7 for removal Mr Meynell assumes that it is likely to have been omitted from the table.</p> <p>As to the quality of the all the woodland to be lost and the inaccuracy of the Applicant’s baseline condition assessment of these plantations, the Ex A is referred also to the opinions of the officers and members of the Royal Forestry Society included at ACM 03.9 (REP1-054).</p> <p>Further as to Mr Meynell’s and his father’s work in planting the woodland themselves and Mr Meynell’s subsequent and continuing management of it to create the quality, the Ex A is referred to Mr Meynell’s statement at ACM 03 (REP1-045) and in particular to Chapter V Section C – Woodland, at pages 47-48 subsection (i) and pages 49-52 subsections (v) and (vi).</p> <p>(b) Hedgerows (APP-047 at Para 8.7.21 and 8.7.22) Hedgerows within and on the boundary of the Limits of Deviation were surveyed by the Arboricultural surveyor retained by the Applicant who produced the Applicant’s Arboricultural report (6.3 app 7.6 at APP-094).</p> <p>(i) Omission from Report</p> <p>The Applicant’s survey Report (APP-094) and Plan 4/7 both omit the hedge lying on the south side of Plot 9/1g (permanent acquisition for the cycle path proposed between Berry’s Lane and Dereham</p>
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					<p>Road). The north side of the hedge borders the intended cycle path between the east end of G184 and extends to a point south of the southern extremity 5m south of the southern extremity of G159 (as each are marked on Plan 4/7). For further identification it is shown marked red on the Environmentally Sensitive Area Agreement entered into by Mr Meynell with the then Ministry of Agriculture, Fisheries and Foods dated 30 August 2000 at ACM 03.3 (REP1- 048) where it is appears at page ACM 03.3/73. The hedge is also shown and marked 16 on the plan at ACM 03.3/75 in REP1-048.</p> <p>Due to the omission it is unclear if the Applicant is intending to fell any part of the hedge for the cycle-path (as it is with the adjoining G184) or not, and if not how it is proposing to protect the hedge during the proposed works and (as importantly) whether or not and if so how the Applicant is proposing that the hedge is managed after it has acquired the land adjacent to it or some of it, depending on the position of the intended boundary of Plot 9/1g at that point.</p> <p>This hedge and all others on the [REDACTED] are managed by Mr Meynell under a Mid-Tier Countryside Stewardship Scheme.</p> <p>(ii) Errors and inconsistencies in report</p> <p>In the report APP-094 items identified by the prefix T are individual trees , those with a G are groups of trees and those by the prefix H are hedges (see APP-094 at Table 1 on page 2).</p> <p>There is a list of all of the Trees, Groups of trees and Hedges in Appendix 3 giving their details and then in Appendix 7 a second list which states the impact on each from the proposed development.</p> <p>In each of the two Appendices the Trees are dealt with first, these being numbered consecutively T1 onwards. After that the Groups of trees and Hedges are then listed together, they both sharing the same set of numbers, differentiated only by the prefix. Thus there is</p>
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					<p>a T1 in the first part of the list in each case and then either a G1 or an H1 in the second part. No G and H shares the same number.</p> <p>On all the Arboricultural Impact Assessment Plans the location of each Tree, Group of trees and Hedge within the area covered by the plan is plotted and each item plotted is given its identifying number and prefix as used in the report and its appendices.</p> <p>On plan 4/7 the hedges within the BHE along its boundaries with the existing A47, Berry’s Lane and Dereham Road (Honingham) are marked by long narrow strips in their locations. Where part is shown for removal it is hatched within its delineating lines. The hedge numbers in these locations are shown next to the marked hedges part way along their length but they have each been given on the plan the prefix G instead of H. Thus it appears on the plan as if the hedges are groups of trees, not hedges.</p> <p>In the Appendices to the report however the relevant number for each of these hedges is given its correct prefix H. The plan therefore is in error by showing them as Gs (since, as explained above, there is no G with the same number as an H). The incorrect marking of the hedges as groups of trees on plan 4/7 is the first error.</p> <p>The second error is that in Appendix 7 each of the hedges which on the plan 4/7 is marked for partial removal by hatching, has been incorrectly described as being “unaffected” instead of for partial removal. For this reason they have not been counted in the total number of 42 hedgerows described in the body of the report and in the summary tables of items for partial removal (APP-094 Executive summary, page 1, last paragraph, and table 3 on page 6).</p> <p>As a result of these two errors a total length of 830m of hedgerows is to be removed without being counted in the totals of hedges being taken</p>
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					<p>,</p> <ul style="list-style-type: none"> - 250m of BHE hedges noted on plan 4/7 as being G189, and 320m noted as being G167 are planned to be felled for the Wood Lane Junction south dumbbell, ie <u>570m</u> plus - <u>260m</u> noted as G158 for works in Dereham Road. <p>All these hedges (using their correct H designation being H158, H167 and H189) have been maintained under Countryside Stewardship Schemes for 28 years. All are (1) more than 30 years old (2) approximately half, if not more, are part of a field system that existed before 1845 (3) one section at least marks part of a Parish boundary existing before 1850 and (4) it is likely that all or many of them contain woody species such as to fulfil the criteria specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations 1997 (SI 1997 No. 1160). That being so, it appears likely that all or much of the hedgerows which are to be removed are classified Important and protected under the criteria published by Natural England.</p> <p>The hedges should therefore be not just correctly shown on the Plan 4/7 and in the report but reassessed for their quality. Mr Meynell accepts neither the report or the baseline condition for the woodland and hedges mentioned above.</p> <p>There is then a third error which flows from the first two and compounds the seriousness of the omission because it flows over from the Arboricultural assessment to the biodiversity sphere. This third error is:</p> <p>(2) The Applicant's Hedgerow Plan Sheet 9 at APP-015)</p>
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					<p>Mr Meynell treats this separately from the Arboricultural Report at 1) above as although it derives from the Arboricultural report it is presented separately and has biodiversity aspects.</p> <p>The Applicant’s Hedgerow Plan for the relevant area does not mark any of the hedges referred to in 1) above, whether as existing <i>per se</i> to be retained or as being partially removed, in the latter case even where the line of the hedge obviously passes along or across one of the roads being laid out as part of the Applicant’s Wood Lane junction. (The plan has a purple line in the key to allow hedges to be marked and there are no purple lines on the line of any affected hedge.</p> <p>The hedges in other words are entirely omitted from the hedgerow plan despite being marked clearly with an H in the Tree and Hedgerow report.</p> <p>Since Appendix 7 of the Arboricultural report denotes these hedges as being “unaffected” and since they are not shown on the Hedgerow plan at all it is clear beyond any doubt that their intended removal has not been recorded or reported by the Applicant to any relevant body with a responsibility for them.</p> <p>There are 41 reported Grade C hedges together with 1 grade B hedge making a total of 42 for partial removal referred to in the Arboricultural Report’s conclusion. With the three missing hedges H158, H167 and H189 added for partial removal, the number is increased to 45 and the length of hedgerow to be lost increase by 830 metres.</p> <p>It would appear that the authorities responsible for the hedges’ preservation have been misled by the Applicant as to the hedges’ existence and their status both as to removal or retention, and as to their importance.</p>
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					<p>It behoves the Applicant in these circumstances to investigate further the hedges involved (listed above), to allow the authorities to whom this question has been posed (and Mr Meynell and his advisers) the opportunity to agree the research results before they are submitted again to the Ex A, and thereafter correct their hedgerow plan to show all the hedges it proposes to retain or remove for the Wood Lane Junction as it proposes and whether each one is classified as a hedgerow or an important hedgerow.</p> <p>If any one of the BHE Alternative Options is adopted, all of these hedges (as well as the trees describer earlier) would be saved.</p> <p>3) <u>CSS managed field margins, bee pollinating and wild bird winter feeding areas</u> around Mr Meynell's arable and grassland fields and woodland rides (see Mr Meynell's statement at REP1-045 paras 69-71 at page 27)</p> <p>These wildlife areas appear to have been omitted from any report on biodiversity and are not included in the baseline assessment. The Scoping Opinion issued in November 2019 (Scoping Opinion – Proposed A47 North Tuddenham to Easton TR010038, adopted 1 Nov 2019, at Pre-Application documents) states at para 4.4.10 in reference to both permanent and temporary land-take <i>“Any habitat lost as a result of the Proposed Development should be described and quantified according to the type and area of loss, which should include the extent of any anticipated vegetation ... clearance”</i></p> <p>The JNCC (see hub.jncc.gov.uk) states under the heading “UK BAP Priority Habitat descriptions (Arable and Horticultural) (2008);</p>
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					<p><i>“There is one priority habitat within [the Arable and Horticultural UK BAP broad habitat type]:</i></p> <ul style="list-style-type: none"> - <i>Arable field margins.</i> <p><i>This habitat description is an extract from UK Biodiversity Action Plan: Priority Habitat descriptions (2008, revised 2011)”</i></p> <p>To complete the Applicant’s surveys and reports these areas need to be assessed and reported in too.</p> <p>Mr Meynell estimates that the length of field margins and woodland rides to be lost permanently under the Applicant’s proposals will be a little more than half as much again as the hedges, as each hedge to be lost has a ride behind it and a field margin on the other side of the woodland belt but the margins on each case are round the inside of a curve in the woodland to be lost.</p> <p>Again, were one of the Alternative options adopted, all those margins, rides and wildlife areas which are to be lost as matters stand, some to the temporary acquisition and others to the permanent, would be saved with minimal further loss on the north side of the A47 of these types of features than is already to be taken</p> <p><u>4) the Applicant’s Bat Crossing Survey (APP-108) – at the Berry’s Lane and Wood Lane junction with the A47 (Crossing 6)</u></p> <p>The Applicant carried out a survey of Crossing 6 (Berry’s Lane and Wood Lane junction with the A47) where it states (see APP-108 at</p>
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					<p>paras 2.1.3 and 2.1.4) it had found earlier in surveys carried out in both 2017 and 2019 that there was a high level of bat activity. The Applicant therefore included the location in its 2020 surveys but the surveys carried out on 24/25 June 2020 (Survey 1) and 20 July 2020 (Survey 2) did not cover the periods recommended and were not repeated as a check. As a result the information derived from them cannot be relied upon. See Annex 1 attached for details.</p> <p>5) The Applicant’s Bat Winter Hibernation Survey (APP-106) is contradictory and it is believed may fail to identify the baseline condition for all potentially affected trees.</p> <p>i) In its identification of the trees surveyed in the area of the Berry’s Lane / Wood lane Junction (See the two plans 0001 and 0002 at Appendix A) the numbering is duplicated (there are two Tree 1’s, for example) the plans give different numbers for the same tree (tree 1 on plan 0001 is tree 2 on plan 0002; tree 4 on plan 0001 is tree 7 on plan 0002) and omit numbers 8 and 9 from plan 0001. Both plans are dated 2019.</p> <p>ii) the report refers (see para 2.1.6) by reference to plan 0002 to a survey in 2019 in which no bats were recorded throughout the duration of the survey due to software malfunction from the provider which necessitated a repeat in 2020, but the results of the defective survey are presented in table 2-1 as if they are to be relied upon.</p> <p>iii) Table 2-1 states that no tree was found at location 7 on plan 0002 and para 21.5 states that the tree 4 on plan 0001 found at that same location was “scoped out” as it was outside the boundary. The cross on both plans is at the junction of Berry’s Lane and Berry Hall’s rear drive to it. It is believed that the cross may have been</p>
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					<p>incorrectly placed and should have been 140m further north on the site of the Grade A2 tree T214 in the Arboricultural survey which is close to the junction and marked to be felled and which would have been appropriate to survey.</p> <p>6</p>
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Q.3.0.7	Biodiversity	App	Biodiversity net gain or not		<p>Comment 28</p> <p>For all the reasons mentioned in Mr Meynell’s comments on Q3.0.4 and elsewhere in these comments, due to the number of trees (including Grade A trees classified by the Woodland Trust as notable and one as veteran) and hedgerows being lost of the quality there mentioned, and the loss of field margins, exacerbated by the Applicant’s omission to record all that it intends to remove, it is extremely likely that there will be a significant biodiversity net loss in the area of the Wood Lane junction if the Applicant’s proposal for the Wood Lane junction were to proceed as it desires.</p> <p>The Applicant accepts the effect on trees and hedgerows, even where it is proposing to create replacement planting, at para 8.12.5 of APP-047 <i>“The long time lag until maturity has been assessed as a significant moderate adverse residual effect for woodland, [and] hedgerows.”</i></p> <p>Norfolk County Council at REP1-032 (para 4.10.2) has qualified its acceptance of the arboricultural recommendations by referring to the government guidance on the protection of Ancient Woodland, ancient trees and veteran trees (at gov. uk) - and stating;-</p> <p><i>“However, there are a significant number of category A and B trees designated for removal that should be considered for retention if the road layout changes. ... by examining the stem diameter [and other features] ... in the AIA tree survey it is likely that a number of these are either ancient, veteran or have veteran features. They are ... irreplaceable habitats</i></p> <p><i>“The EM details replanting proposals ... it is not clear ... how mitigation planting has been calculated to ensure ‘net gain’ will be achieved”</i></p>
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					<p>The gov. uk site under the heading “potential impacts” sets out the indirect impact which nearby development can have on veteran trees and the species they support, including</p> <ul style="list-style-type: none">- <i>“Breaking up or destroying connections between woodlands and ... veteran trees</i>- <i>Reducing the amount of semi-natural habitat</i>- <i>Changing the landscape character of the area.”</i> <p>Both for the above reasons and having regard to Mr Meynell’s comment under Q3.0.14 below it is clear that it will be a significant advantage in biodiversity as well as landscape conservation terms, to retain the existing tree and hedgerow features to the south and on the north side of the existing A47 at and either side of the junction (including irreplaceable features where possible). Without limiting this comment Mr Meynell notes in particular the recommendation at para 5.33 of the Bat Hibernation report (APP-106) that Tree1 in that report (T 347 in the Arboricultural report) should be retained if possible.</p> <p>These enhancements to the scheme will be possible for the Applicant to do to a much greater extent than it now proposes, by adopting any one of the Alternative Options suggested by Mr Meynell and ensuring its careful siting around as many as possible of those significant features which still remain in its way.</p>
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<i>Question ref</i>	<i>Subject</i>	<i>Addressee</i>	<i>Summary of question</i>	<i>App reply (14/9/21)</i>	<i>BHE comments</i>
					Comment 29 (number not used)

Q.3.0.13			Bats – is there enough mitigation		<p>Comment 30</p> <p>Please see replies (d) and (e) to Q3.0.4 above as to the omissions from the baseline condition in relation to the presence of bats using the Berry’s Lane / Wood Lane junction with the A47 both (Crossing 6) as to crossing and otherwise. It is evident from the Applicant’s earlier surveys before 2019 that this area was considered to be a significant crossing point. The small number of bats recorded on the Applicant’s most recent surveys should be treated with some caution in light of the deficiencies evident in the survey processes at this location and locations chosen.</p> <p>Norfolk County Council in their Local Impact Report (REP2 022) have also raised concerns as to the quality of the Applicant’s researches (see para 4.12.3) and that further surveys are required. They also comment under Landscape (4.11.1) commenting on the Applicant’s Chapter 7, para 7.9.2) state <i>“the protection and retention of existing vegetation will be imperative to minimise effects of the scheme”</i> and (commenting on 7.10.4 – 7.10.11) <i>“there is extensive losses of landscape features and notable tree losses as a result of the scheme. It will be hard to offer replacements at such scale ...”</i></p> <p>Additional mitigation could take place both by the Applicant adopting one of Mr Meynell’s Alternative</p>
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					<p>Options which will all preserve more existing trees and hedgerows in the area of the existing crossing.</p> <p>This could only assist in the mitigation of the loss of bat crossing points and hibernation, especially if the single roundabout option were chosen, which would allow two underpasses for the crossing point and a larger area of roundabout which could be so located as to allow the retention of more of the existing trees north of the existing junction which are classed A and B grade by the Applicant and have been surveyed for bats.</p> <p>The retention could include if possible tree T347 which has been classified as veteran by the woodland Trust and was found in the Bat Hibernation Survey (APP 106) (Tree 1 on Plan 0001 at Appendix A to that report) to contain a barbastelle bat during the survey period (see APP-106, table 4-2-2 at page 17) and is recommended in that survey to be retained if possible (para 5.33).</p>
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Q3.0.14			Bat crossing points – 8.12.2 APP-047		<p>Comment 31</p> <p>The applicant's para 8.12.2 is incorrect in stating that the underpasses on the scheme are not directly on existing bat flight paths.</p> <p>Please see reply (d) to Q3.0.4 and 3.0.13 above which demonstrate clearly from the Applicant's own reports that the Wood Lane Junction is directly on the existing bat flight path at its Crossing 6. The Applicant appears to suggest that its omission to shortlist Crossing 6 for the additional surveys it commissioned on other paths, means that Crossing 6 has ceased to be a path. Nature does not follow the same logic.</p>
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Q.3.016			Barbastelle Bats	App is dealing in conj with NCC	<p>Comment 32</p> <p>The Applicant’s surveyor recorded a barbastelle bat in Tree 1 (T347) on the Wood Lane Junction. (APP-106 at table 4-2-2). That no more than one was seen, and none were seen crossing at Crossing 6 at the Wood Lane Junction, may be due to the deficiencies in the reporting (see reply to Q3.0.4 above and Annex 1).</p> <p>Mr Meynell is also aware that [REDACTED] [REDACTED] The building was not surveyed presumably because although the north of the main house lies less than 100m from the DCO boundary it is approx. 220m (and therefore more than 100m) from the closest point of the Wood Lane Junction roadways (see APP-106 para 2.1.3 which suggests the phase 1 habitat surveys were carried out within 100m of the “outermost route options”). The Ex A however points out in this question that Norfolk County Council at RR-061 have stated that the bat activity survey area (all species) was up to 1km from the DCO boundary.</p> <p>Mr Meynell would permit a bat survey of Berry Hall to be carried out by a reputable surveyor with properly operational equipment if the Ex A considers it appropriate and should have been done.</p>
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<p>Q.5.0.2</p>			<p>Balance between minimising land take and enough land to ensure scheme</p>	<p>Sideroad through N edge of BHE removed – Table 4.12 of Consultation report APP024 and SDR chapter 11 for compounds</p>	<p>Comment 33</p> <p>The Applicant mentions that it has by way of minimising land take removed the side road through the north part of the [REDACTED] but not the adverse consequences to the Estate which have flowed (see ACM 03 (REP1-045) at Impacts 1 to 4)</p> <p>If the Applicant were to adopt any one of Mr Meynell’s Alternative Options it should need to take no private land either temporarily or permanently from any private landowner south of a line along the south side of the existing A47 between the western boundary of the [REDACTED] and the Berry’s Lane junction with the A47 and thereafter south of Dereham Road (Honingham) to the east end of the [REDACTED]. This would mean a reduction of 125,075 sq metres in overall land take for the DCO Before condiering the potential need for additional land take ton the north</p> <p>On the north side by careful design and siting of the proposed new junction to the north of the existing A47 the entire junction and associated slip roads should be able to be located within the existing overall limits of the DCO on the north side of the road and any works at the new road’s crossing point over the existing A47, within the DCO limits at that point (see the Alternative options lodged with these comments at ACM 09)</p>
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Q5.0.3	Comp. Acqn and other land rights	App	Are land interests accurate and how likely to be changes, incl further owners/interests and monitoring / updaters on changes	Land updates done	<p>Comment 34</p> <p>The applicant omits TJ Curson & Partners (Mr Christopher Curson) (see AS-012) as a Category 1 and 3 person (as set out in s 57 of the 2008 Act referred to in the Book of Reference))</p> <p>1) As A category 1 person in Part 1 of the Book of Reference, as</p> <ul style="list-style-type: none"> a) the agricultural tenant of the silage compound within Plot 9/1a, and of the two arable fields parts of which are included within Plots 8/5a, 9/1a, 9/1l and 9/1m and the field included within plots 9/1g and 9/1j; and access rights on drives leading to the same including the two driveways included with Plot 9/1a b) the occupier under a grazing agreement with the BHE of the meadows within Plots 9/1a, 9/1c and 9/1d <p>and in Part 3 of the Book of Reference, as</p> <ul style="list-style-type: none"> c) a party with rights over the land in Plot 9/1a which form the driveways to and from his agricultural holding <p>2) as a category 3 person as a tenant affected by the proposed Scheme, of the agricultural holding which includes the dairy buildings, yards and land outside the DCO boundary in thre vicinity of Plot 9/1a as well as the areas within the DCO boundary referred to in 1) above and who will also the stopping up at 3) below over which he has rights;</p>
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					3) as a person affected by the Permanent stopping up (for which no substitute is to be provided) of the private access road off the existing A47 in East Tuddenham Parish for a distance of 132 m south of the existing A47, as referred to in clause 17(1) and Schedule 4 Part 4 of the dDCO (latest version seen at REP2-005)
Q5.0.4		App	SoR para 4.15.3 mentions negs. Pse provide regular updates	Deadline 2 Comp acqn schedule – Exam 9.6	Comment 35 Mr Meynell comments that the Applicant’s statement in REP2-015 (document EXAM/9.6 that it refers to) in relation to him, that Heads of Terms are in process of negotiation in relation to a proposed land acquisition from him are incorrect. No such negotiations are ongoing and no HoT have been proposed.

<p>Q5.0.6</p>		<p>App</p>	<p>SoR says a compelling case for CA. Pse address a) what assessment made of effects on individual Aps b) how demonstrated that public benefits outweigh residual adverse effects incl private loss suffered by indiv owners and occupiers c) demonstrate how the balancing exercise has been carried out</p>	<p>a) 5.1.6 and 5.1.10 of SoR App 021 b) S 5 of Sof R APP 021 c) Ch 7 of Case APP 140 and APP -141</p>	<p>Comment 36</p> <p>The Applicant’s responses do not properly engage with the question asked.</p> <p>Part a) the ExA’s question invites the Applicant to explain what if any assessment has been made of the effect upon individual Affected Persons and the private loss they would suffer. The Applicant responds to Part a) by stating that (1) the Applicant’s professional team <i>“has considered the nature and status of the principal parties affected and the likely application of the compensation code”</i> and (2) by making reference to 5.1.6 and 5.1.10 of the SoR.</p> <p>As to point (1) it is not known who the <i>“principal parties affected”</i> referred to are, and the <i>“consideration”</i> of the <i>“nature and status”</i> of each is not articulated anywhere in the application documentation, so far as Mr Meynell is aware. This leaves the ExA (and objectors) unable to understand what adverse effects on each of these parties have actually been taken into account. However, based on the application documentation as a whole, it would appear that the adverse implications for Mr Meynell, personally and as the custodian of the BHE, and those farming the BHE, have not included the full impacts of the scheme upon Holding 10, which have not been properly understood (see ACM 02 at Section D), have not included the fact that the proposals as</p>
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					<p>presented cut off all access to the BHE from the public highway, and have not included the implications of the loss (in whole or part) of the IHTA designation that would result from the scheme.</p> <p>As to point (2), the paragraphs cited do not more than refer to the Applicant's view that it has demonstrated a compelling case.</p> <p>In respect of parts b) and c) of the ExA's question, the absence of assessment of all of the implications of the scheme for landowners/occupiers just described, means that it cannot yet have demonstrated that the benefits of the scheme decisively outweigh the residual harm caused. In order for this to be demonstrated, the totality of harms likely to be suffered would first need to be identified and acknowledged and <u>then</u> set against the benefits said to arise.</p> <p>In this regard, it is also noted that part of the balancing exercise required involves demonstrating that any interference is proportionate. That is plainly not the case as regards the isolation of the BHE from the public highway referred to above. It will also not be the case where there are reasonable alternatives involving lesser or less adverse compulsory acquisition. Mr Meynell's evidence is that such alternatives are available in this</p>
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					case. Consequently, particular scrutiny of the case for acquiring plots within the BHE needs to be applied.
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<p>Q5.0.7</p>		<p>App</p>	<p>Most appropriate option? Pse explain and expand and how did land aqn feature?</p>	<p>The Applicant states that it has developed the Scheme though the review of 22 alternative routes. And refers to Section 2 of the Case (APP-140) and para 2.2.6.</p> <p>The Applicant then refers to further reductions reported at 4.12 of the Consultation Report (APP-024) and the Scheme Design Report (Rev 1 (AS-009), Chapter 11.</p>	<p>Comment 37</p> <p>The Applicant states that it has developed the Scheme though the review of 22 alternative routes.</p> <p>The Scheme Assessment Review (SAR) (Applicant’s website for the project) v 1.0 issued on 5 February 2020 states</p> <ul style="list-style-type: none"> - During PCF Stage 0, three broad solutions were reviewed (online, to the north and to the south) (para 9.1.1) - During PCF Stage 1 these were used as a basis to develop a number of more defined route options, in which an option engineering workshop was held on 1 Feb 2016 after which hand drawn sketches were developed into a number of initial route options (Paras 9.1.2-9.1.4) - The route options identified were numbered 1-14 for reference purposes (9.1.5) - The 14 route options are described in section 9.2 and the drawings set out in the text and in Appendix H) - EAST and KPI Assessments and further assessment work was done on all 14 in PCF Stage 1 (SAR, Section 10) and they were reviewed at an options review meeting on 16 June 2016 (Section 11, at 11.1.1) - As a result of the Options review meeting four of the 14 (1,3,4 and 6) were taken forward (table 11-1) and drawings prepared (by Aecom
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					<p>/ Amey) (at Appendix L, as issued on 1 August 2016)</p> <ul style="list-style-type: none"> - Those four options remained until completion of PCF Stage 2 in November 2016 when they were then reviewed at the SGAR1 meeting that month - at the IDT in December 2016 it was decided to conduct a Deep Dive value engineering exercise in January 2016 when cost savings were introduced but the line of the routes remained unchanged - No further route options were developed until after the non-statutory consultation during PCF Stage 2 in March 2017 at which the four options were presented as options 1,2,3 and 4 (SAR Section 24) - At the Preferred Route Decision meeting on 15 June 2017 (SAR, 27.2.1, minutes at App O) it was decided that option 2 should be taken forward (27.12.2) and at the same time it was agreed that it could be “developed” (27.13.2). The areas in which it could be developed included “keeping the route to the north side of the corridor as it passes Honingham to achieve noise and air quality benefits” - The initial preferred route was reviewed at the project progress meeting on 22 June 2017 (SAR, 27.13.8) where “it was agreed that the route as shown below should be taken forward as the preferred route. (The announced Option is shown below)” (the drawing below at SAR
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					<p>page 212 was the subsequently announced option as shown on the PRA brochure)</p> <ul style="list-style-type: none"> - The PCF Stage 2 EIAs were carried out on the four alternative options, not the preferred route (SAR section 30) - In an additional assessment of the Public Consultation responses two options were considered and rejected, first moving Option 1 further north around Hockering, and second, not dualling but instead improving the junctions. (SAR 31.3) - The preferred route was then validated (SAR Section 35) and then announced to the public on 14 August 2017 (SAR 36.3.1) (the leaflet with drawing are at Appendix T) - The new PCF stage 3 consultants (Mott Mc Donald / Sweco) were then engaged and commenced work on the preliminary design stage before the close out of PCF Stage 2 (SAR 36.4.1) - PCF Stage 2 completed in Dec 2017 and the SAR is dated 15 December 2017 (when version 0.7 was written). - However the SAR was not issued until 5 February 2020 when it was issued as version 1.0. <p>In circumstances where no alternative fully at-grade options appear to have ever been considered, it is impossible to say that the selected option is the most appropriate, or that land acquisition has been</p>
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					<p>considered in the selection of the fully at grade option. Mr Meynell’s alternatives indicate that the proposed option is <u>not</u> the most appropriate option and indeed that there are alternatives that involve lesser land take.</p> <p>Comment 38</p> <p>The Applicant has shown no drawing of the announced Preferred Route (the developed option 2) prepared in 2017 between the date of the choice in June 2017 and the time of the announcement in August developed to a similar degree as the four route plans prepared by Aecom / Amey in August 2017 (at SAR Appendix L), in other words, showing the approximate extent of the expected land take or the type or locations of the three junctions proposed at the time the PRA was announced (one each at either end and one in the centre at Sandy Lane). There is no other drawing of it than that in the PRA brochure.</p> <p>The SAR and the documents that the Applicant refers to in its response to the question are all silent on this.</p> <p>It is not possible therefore to assess what the expected land take of the Preferred route – the developed option 2 with three junctions at the locations on the PRA Announcement brochure -- was at the time of the decision in August 2017 to adopt it.</p> <p>Nor does any other option appear to have been considered at any point between August 2017 and February 2020 when the preferred route option was presented for statutory consultation with the presently</p>
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					<p>proposed location and design of the Wood Lane and Norwich Road junctions.</p> <p>The Applicant mentions reductions in the land take and changes in the design in its reply, but all those reductions and changes are reductions from the February 2020 design presented to the public at the statutory consultation, not alternatives or reductions considered between August 2017 and February 2020 in selecting an appropriate wood Lane option.</p>
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A47 North Tuddenham to Easton

A C Meynell – [REDACTED] : IP 2002/8353

<i>Q ref</i>	<i>Subject</i>	<i>Address ee</i>	<i>Summary of question</i>	<i>App reply (14/9/21)</i>	<i>BHE comments</i>
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A C Meynell Comments on Applicant's replies to ExQ1

ACM 08 Rev 1 (clean)

<p>Q.5.0.8</p>			<p>Interference with human rights – proportional and justified</p>	<p>i) alignment close to existing A47 to keep interference to a minimum</p> <p>ii) use of powers less than freehold acquisition (eg new rights for utilities) rather than full acquisition</p>	<p>Comment 39</p> <p>As to the parts of the Applicant’s reply listed in the column to the left:</p> <p>i) <u>Alignment</u> The Wood Land Junction’s precise location and design does not keep interference to a minimum. On the contrary, keeping as close as the Applicant proposes to the existing A47 for the Wood Lane junction and land to its west has increased the interference by removing existing woodland shelter from the existing road between the road and the 9 residential units at Berry Hall, and between the junction and Honingham and its residences on Dereham Road, when there are none on the north side of the A47 west of Hall Farm; the new road having originally been aligned at PRA in 2017 (see reply to 5.0.7 above) to the north of the existing A47 by development of option 2 after the 2017 public consultation specifically to reduce impacts on Honingham. As mentioned in 5.0.7 and other comments, no alternatives to this precise location, or any to its design after deciding the junction was to be fully grade separated, were considered.</p> <p>ii) <u>Powers less than acquisition</u> The Applicant has failed to consider use of powers less than freehold acquisition for the length of Plot 9/1b (permanent) in the BHE on the west side of</p>
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				<p>iii) land for compounds “wherever possible ... within the area bounded by the existing A47 and the proposed realigned A47, to restrict the extent of land affected”</p>	<p>Berry’s Lane from the south extremity of its proposed south dumbbell roundabout to the River Tud, across both the front drive and the Berry’s Lane rear drive of the BHE where no alternatives are offered. This is combined with the stopping up without alternatives of the north drive to the A47 (see dDCO App 4 Part 4). The effect of this is to cut off the Estate and 9 dwellings from the public highway and all means of access (REP1-044 at para 62 and REP1-045 IMP4 at page ACM 03/58). The purpose of this part of the Plot 1b acquisition is defined in the Statement of Reasons as being “service diversions and drainage including new River Tud outfall and surface water drainage channel”. The drainage has yet to be designed.</p> <p>iii) <u>Location of Compounds</u> The Compounds proposed within the BHE are all outside the land bounded by the existing A47 and the proposed realigned A47 and increase the extent of land affected. All three of them (1) Satellite Compound 2 in Plot 8/5a and 9/1a, (2) the proposed soil storage area in 9/1a, 9/1l and 9/1m and (3) 9/1j now being used for moving the Gas Main, were only notified to Mr Meynell in December 2020 (see REP1-045 at page 72, para 214). This was done at the same time as Mr Meynell was notified that the previously proposed Church Lane / Wood Lane link road which had crossed (1) and (2)’s plots, had been</p>
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				<p>b) has analysed the appropriate use of powers for each plot to decide whether less than for freehold could be deployed</p> <p>[The following are all within b)]</p> <p>(i) Most principal landowners [have] not indicated that the Applicant’s decision is disproportionate</p>	<p>removed. The removal of the link road is now cited by the Applicant in its reply to Q5.0.7 above and in 5.0.9 below, as a reduction of the footprint of the development, when in reality its removal enabled the compound and soil storage areas to be sited in its place, inside the DCO boundary (which had previously been set evidently for the roads) but not bounded between the new and old. These compounds and areas are within close proximity of dwellings and the farm buildings (see REP1- 045 Table 2, pp 62-65 and the letters of Lisa Tomlin (PDB-006) and Chris Curson ((AS-012) in relation to (1) and (2) as well as the RRs and WRs of Childhood First (RR-016 and REP1-022) in relation to (3).</p> <p>[As to how the satellite compound came to be located where it is proposed, see the comment on the Applicant’s reply to Q5.0.9 below]</p> <p>Comment 40</p> <p>b)” ...analysed the .. use for each plot”. Had the applicant analysed Plot 9/1b with care it would have realised that it was cutting off both accesses to Berry Hall from Berry’s Lane. In informal discussions since this was pointed out in Mr Meynell’s WRs (REP1- 044 at p 16, para 62) the Applicant’s representatives have suggested orally that they had not intended to cut off the access.</p>
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				<p>(ii) Where a landowner has raised a specific issue the Applicant is in continued dialogue with them</p>	<p>(i) Mr Meynell has said that it is <u>disproportionate</u> (and in the wrong place) on each of the two occasions that he has been consulted, the first in January 2020 and the second in December 2020 (see REP-045 at paras 33-40 (pp 15-19) and paras 209-217 (pp 69-73)).</p> <p>(ii) <u>Continued dialogue.</u> The Applicant has had no meaningful dialogue with My Meynell until after the RRs were lodged in June 2021 (his at RR-075) (see REP1-045 at para 217 (pp 73 (bottom) to 75). The responses which the Applicant has placed to Mr Meynell’s consultation letters in Annexes N and O to the Consultation report (APP-038 and 039) but not given to Mr Meynell (see Annexes 2 and 3 to this document) for the relevant extracts)</p> <p>See reply to Qs 1.0.6 and 5.0.9 for the current situation . Mr Meynell looks forward to a positive approach from the Applicant to the engineering design and locations his consultants have prepared for the Alternative Options to enable the junction to be constructed in such a way as to considerably reduce its interference with human rights</p>
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<p>Q5.0.9</p>		<p>App</p>	<p>Ref is made in the SoR that the Land is the minimum necessary to ensure the delivery of the Scheme. How does this statement sit with the RRs on behalf of the owners of Berry Farm Estate [RR-075]</p>	<p>The land included is no more than is reasonably required for the ... Scheme and the limits ... have been drawn as tightly as possible so as to avoid unnecessary land take.</p>	<p>Comment 41</p> <p>Mr Meynell is grateful to the Applicant for engaging with him and his consultants on the alternative locations and design which they are suggesting. He hopes that those discussions can be approached positively by the Applicant from here on and that a solution can be found to adopt one of them with the support of the IPs and the Ex A.</p> <p>As the Applicant knows, Mr Meynell’s primary issue is with the Wood Lane Junction on the Scheme and its associated works. He considers that as a result of the Applicant’s decisions in relation to the precise location of and the design chosen for the fully grade separated junction once full grade separation was considered appropriate and without considering alternatives, the Applicant has chosen to take a greater area than the minimum required to deliver its objectives (See Annex 4).</p> <p>He further considers that even were the Applicant’s location and design considered appropriate, the Applicant has chosen to take more than the minimum required to deliver the Scheme. See in particular his comments on drainage at REP1-045 paras 167-173 (pp56-58) and the existence of the current drainage channel in the local authority’s ownership on the east side of Berry’s Lane which could solve that problem. Another example where the Applicant appears to have taken land they do not need to do so is within the area of the silage clamp, described in his Written Representations.</p> <p>Mr Meynell has provided comments on the Applicant’s responses to his RRs which are at REP2-026.</p>
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				<p>Several changes to reduce impact</p> <ul style="list-style-type: none"> a) removal of sideroad b) reduced gas pipeline to East of B Lane (because closed B's Lane c) avoiding Merrywood field as main site d) positioned cons compound and material storage in field north west 	<p>If indeed it is right that the Applicant did not intend to acquire all the accesses to Mr Meynell's land (see response to Q 5.0.8 above), then plainly they have taken more land than they require.</p> <p>Mr Meynell's primary issue as he has always said since Mr Powis first showed him the Applicant's plans in January 2020 is that as proposed the junction inserted at Wood Lane is very large and in the wrong place (REP1-045 at page 70-72, paras 208-210 and page 73 para 215 and see also para 217 on pages 74/75).</p> <p>To be more particular now, as is shown by his RRs, (RR-075) his WRs (REP1-044) and the associated documents and evidence filed with the latter (REP1-042 to REP1-061) and by his comments in this document to the Applicant's replies to the ExQ1 questions on which he has commented, is that the precise location of and design for the Wood Lane junction is inappropriate, wasteful of land, causes more harm to the environment, biodiversity and human environment than it needs to and fails properly to address a number of the issues it was intended to address. Further and again as pointed out in this document, the Applicant has failed to describe fully or accurately the baseline condition for most of the BHE land proposed to be taken for the south dumbbell, namely woodland, hedges, bat crossings and bat hibernation (see earlier comments).</p> <p>Comment 42</p> <p>Mr Meynell is grateful to the Applicant for removing some of the excesses of its design, namely a) the road from the junction to Church Lane capable of taking traffic at 85kph</p>
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				<p>e) closed Berry’s Lane</p>	<p>which terminated after 1km at a right-angle bend into a 3m wide lane and (b) the decision not to widen Berry’s lane to a similar road.</p> <p>However, the first decision, on (a), was unlikely to have been made with the primary thought of Mr Meynell’s benefit as it has resulted in the closure of his north drive (see REP1-045 at p 55, paras 161-163) which had previously been shown to have fed off the new road and the consequences of that being done without substitution.</p> <p>The second decision, on (b), was primarily made to satisfy requests from villages to the south to prevent rat-running. That that resulted in reducing the need to divert the gas pipeline further than they are now proposing was coincidental. The closure of Berry’s Lane has also resulted in the creation of the proposed cycle-path over the Merrywood field in the newly created Plot 9/1g.</p> <p>The construction compound (Satellite compound 2) remains of the size and in the location where it was first proposed in December 2020 (i.e. after the conclusion of the statutory consultation) in Plots 8/5a and 9/1a, as far as Mr Meynell is aware (see the comment at iii) to Q5.0.8 above). So does the soil compound at 9/1a, 9/1l and 9/1m.</p> <p>The Merrywood field is still being proposed to be used as Plot 9/1j for the diversion of the gas pipeline, Anglian Water works, and BT cables, insofar as it is not now being taken for the cycle path as Plot 9/1g. The Statement of reasons remains unchanged in the latest track changed version (REP2-011) and still states that is “<i>supporting the construction of new carriageways, footways, embankments,</i></p>
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				<p>Explained why can't locate compounds etc north of A47 – Annex O of Cons repo APP 024 at pp27-30 and RR 061.9 resp (REP1-013)</p>	<p><i>service diversions and drainage works as well as temporary material storage, management and processing area” for works 22,32,63 and 84. Further Mr Meynell is not aware if the Applicant has addressed the inability of National Grid Gas’s being able to access the field with their bentonite trucks needed to carry out the gas pipeline works on it as described by National Grid Gas in its WR (REP1-03)1.</i></p> <p>Comment 43</p> <p>As to the explanations referred to by the Applicant contained in Annex O of the 2020 Consultation report (NB Annex O is at APP-039 and not at 024 as the Applicant says in their response), and see the exrraqt at Annex 3 to this document) these are in reply to the purported ‘targeted’ statutory consultation carried out in December 2020 (only three months before the application papers were completed in March 2021) as referred to in Table 1.1 of the Consultation report at APP-024, not to the full statutory consultation carried out in March 2020.</p> <p>Table 1 in APP-024 misleadingly describes this targeted consultation as being with “newly identified land interests” when it was with those who had already been identified at the time of the March 2020 Statutory Consultation.</p> <p>The Applicant does not accept that this ‘consultation’ was adequate for the purposes of satisfying statutory and/or common law consultation requirements as previously described in ACM 02.</p> <p>In particular, it is evident from the replies seen now (which were not communicated to Mr Meynell or to Savills who had no reply to their letter of 4 January 2021 in which the</p>
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					<p>representations were contained) that the Applicant had made up its mind and that that this December 2020 consultation was not undertaken with any reasonable time available to influence the Applicant.</p> <p>Mr Powis’s reply to Mr Meynell’s question at the meeting on 14 December 2020 “why had they not moved the junction north?” as he had suggested to him in January that year, was that it was too late because the red lines had been fixed (see REP1-045 at page 75, para (3), last sentence).</p> <p>Whilst it has subsequently emerged that the Applicant was prepared to make changes to the red line boundary in relation to other aspects of the Project after April 2020 (see below, by way of example only, the minute of the Project update meeting on 29 June 2020 which the Applicant had held by Telecon with the Planning Inspectorate, at which Mr Powis as the Applicant’s Project Manager is likely to have been present, and where it minor changes to the red line boundary were discussed), it appears that the Applicant had closed its mind to this possibility so far as any proposal to move the junction was concerned.</p> <p>The minute of the 29 June meeting referred to states:</p> <p><i>“the Applicant anticipated that in light of the responses received [at the February 2020 Statutory Consultation] and arising from other forms of engagement, some minor changes to the red line boundary would be required. As an example, the Applicant referred to the proposed diversion of the high-pressure gas main in the area of Berry’s Lane. The Applicant explained that it was liaising with National Grid and as a result was considering amending the RLB to provide</i></p>
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					<p><i>for the installation, wayleave and exclusion zone around the gas main”.</i></p> <p>At the same project meeting on 29 June 2020 at which this was minuted (See the Planning Inspectorate website for the meeting on that date in the tab “s51 advice”) it is also minuted that:</p> <p><i>“The Inspectorate asked where the Applicant proposed to locate construction compounds. The Applicant explained that the exact location of construction compounds was still to be finalised..”</i></p> <p>So, two things needed to be done still following the statutory consultation and in June 2020</p> <ol style="list-style-type: none"> 1) the Applicant needed to enable National Grid Gas to relocate its Gas Main crossing the new road, for which purpose it was willing and able to move the “red line” on the BHE for its own convenience; 2) it had not located its compounds and was still trying to find somewhere to put them. <p>The Applicant at this point says in Table 4-12 on page 124 of APP-024 (which lists the changes made as a result of [the February 2020] consultation), that <i>“Concerns [were] raised regarding unnecessary provision of a link between Church Lane and Wood Lane Junction. Link would be of limited benefit and existing links provide necessary connections”</i>. As a result, it then states <i>“Removed the link road from Church Lane to Wood Lane junction.”</i></p> <p>The consequence of this deletion of the link road was to release the entirety of Plot 8/5a and the western part of 9/1a on the BHE from any use for the Scheme. However, on this</p>
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				<p>occasion instead of minimising its land take by altering the red line to return the land to the BHE (as it could have done), the Applicant appears to have decided that it would be opportune to use it to close the unresolved issue of where to locate the compound and to use this newly released and otherwise no longer needed land for it. This was notwithstanding that it was on the other side of the A47 to most of the its works for the Wood Lane Junction, could only be accessed left in and left out and was not between the existing and new roads, as recommended.</p> <p>This is the only explanation that Mr Meynell can find for being confronted by Mr Powis on 14 December 2020 with the news that his land previously earmarked for the link road now had a compound on it.</p> <p>At Annex O (APP-039) (to which the Applicant refers as answers to Mr Meynell’s representations on the Dec 2020 consultation, the Applicant writes on the subject of the newly located compound (1) <i>“the compounds must be located within the scheme boundary”</i> and (2) <i>“the land to the north does not provide the required area ... nor align with the construction phasing”</i>. (APP-039 at page 27).</p> <p>As to (1), the Applicant goes on, on the same page, to refer to the land on the BHE to the east of Berry’s Lane required for the Gas Main works, does not explain here why there was one rule for National Gas and another one for Mr Meynell in terms of fixing or moving the red line on the BHE in advance of making its DCO application.</p> <p>This inconsistency does however raise serious issues as to why the Applicant did not consider in advance of the DCO,</p>
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					<p>the more important issue in relation to minimising the land take, of moving the junction all north of the A47.</p> <p>If any one of the Alternative options suggested by Mr Meynell is adopted, the “red line” area should be able to be reduced by 12.5 ha.</p> <p>As to (2), no substantive evidence or justification for this is provided at all. It should be required by the ExA so that it can be reviewed by the parties.</p>
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<p>Q5.0.10</p>		<p>App</p>	<p>Pse review Section 7.6 of the SoR APP 021 in light of the submission from Berry Farm Estate [RR-075]?</p>	<p>Heritage assets – Listed bldgs. Are in ES ch 6 APP-045 as well as SoR para 7.6.1 APP021</p>	<p>Comment 44</p> <p>In the first instance, it is to be noted that the Applicant’s response focusses on its view that the BHE is not a ‘designated’ heritage asset, and answers the remainder of the question on the supposition that assessment of the effects on the Estate are only required insofar as the asset is a designated one. That supposition is incorrect. Mr Meynell’s Written Submissions (ACM 02; Section D Category (a))) set out the policy requirements that exist in relation to all heritage assets. The Applicant’s failure to assess the impact on the Estate represents a continued failure to comply with the applicable requirements of the NN NPS. If no such assessment is required and produced, the ExA and SoS’ determination risk being legally flawed.</p> <p>Mr Meynell has responded to the Applicant’s comments on his Relevant Representations at REP2-026 and refers to his WRs at REP1-044 on which the Applicant has not yet commented.</p> <p>It is also instructive to note the inconsistency with the Applicant’s approach to other undesignated landscapes. In the Applicant’s Preferred Route Decision Process in June 2017 reported at section 27 of the Scheme Assessment Report (found on the Applicant’s project site under 2020 consultation), the Applicant after its first 2017 public consultation found that Option 2 was the most preferred and option 3 the second preferred (SAR para 27.10.6)</p>
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					<p>Option 3 ran through Honingham Park, referred to at para 30.4.13, where the cultural heritage is described, as an “undesigned landscape park” to the north of the A47.</p> <p>At para 30.4.18 the Applicant states that “During construction, option 3 will result in the demolition of the undesigned walled garden in Honingham Hall. Construction clearance within Honingham Park will also lead to adverse impacts for this historic landscape.” At para 30.4.21 The applicant continues “The historic landscape of Honingham Hall Park will also be adversely impacted” [Note. Honingham Hall had been a Barnardo’s home from the end of World War II and was demolished after it closed in 1966, leaving only its Grade ii listed stable building and the undesigned park]</p> <p>The impacts from option 3 were shown as yellow for landscape and orange for cultural heritage and biodiversity in Table 27-3 on page 200 of the SAR, while for option 2 which at that point was following the existing alignment its full length, they were assessed green for all three. The options are shown on a plan at table 22-1 and in figures 30.1 to 30.4 without any junctions.</p> <p>At the PRD meeting in June 2017 the SAR states that after discounting options 1 and 4 “although there were pros and cons of both Option 2 and 3 the PRD meeting felt that the higher environmental impact of option 3 coupled with the higher public consultation preference for option 2 outweighed its higher cost and longer programme and it was agreed that option 2 should be taken forward in principle” and it was agreed to do so as the preferred route option.</p>
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				<p>In the above example, the Applicant (rightly) considered that it was necessary to carry out an assessment of the impact of the scheme upon the undesignated heritage asset, an assessment which they appear reluctant to undertake in respect of the Estate. The impact on that historic but undesignated landscape was then a factor which influenced the Applicant in 2017 to discount the cheaper option 3 in favour of option 2 to avoid damaging it.</p> <p>The Applicant, having now changed its Preferred Route refined option 2 so as to impose a large junction on Wood Lane which was never intended when the preferred route was chosen, now suggests that by contrast to its decision-making four years ago to retain the landscape at Honingham Hall Park, an impact on a historic and scenic landscape close by which still has its listed residence and curtilage and has been decided to be of sufficient national outstanding interest to merit IHTA designation (and which incidentally was sold by the owner of Honingham Hall in 1754 to the parson for Honingham and East Tuddenham to whom he also gifted his living and who created the miniature park on it in emulation of his patron, and which still exists there today) does not merit the Applicant's consideration to move 5% of the junction and its compounds off its land on to other land which it is already taking, in order to save the working landscape in the way it has remained unchanged for the past 150 years.</p> <p>The inconsistent approach taken by the Applicant is unjustified.</p>
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5.0.13			Comp. Acqns Objections Schedule	Provided at Deadline 2	<p>Comment 45</p> <p>The document referred to (REP2-015) shows Mr Meynell in Section 3 with a description “Heads of Terms in negotiation”. This not correct. He should be in Section 4 as no negotiations have commenced. The District Valuer has contacted Mr Meynell’s agent but they have agreed not to commence negotiations until it is known if the Applicant needs to acquire any land or rights from the BHE.</p>
Q8.0.2	Geology & soils	App	Para 9.9.5 says the key principle to minimise effects on soils is to ensure the footprint is reduced as much as practicable without affecting the design. Pse demonstrate how this was achieved	<p>As little as poss – SDR rep AS 009 ch 11</p> <p>ES 9 geology APP 048 mitigation for perm and agric land take</p>	<p>Comment 46</p> <p>The Applicant has not demonstrated that it has reduced land take so far as possible in relation to the Wood Lane Junction by its Design report for the reasons given in the comments to Q1.0.1 to 1.0.6.</p> <p>As noted throughout these submissions, the Scheme’s footprint presently is not reduced as much as practicable and the design will be improved if less is taken, as is proposed in the report of Mr Meynell’s Transport consultant at REP1-057, which will allow the compounds and materials storage to be removed to land which is presently being taken permanently already between the existing A47 and the new carriageway and /or the site of the presently proposed link road.</p>

Q8.0.3	Geology & soils	App	Excess soil will be saved and reused outside the devt. Pse explain where stored and and what are implications of moving. Have they formed part of other assessment work	Not planning for offsite use of significant quantities If excess soils are generated, a SWMP will be used	<p>Comment 47</p> <p>It is not clear from the Applicant’s documents referred to whether any surplus soils will remain on the proposed soil storage compound at Plot 9/1a or on 9/1j on completion of the Scheme construction works at Phase 5 (see Annex B at REP2- xx) and if so in the case of Plot 9/1a how those will be removed bearing in mind that the site entrance to the plot from the north will by then be blocked by the Wood Lane Junction westbound on slip road and the only exit will be on to Berry’s Lane which will be blocked at its north end. The driveway to enter and exit the compound passes within the RPA of a grade A2 tree (T281) and on Berry’s Lane the Applicant has also not explained how the means of access to Plot 9/1j is to accommodate the needs of National Grid gas who have stated it in their WRs (REP1-031 at para 2.4) to be unsuitable for the type and volume of traffic required .</p>
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Q8.0.4	Geology & soils	App	Table 9.13 identifies large adverse for grade 2 and very large adverse for grade 3a. Given 9.4.20 identifies that residual effects of moderate, large or very large will be significant, please clarify whether the construction impacts in table 9-13 are significant?	Is significant	<p>Comment 48</p> <p>Given that the adverse impact on the 80% of the Estate's arable land proposed to be taken for compounds and site storage will be Significant Adverse and the remainder will be at risk of contamination from it, there are strong reasons for the Applicant to consider making use of permanent land take on areas bounded by the A47 and the proposed new road or link roads, whether or not it adopts an Alternative Option.</p> <p>The Applicant could have considered locations at the same time as preparing its design rather than waiting until after June 2020, when its design had been presented for public consultation, before selecting potential sites for its compounds (see the minutes to the Applicant's meeting with the Planning Inspectorate on 29 June 2020 (S51 Advice on Planning Inspectorate's project website))</p>
Q9.0.4	Historic Environment	HE,NCC, BC,SNC, BDC	ES Ch 6 sect 6.7 identifies baseline conditions. Are the parties in agreement with the list and the overall assessment?		<p>Comment 49</p> <p>Ch 6 Sect 6.7 does not accurately define the Baseline condition at the BHE, either of all the structures within the listed curtilage (identified within document ACM 03 (At F(iii) in REP-045, on page 66) submitted as part of Mr Meynell's Written Representations) or of the IHTA-designated outstanding scenic and historic landscape which the BHE forms (see reply to Q9.0.19).</p>

Q9.0.5	Historic Environment	App	Para 6.7.4 says it must be assumed there is further archaeological potential. Is App proposing any further work and if not why not?		<p>Comment 50</p> <p>The Applicant marked positions on land within Plots 8/5b, 9/1a and 9/1j for further investigation in 2020 and required MR Meynell to leave them uncultivated for the season, before later telling him that there was not time to conclude them (REP1-048 at page 49).</p>
Q9.0.11			APP-045 para 6.9.15 says monitoring for vibration is not necessary.		<p>Comment 51</p> <p>Monitoring the listed crinkle-crankle wall at Berry Hall and assessing it beforehand if the works proceed in its vicinity is necessary for the reasons given in REP-045 at para 199</p>

Q9.0.19	Historic Environment	App	<p>ES ch 6 Pse review the RR from the owner of Berry Hall [ref-075] and their reference to the ned to assess the impact of te proposals upon the wider [REDACTED]. Pse provide further assessment in this regard</p>	<p>ES Ch 6 6.7.24 – 6.728 6.8.8 6.8.15 6.8.31 3.8.32 6.9.3 6.9.11 6.12.3 Table 6.3 and 6.4</p> <p>NPS NN s 5.123</p> <p>NPF Annex 2</p> <p>Nothing in HMP to change the view</p>	<p>Comment 52</p> <p>Mr Meynell’s concerns here cover:</p> <ol style="list-style-type: none"> 1) the Ch 6 report’s failure to assess the full curtilage of the grade II listed Berry Hall and all the structures covered by its listing, which he agrees has the high quality ascribed to it by the reporter 2) the report’s failure to address the IHTA designation of the wider Estate as a scenic and historic landscape containing together in its setting the grade II listed Berry Hall with all the buildings and structures in its curtilage, the continuously managed gardens, the meadows, fields and woodlands (including Priority woodland and one containing the separately listed Ice house), the individual trees, including ancient and veteran trees, the hedgerows, including ancient hedgerows, and the working agricultural unit which gives life to the landscape (described as being ‘incapable of substitutability’ i.e. it cannot be replaced); all this combined being the special quality which the IHTA heritage designation captures; 3) the failure of the Applicant to take cognisance of the policy tests engaged in relation to heritage assets generally, and not just undesignated assets (see also the answer to Q5.0.10 above); 4) the report’s consequent failure to understand or to consider properly the impact that the proposed scheme would have upon the delicate balance of nature and nurture sustaining that quality, a
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					<p>balance which has been maintained with constant care by one family over three generations who over that period have in some ways conserved, and in other ways created, the special quality that the Estate has.</p> <p>All this is described in Mr Meynell’s Statement REP1--045 which has to be read in full with its appendices, and the Estate seen in all its parts, in order fully to understand it. As noted, reference should also be made to document ACM 02 (REP1-044 paras 48-57) submitted as part of those representations, which sets out the applicable policy contained in the NN NPS.</p> <p>It has not been understood by the reporter writing Chapter 6 (APP-045), with no disrespect to his expertise. He has</p> <ul style="list-style-type: none">- undertaken a desktop study (APP-045, para 6.4.6), relying on incomplete information contained in English Heritage’s Berry Hall listing (see REP1-045 at para 19 and note 8)- has received incomplete information from his predecessor (notes but no photographs) (APP-045 at para 6.5.4)- has been able to pay only one visit to the area to assess the entire length of the road which happened to be during the Covid period when he was limited to public rights of way and limited safe paths (APP-045, para 6.5.4)- likewise visits to data archives was not possible- Further to which, he was having to deal with both archaeology and historic buildings at the same time (see the whole report);
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					<ul style="list-style-type: none">- Finally, he was not advised by the Applicant to make the on-line enquiries of the gov. uk website which English Nature had advised the Applicant to make to assess IHTA designations in the area (Scoping Opinion pdf page 165/184, fourth para) or he would not doubt have mentioned in the report that he had done so, however he had treated the information- He had no information about the Estate’s designation <p>It is therefore unsurprising that all the references in the Applicant’s reply to APP-045 in addressing this question do not address the central concerns about the Applicant’s lack of understanding of or failure to grasp the subject.</p> <p>As regards the Applicant’s claims that it has reviewed the HMP and that its contents would make no difference to the assessment in the ES – that “review” is not before the ExA and so they (and Mr Meynell) cannot scrutinise it. This is unacceptable. In the circumstances, the ExA can place no reliance upon that assertion. Moreover, if he does not a formal assessment of the implications of the proposal for the Estate, he will be unable to apply the requirements of national policy relating to heritage assets.</p>
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Q9.0.20	Historic Environment	App	National Networks NPS differentiates between 'substantial harm' and 'less than substantial harm' to the significance of designated heritage assets. Pse qualify any harm that would arise to the significance of designated heritage assets having regard to these categories. Pse also carry out the appropriate balancing exercise with regards to weighing the impacts against public benefits.	Berry Hall – lessthan substantial Para 7.4.6 Case APP 140 discusses 5.131 and 5.132	Comment 53 The comments referred to by the Applicant dealing with Berry Hall fail to consider the elements of the listed curtilage mentioned by Mr Meynell at REP1-045 paras 197-199, namely the crinkle-crankle wall 27m from Plot 9/1a (temporary) and the risks to its structural integrity from the works in the soil storage area or the cobbles at the driveway entrance in Plot 9/1b (permanent) (the danger of their removal) (see also comment to Q9.0.19 above). The assessment is therefore incomplete.
Q10.0.2	Landscape and visual	NCC, BC,SNC, BDC	Are the parties satisfied with the Environmental Masterplan and the indicative proposals shown?		Comment 54 Mr Meynell believes the masterplan does not adequately compensate for the Environmental damage which will be caused by the Wood Lane Junction if constructed to the Applicant's proposed design in its precise proposed location, for the reasons given in the comments to Q3.0.4 and 3.0.5 (Comments 26 and 27) above If the additional trees and hedgerows are kept which will be possible by adopting one of Mr Meynell's Alternative Options a sustainable environmental masterplan could be built around that.

Q10.0.3	Landscape and visual	NCC, BC,SNC, BDC	ES Ch 7 Landscape and visual effects - are the parties satisfied with Applicant's approach to defining the Baseline conditions?		<p>Comment 55</p> <p>Mr Meynell repeats his reply to the Cultural Heritage Chapter 6 at Q9.0.4 and his comment at Q9.0.19. Ch 6 and Ch 7 between them fail to assess properly the quality of the landscape at the BHE for the reasons given and referred to at Comment Q9.0.19</p> <p>Mr Meynell also disagrees with the baseline assessment in C7 that the existing light at night south of the Wood Lane Junction is equivalent to a suburban sky. It is not. It is fairly dark sky and not much interrupted by artificial light</p>
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Q10.0.4	Landscape and visual		ES ch 7 - what level of lighting / height / numbers has been considered. How does this compare to the existing?		<p>Comment 56</p> <p>The level of light with 10m high downlighters erected on the embanked part of the proposed Wood Lane southern dumbbell and its embanked proposed link road easy from the junction will significantly adversely affect the surrounding rural are and in particular dominate the sensitive receptor at Merrywood House, much of whose 70 year old beech shelter belt is proposed to be lost in the construction of the proposed cycle path beside it.</p> <p>The suggestion which is made that the Wood Lane Junction is entirely in cuttings is incorrect; only the northern part is; the southern part is open to the south and on an embankment on its south side over the River Tud Valley</p> <p>Utilising Mr Meynell’s Alternative Options to place the whole junction north of the A47 and allowing the existing trees on both sides of the A47 to shield it from Honingham and the rees and hedges on Dereham Road will be a substantial improvement for all receptors</p>
Q12.0.1	Noise & vibration	NCC, BC, SNC,BDC	Have all receptors been correctly identified. If not, please explain		<p>Comment 57</p> <p>The listed and structurally sensitive crinkle-crankle wall at the BHE, 27m from the soil storage site on Plot 9/1a, has not (see REP1-045 at para 199)</p>

<p>Q12.0.0 4</p>	<p>Noise & vibration</p>	<p>App</p>	<p>Where are hours of working controlled?</p>		<p>Comment 58</p> <p>In Ch 7 at para 7.10.13/14 it is stated that work may continue in darkness under artificial light particularly in compounds, between Oct and March, without mentioning limitations in hours</p> <p>Mr Meynell is concerned at the disruption that will be caused by large amounts of artificial light in satellite compound 2 particularly in winter when the trees are bare, to the lives of his tenants in Berry Hall Farm Cottages which are only 100 metres from the compound. One tenant is an NHS nurse also who regularly has to work night shifts and needs to sleep during the day. If the days are filled with noise as well as the light at the beginning and end her life will be likely to become intolerable. Lisa Tomlin at Wisteria Cottage has written to the Ex A (PDB-006) about her fears being a similar distance from the Soil storage compound.</p> <p>Mr Meynell's Alternative Options will allow all compounds to moved with the works to the North side of the A47 where there are no dwellings in the vicinity of Wood Lane.</p>
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<p>Q13.0.2</p>	<p>Population & Human health</p>	<p>NCC, BC,SNC, BDC</p>	<p>Are parties satisfied section 12.7 provides accurate assessment of baseline conditions?</p>		<p>Comment 59</p> <p>The baseline conditions at 12.7 is inadequate and incorrect in that it fails to mention</p> <ul style="list-style-type: none"> - At 12.7.3 the group of 9 residential units at Berry Hall, which although it looks towards Honingham is in the parish of East Tuddenham. Being of the size it should have been referred to. - At 12.7.16 the timber (including firewood) and Christmas Tree businesses of Berry Hall are omitted, while businesses in Honingham village are included. - At 12.7.19 the description of the 18 agricultural holdings potentially affected states that they are predominantly arable with some grassland. It omits to refer to the beef cattle rearing holding at Berry Hall which has its buildings within 134m of the A47 accessed for HGVs only from the A47 (which is to be stopped without replacement) and which is located within 12 metres of the proposed soil storage area at Plot 9/1a and 20 metres of the Satellite compound 2 <p>The omission of any mention in this paragraph of all these three categories of receptors on the land so close to the central junction and largest single piece of work in the Scheme, is serious.</p> <p>The ExA is further reminded of the deficiencies in the assessment of the impact on Holding 10 as previously set out in Mr Meynell's Written Representations (see ACM 02 at Section D (REP1-044, bottom of p9 to p24).</p>
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Q13.0.1 1	Populati on & Human health	NCC, BC,SNC, BDC	Table 12.5 accurate list of all receptors?		
Q14.0.1	Transpor t	NCC, BC,SNC, BDC	Satisfied with Transport case?		<p>Comment 60</p> <p>The Transport Case like the other documents of the Applicant’s commented on above, fails to describe why the Applicant chose the precise location at Wood Lane which it has selected for the grade separated junction it has now designed, or what other if any alternatives it considered for a grade separated junction once it had decided on the appropriateness of full grade separation. See paragraph 7.3.4 which merely makes the bald statement that after selecting the Preferred route on August 2017</p> <p><i>“The Scheme has been further developed since the preferred route announcement. Taking on board feedback received and from ongoing stakeholder engagement the design of the Scheme has been developed to that now set out within the DCO application.”</i></p> <p>It says absolutely nothing about what processes were followed to arrive at a Scheme which is – apart form the line of the dual carriageway - completely different and serving a completely different purpose, from that which it was when the line was announced to the public in 2017 with three junctions, all in different locations from the current ones.</p>

Q14.0.2	Transport	NCC, BC,SNC, BDC	Satisfied with revised outline of construction traffic routing?		<p>Comment 61</p> <p>If the Choice A alternative proposed by Mr Meynell were to be followed, the traffic routing could be improved so that it becomes able to continue through the construction period along the existing A47 instead of being routed part way through, through the new part-constructed Wood Lane junction and along the proposed link road between there and Sandy Lane</p>
Q14.0.3					<p>Comment 62</p> <p>The potential impact of construction workers will need to be mitigated through an ambitious Travel Plan that includes ambitious modal split targets to minimise single occupancy private car trips. In advance of the detailed design stage, outline travels plans should be prepared and agreed with the relevant authorities with their effective implementation enforced via planning condition. The ExA will need to have had sight of such an outline plan in order to understand what it is likely to be capable of achieving, and therefore to place reliance on such outcomes.</p>

Q14.0.5	Transport	App	Pse explain status of Sideroad strategy [no doc ref given for it]		<p>Comment 63</p> <p>HE’s Junction and Sideroad Strategy Report was issued in Feb 2020. This confirms that the earlier preferred amended route 2 had been published (fig 1-1) (the “PRA alignment”) and that the central junction is shown at Sandy Lane / Church Lane (para 1.1). It continues (at para 1.2), to say that the purpose of the Report is to provide a technical recommendation on the Junction layout “at the 3 proposed junction locations announced at PRA”, with allowance for the NWL scheme which had announced Preferred Route Alignments in July 2019. The rest of the report then describes just two junctions:</p> <ul style="list-style-type: none"> ▪ A central junction not at Sandy Lane but at a new location at Wood Lane (paras 2.4.1, 2.5.1 and 2.6.1) with the options considered for it being at grade, compact grade separated and fully grade separated. No mention is made of the change of location; ▪ An eastern junction at Norwich Road; <p>The grade separated choice for the Wood Lane junction is shown in drawings at paras 5.4.6 to 5.4.9 with a two-dumbbell layout and an access road to Berry Hall’s rear drive and to Hillcrest running west from the south dumbbell of the junction. No other grade separated options were shown. Consequently the Junction and Sideroad Strategy Report does not provide any evidence of grade separated alternatives in the vicinity of Wood Lane.</p>
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Q15.0.8	Water Environment	App	Horizontal directional drilling for gas main-bentonite - slurry might affect ponds, groundwater and the water environment or pathways to them. Pse clarify how any likely significant effects have been assessed and what mitigation is proposed.		<p>Comment 64</p> <p>The Applicant in its response does not answer the Ex A's question as to what the effect will be of Bentonite slurry and how it might affect the environment.</p> <p>As the drilling is proposed to take place in the BHE grassland field (Plot 9/1j) which is used for the grazing of beef cattle raised for human consumption and drains into a meadow similarly used before any runoff reaches the River Tud, Mr Meynell requires an absolute assurance from the Applicant that Bentonite slurry will pose no danger to cattle feeding on the field afterwards or to humans feeding on the beef subsequently.</p>
Q15.0.10	Water Environment	App	Consent from NCC and the Internal Drainage Board must be obtained before work starts. Pse confirm listed within Consents and Agreements Position Statement [APP-020]		<p>Comment 65</p> <p>The Applicant has yet to seek the consents because it has not yet designed the drainage.</p> <p>This includes drainage proposed to run in a channel down the west side of Berry's Lane in Plot 91/b part of the BHE, across both its drives and into the River upstream of Berry's Bridge. See REP1-045 at page 56 for the potential flooding that that might cause and the reason for it, as explained to Mr Powis by Mr Meynell in December 2020.</p> <p>The Applicant is asked to explain what research it has so far carried out on the alternatives to that, and in particular the suitability of the existing channel (whether as it is or upgraded) to serve the purpose it requires</p>

Q15.0.1 3	Water Environ ment	EA, NE,NCC, BC,BDC, SNC	es CH 13 para 13.9.32 refers to Drainage Strategy (App 13.2 (TR010038/APP/6.3) proposing all surface water drainage is to River Tud at 12 locations using 9 outfalls. Is this acceptable and is it adequate.		<p>Comment 66</p> <p>Mr Meynell fears not at the upstream side of Berry’s Bridge, for the reasons given in the comment to Q15.0.10</p>

TABLE OF ANNEXES

- Annex 1 Collated bat crossing survey information from Applicant’s Bat Crossing Survey Report ((APP-108)
- Annex 2 Extracts from Appendix N to Applicant’s Consultation Report (APP-038)
- Annex 3 Extracts from Appendix O to Applicant’s Consultation Report (APP- 039)
- Annex 4 Plans of Alternative Design 1 and Alternative Design 2 overlain on Land Plans sheets 8 to 11 (from APP-006)

Annex 1

Collated bat crossing survey information from Applicant's Bat Crossing Survey Report ((APP-108)

Table of information collated from the Applicant's Bat Crossing Point Report March 2021 - 6.3 Appendix 8.13 (APP-108) relating to the 2020 Crossing 6 Surveys (Wood Lane / Berry's Lane junction with A47)

Base information						Observations (Table 4-1-2)			Intended period (para 3.2.2)				Actual period (assumed to have been as intended except where confirmed differently in paras 3.3.6 and 3.3.9)				
Ref	Survey no.	Surveyor no.	Date	Location N/S of A47	Period	Crossings	Detected	Manually Seen	Sunset/ Sunrise (Note 1); hrs:mins before Sunset / sunrise	Start Time (BST)	End Time (BST)	Length (hrs:mins)	Start Time (BST)	End Time (BST)	Length (hrs:mins)	% of intended survey period when crossing recordings could <u>not</u> be made (see Note 8)	
1	1	1	6/24/2020	North	Dusk	0	0	4	21:24	0:15	21:09	22:39	1:30	21:09	22:39	1:30	
2	1	2	6/24/2020	South	Dusk	1*	5	0	21:24	0:15	21:09	22:39	1:30	22:16	22:39	0:23	74% Notes 2,5
3	<i>Survey 1 dusk totals</i>					1	5	4									
4	1	1	6/25/2020	North	Dawn	0	18	0	4:32	1:00	3:32	4:32	1:00	3:32	4:32	1:00	
5	1	2	6/25/2020	South	Dawn	0	0	0	4:32	1:00	3:32	4:32	1:00	3:32	4:32	1:00	
6	<i>Survey 1 dawn totals</i>					0	18	4									
7	2	1	7/20/2020	North	Dusk	2#	3	0	21:06	0:00	21:06	23:36	2:30	21:06	23:36	2:30	
8	2	2	7/20/2020	South	Dusk	0	0	0	21:06	0:00	21:06	23:36	2:30	21:06	21:54	0:48	68% Notes 3,6
	<i>Survey 2 totals</i>					2	3	0									

Crossings as recorded at Table 4-1-2 of the report

* Common pipistrelle (10m) at 22:23

Common pipistrelle (5-7m) at 21:30 and (6m) at 21:45

Note 1 Times for both surveys taken from Table 1 to the report

Note 2 Times of arrival and departure stated in 3.3.9 (see Note 5 below and para 3.3.9)

Note 3 Period before battery failure derived from para 3.3.6 (see Note 6 below and para 3.3.6)

Note 4 Para 3.3.7 states "Bats are generally more active just after sunset". Para 3.3.4 states "it is possible that surveys started late (after sunset) may miss instances of earlier emerging species crossing the A47". Para 3.2.2 states that the survey one surveys were targeted as follows "These surveys targeted earlier emerging species (such as pipistrelle species) which may sometimes emerge before sunset."

Note 5 At Para 3.3.9 it is stated "Survey one at crossing point 6 [24 June] was undertaken primarily with one surveyor on the north side of the A47. Due to unforeseen circumstances the second surveyor was late and only began surveying on the south side of the A47 at approx. 22:16, approx 1 hour 7 mins late and 52 mins after sunset. No potential crosses were identified during this survey, which ended at approx. 22:39. One confirmed cross was identified by surveyor two, however it is possible that crosses occurred during the first part of the survey which were missed". [emphasis added]

Note 6 At para 3.3.6 it is stated "During the surveys on 20 July 2020 [ie survey two] ... at crossing point 6 one surveyor's detector battery failed approx 1-hour 50 minutes prior to the end of the survey. No unidentified crosses have been recorded following the failure of the detector's batteries however, but passes may have been missed." As the report does not say which surveyor's battery failed, it has been assumed that it was surveyor two because of her lack of recordings.

Note 7 Para 3.2.3 states that where more than 10 bats (or 1-5 for rarer species) are recorded using a flight path across the A47 within 1 hour during either or both of the first two surveys, a further six 2.5 hour surveys were undertaken...". Para 3.2.7 explains that the recommended weather conditions are a temperature of 7 degrees celsius and above at the start of the survey in dry conditions with wind speeds lower than 20km/h and that all surveys were undertaken within the recommended weather conditions (see Table 1 to the report)

Note 8 Note that only surveyor one was present in survey one during the critical period before and just after sunset when late arrivals might miss the earlier bats (see Note 4 above) and that they were unable to record any crossings in the later period of survey two when the later bats (barbastelle) might have been more likely to cross. Para 3.1.6 states "The recordings and the field notes were used to help identify any bats crossing the A47, and the point of crossing, by comparing the notes of surveyors at each side of the A47." [emphasis added]. Accordingly, they could not record a crossing as such unless both surveyors were present and both had operating recording machines. Anything one of them might have recorded alone and without the other being able to corroborate on the second operational machine and note it as such, even if the bat did cross the road, could therefore only be recorded as a "detection" and not a crossing, by the one present with an operating machine. This can be seen by observing that all the recorded crossings in both survey one and survey two were recorded at times when both surveyors were present and both had operational recording machines.

Annex 2

Extracts from Appendix N to Applicant's Consultation Report (APP-038)

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 5

5.2 Annex N: Table Evidencing Regard had to Statutory Consultation Responses

APFP Regulation 5(2)(q)

Planning Act 2008

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

March 2021

Infrastructure Planning

Planning Act 2008

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

The A47 North Tuddenham to Easton
Development Consent Order 202[x]

**CONSULTATION REPORT ANNEX N
TABLE EVIDENCING REGARD HAD TO STATUTORY CONSULTATION
RESPONSES (IN ACCORDANCE WITH S49 OF THE PLANNING ACT
2008)**

Regulation Number:	5(2)(q)
Planning Inspectorate Scheme Reference	TR010038
Application Document Reference	TR010038/APP/5.2
BIM Document Reference	PCF STAGE 3 HE551489-GTY-LSI-000-TK-ZH-30014-C01
Author:	A47 North Tuddenham to Easton Dualling Project Team, Highways England

Version	Date	Status of Version
Rev.0	March 2021	Application Issue

CONTENTS

1	OVERVIEW.....	1
2	TABLES EVIDENCING REGARD HAD TO STATUTORY CONSULTATION RESPONSES.....	2
2.1	Statutory consultation under Section 42(1)(a) & (b) of the Planning Act 2008	2
2.2	Statutory consultation under Section 42(1)(d) of the Planning Act 2008	77
2.3	Statutory consultation under Section 47 and Section 48 of the Planning Act 2008	116

1 OVERVIEW

- 1.1.1 The tables provided below evidence the regard had to responses received to the Applicant's statutory consultation for the A47 North Tuddenham to Easton Dualling scheme (the Scheme), in accordance with Section 49 of Planning Act 2008.
- 1.1.2 Each table summarises responses received, sets out whether a change has been made in response to it, and details the Applicant's response, including the regard had to the consultation response. Where multiple responses containing the same comment have been received, these are addressed in a single entry in the tables below.
- 1.1.3 There are three separate tables covering each individual strand of statutory consultation. The first table addresses feedback from Section 42(1)(a) and (b) consultees. The second table addresses feedback from Section 42(1)(d) consultees. The third table addresses feedback from Section 47 and Section 48 consultees. Spelling mistakes and grammatical errors in the feedback submitted to the Applicant have not been corrected in the received comments set out below.

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Design – access	We would wish to ensure that suitable vehicular access is retained for agricultural equipment throughout to ensure land can be suitably accessed and maintained.	13841		<p>All Local Highway Authority sideroads have been designed to Class B (6m wide) or Class C (5.5m wide) in agreement with NCC.</p> <p>All existing farm accesses have been retained where possible, and new accesses where required have been proposed to the owning landowner.</p>
Design – access	As the proposed plans are currently drawn the access from the farm buildings to the north which joins the A47 and the access from the Hall and Hall Cottages to the east which joins Berry's Lane are being severed by new or altered roads. At this stage it is unclear how these access routes will once again join the highway.	14337		<p>The Scheme will see the closure of all direct accesses to the proposed dual carriageway with access points provided to the dual carriageway at the proposed Wood Lane and Norwich Road Junctions.</p> <p>Berrys Lane will be closed to through traffic with access to the dual carriageway being via Mattishall Road to the Honingham Roundabout where users can either travel west to Wood lane Junction or East to the Norwich Road junction.</p>
Design – access	We are concerned about the number of roads left closed and the opportunity for those to be occupied by third parties.	15258	Y	<p>The design has been adapted since Statutory Consultation leading to significant reductions in the number and length of closed road sections, such as the existing A47 north of Honingham.</p> <p>Where roads are being closed to through traffic, we will be implementing measures to mitigate against this issue. Where roads are being closed, these will be returned to landscape and form part of the Scheme landscaping works.</p>
Design – access	The double roundabout here is going to be disastrous for the local lanes and habitats.	14384	N	The Scheme alignment has been undertaken in keeping with the existing landscape environment

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
	keeping to the north of the existing A47 until it goes under the new bridge in 1.ii.			
Design – alternative	The existing A47 and other local roads do not need junctions with the dualled A47 at Wood Lane or Norwich Road. Local traffic going to or coming from the West should join/exit the dualled A47 at the existing North Tuddenham A47 junction. Local traffic going to or coming from the East should have slip roads onto the dualled A47 near Easton.	14373	N	The justification for the route alignment and junction arrangement, based on a technical, economic and environmental analysis, is outlined in the A47 North Tuddenham to Easton Scheme Assessment Report (December 2017) which was available on the Highways England project consultation website during the Statutory Consultation and is also available on the Highways England Project website.
Design – alternative	Our client is proposing that the scheme, and junction in particular, be moved approximately 100m to the north on to open farmland, which does not have the same environmental and historical attributes. Therefore this would allow the tree shelter belts to be retained and the impact on this historic Estate be minimised.	14337	N	The preferred route was announced in August 2017 indicating locations for the proposed junctions, and can be found on the Highways England Website. The preferred route decision making is explained in the Case for the Scheme (TR010038/APP/7.1) .
Design – alternative	Many Honingham villagers view the complexity of the current proposals with horror. Instead, the only junction on the proposed dualled A47 North Tuddenham to Easton should be with the proposed Western Link Road, at a location north & east of the currently proposed junction.	14373	N	The Junction & Sideroad Strategy presented at Statutory consultation explains how the scheme has been developed, in alignment with the UK Design Manual for Roads & Bridges (UK DMRB).
Design – alternative	The only junction on the proposed dualled A47 North Tuddenham to Easton should be with the proposed Western Link Road, at a location north & east of the currently proposed junction.	14373	N	The proposed junctions are designed based on the traffic modelling for the scheme opening year (2025) and design year (2040).
Design – alternative	Building 8 lanes of adjacent new highway to practically replicate the same existing links to the A47 is odd in the extreme.	10574	N	

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Design – traffic	The country lanes will turn into rat-runs if too many are linked to the new road.	14388	Y	
Design – Western Link	We would welcome confirmation that Highways England will not make the proposed works more intrusive than already proposed to enable the A47 Easton to North Tuddenham improvement based on what may happen with Norfolk County Council's road strategy.	13995	N	The final Scheme design has been developed in consultation with Norfolk County Council to align with the road strategy.
Design – Wood Lane	To move the Wood Lane junction north would cause greater impact, sever more of the better land and larger field patterns leaving the area south of the new road inefficient as well as increasing visibility of the road.	13995	N	The design has sought to minimise its extent as allowed by Department of Transport road design guidelines.
Design – Wood Lane	We accept the need to link Wood Lane to the existing roundabout, but if NWL does not happen, Wood Lane would be better connecting directly into the roundabout and Sandy lane connecting to that.	13843	N	The separation of Wood Lane from the junction is in response to public feedback to mitigate north-south traffic movements.
Design – Wood Lane	What are the constraints to moving Wood lane Junction some metres to the north and west to release pressure and environmental issues arising from it being so close to Honingham?	11417	N	The junction is minimised as much as possible but has to meet Department of Transport road design standards, such as the UK Design Manual for Roads & Bridges (DMRB).
Design – Wood Lane	In order to support further future growth to the west of Norwich it would be prudent to provide an option to access the proposed new settlement from Wood Lane.	13838	N	The Case for the Scheme (TR010038/APP/7.1) outlines compliance with planning policy and development growth objectives. Chapter 15 of the Environmental Statement (TR010038/APP/6.1) presents the assessment of cumulative effects.
Design – Wood Lane	Wood lane should not be closed, rat running should be discouraged by measures implemented between Wymondham and the Berry lane junction. A connection here is an asset to the local residents.	11187	N	In response to various Statutory Consultation feedback and subsequent direct engagement with residents and landowners around Berrys Lane, access to Berrys Lane was amended to remove the risk of rat running via the Lane while maintaining acceptable access for residents and landowners currently using Berrys Lane.

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Landscape	-severance of and damage to the Honingham Landscape Park -severance of and damage to a mature lime avenue within the park.	13843	Y	Land take was minimised as much as possible, such as removing National Grid pipeline works from the parkland and creation of an open surface water drain to the River Tud outfall.
Environment	- There is a population of bats in the icehouse.	14337	N	Noted. Impacts on bats have been assessed in the Environmental Statement (TR010038/APP/6.1) .
	- There are a number of ancient hedges on the Estate including those which are proposed to be removed on Berry's Lane.		N	Noted. Any hedgerow removal has been assessed in the Environmental Statement (TR010038/APP/6.1) . Replacement landscape planting as part of the Scheme is presented in the Landscape Masterplan.
	- The woodland on the Estate is highly rated and used regularly for visits by the Royal Forestry Society, Woodland Heritage and the Association of Professional Foresters. - At a time when the government is committing the country to planting billions of trees to ensure we are carbon neutral by 2050 it seems counterproductive to remove a belt of trees shielding a road."		N	Where possible, woodland areas will be retained as part of the Scheme. Where this is not possible, this has been assessed in the Environmental Statement (TR010038/APP/6.1) and compensatory planting is proposed.
Environment	The results of comparative Qualitative Option Assessments show the original "option 13" of the initial assessment which passes on a route partially like the former northern options 1 and 4, as "red" for environment passing through habitats that have been identified as being of biodiversity importance. Our on-site investigations have brought to attention other sites along the northern alternatives that have been classified as County Wildlife Sites, which need to be considered. To relocate the Wood Lane roundabout increases the likely impact on the County Wildlife site and Ancient woodland bordering Wood Lane and increases further, the risk to these from a future Norwich Western Link. Having assessed more northerly alignments, northern	13995	N	Country Wildlife Sites have been considered and any impact risk to them assessed in the Environmental Statement (TR010038/APP/6.1) . Where possible, woodland areas will be retained as part of the Scheme. Where this is not possible, compensatory planting has been proposed.

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
	<p>routes should be categorised as red in environmental terms as demonstrated in the attached biodiversity review.</p>			
Environment	<p>There are many more environmental issues other than those outlines in the mitigation. Regular turtle doves and the red kite winter roost for example! You've only got to look at the lack of environmental surveys undertaken for the Western link of the ndr!</p>	14384	N	<p>Statutory environmental bodies (Natural England, Environment Agency) and local authorities (including Norfolk County Council) were consulted on the scope of the environmental assessment, including the receptors to consider.</p>
Environment	<p>The new junction would also take between 10-15 acres of land (8-12% of the Estate), significantly impacting its integrity and threatening the reasons for its status as a heritage asset.</p>	14337	N	<p>The junction is minimised as much as possible but has to meet Department of Transport road design standards, such as the UK Design Manual for Roads & Bridges (DMRB).</p> <p>Chapter 6 of the Environmental Statement (TR010038/APP/6.1) presents the assessment of impacts on heritage assets.</p>
Landscape	<p>Adverse impact on the local landscape character, particularly the Tud valley. The loss of landscape features and a reduction in the tranquillity of the landscape</p>	13843	N	<p>A landscape and visual impact assessment and associated mitigation measures is reported in the Environmental Statement (TR010038/APP/6.1).</p>

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Further engagement	As we noted throughout this form, we would propose some collaborative work between ourselves, Transport Planning Associates and Yourselves to deliver the best scheme to take into account the needs of the local existing and future communities and businesses.	13838	N	The requested was notes and the Applicant has engaged with and is meeting with the Royal Norfolk Agricultural Association.
Further engagement	The Highways Agency has carried out environmental surveys but neither we nor our client has seen these. We request they are sent to us.	14337	N	The environmental surveys were ongoing throughout 2020 so were not fully available at Statutory Consultation, but the results have been presented in the Environmental Statement (TR010038/APP/6.1) accompanying the DCO application.
Further engagement	We are not aware of any environmental surveys having been carried out on this land and, if and when any are, we request the results of such surveys.	14336	N	
Heritage	Listed buildings and SSSIs seem to be insignificant in the proposals.	14384	N	Listed buildings and SSSIs have been assessed in the Cultural Heritage and Biodiversity chapters of the Environmental Statement (TR010038/APP/6.1) , respectively.
Hydrology	We also believe we need to have further discussion regarding the precise location of the attenuation lagoon proposed on our client's land at the Church Lane end of the proposed side road.	13841	N	The proposed drainage basins are located based on topography, the alignment levels of the proposed roads, and outfall locations. Highways England is engaging with the landowner further on this matter.
Hydrology	The large attenuation pond is too close to 48 Dereham Road.	14384	N	Following statutory consultation, the connection between Wood Lane junction, Berrys Lane and Dereham Road has changed, which has allowed the attenuation pond to be moved north of the existing A47.
Hydrology	This lagoon so near the river will slip and run off into this river causing pollution.	11702	N	The drainage basins are designed in accordance with the relevant standards, and are subject to engagement / consultation with Environment Agency and the Lead Local Flood Authority.
Hydrology	We are very concerned also about the pond that's proposed to be near to our property.	14387	N	The drainage basins are designed and maintained to a standard to not flood and will be integrated into the landscape. The basins will also only hold

Topic area	Consultation response	Consultee	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
				water in times of rainfall and will be dry at other times.
Landscape	The plans, as currently proposed, site the new Wood Lane junction approximately 250m from Berry Hall itself and destroy the tree shelter belts.	14613	N	Where possible, woodland areas will be retained as part of the Scheme. Where this is not possible, compensatory planting has been proposed.
Landscaping	We would also like to have heard a bit from you about the amount of landscape planting anticipated.	10574	N	The landscape proposals are detailed within the Environmental Masterplan (TR010038/APP/6.9) .
Landscaping	HE do no favour to selling their design proposals by giving no visual indication at all of the extent and nature of the landscaping proposed.	14337	N	
Mitigation	It will be vital to ensure that there are not significant adverse impacts upon local residents from noise or air pollution. Suitable landscaping and biodiversity work is key to ensuring the success of the project.	13841	N	Noise and air quality has been assessed within the Environmental Statement (TR010038/APP/6.1) , within the DCO application, and mitigation measures proposed as part of the Scheme to reduce significant effects. Landscaping and biodiversity mitigation is proposed and designed in the environmental masterplan.
Mitigation	In building the slip/connecting road there is also an environmental cost with even more countryside being built upon. Not only would it adversely affect the countryside that residents have chosen to live in for many years, it would also have a further negative impact on wildlife and would bring roads even closer to peoples' properties.	15304 15285 15294 15306 15284 15282 15289	N	Assessments will take place to ascertain the required mitigation for wildlife and receptors such as residential properties which will be included in the Environmental Statement (TR010038/APP/6.1) .
Mitigation	The proposed mitigation for the Norwich Road Roundabout and the adjacent section of the new A47 do not have enough mitigation to prevent traffic noise and visual pollution as the traffic seems to be both seen and heard from our property as the new A47 will be elevated on to our eyeline particularly from upper windows. I would like to see higher banks and a very effective natural planting scheme to minimise this impact on my property.	13831	N	Noise and air quality has been assessed within the Environmental Statement (TR010038/APP/6.1) , within the DCO application, and mitigation measures proposed as part of the Scheme to reduce significant effects. Landscaping and biodiversity mitigation is proposed and designed in the environmental masterplan.

Annex 3

Extracts from Appendix O to Applicant's Consultation Report (APP- 039)

2.2 Consultation under Section 42(1)(d) of the Planning Act 2008

Topic area	Response	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Access, property and design	<p>Currently at Berry Hall there is a mix of arable and livestock farming carried out by a farmer on a contract basis. The current plans propose to take approx. 30 acres of land out of production (80% of all arable land), thus decimating the viability of the Estate to be used in its current manner. This is likely to mean the end of farming at Berry Hall for the foreseeable future as there will not be enough useful land left on which the farmer can make a meaningful living. The remaining land will also be of such small scale in farming terms that it will not be viable.</p> <p>If the eastern field is used there will be no way of moving cattle to the low meadows to the east of Berry's Lane. Given that unviable situation resulting from the land take would last for several years, [Editor's note: name removed] current farmer will have little choice but to leave and may never return. This will potentially alter the farming practices at Berry Hall permanently.</p> <p>The land to the north of the new road is part of a much larger estate and so while the current impact in terms of acres taken would no doubt be similar, the proportionate impact on the estate and farming business will be much less than at Berry Hall. It would therefore make sense to move as much of the construction and storage sites to the open agricultural land to the north west as possible.</p>	N	<p>A number of factors have been carefully considered and assessed in selecting the location and size of compounds. The compounds must be located within the Scheme boundary and be sufficiently proximal to the works to allow for efficient and effective support to construction activities, recognising the linear nature of the works and the expected multiple phasing in works execution.</p> <p>In addition, the compounds must be of sufficient size and shape to allow for safe operation in accordance with applicable health and safety requirements and best construction practice, provide safe vehicular access and egress and not impede the main construction activity. These requirements are always balanced against the imperative of minimising as far as possible adverse impact to the local area and ameliorating any impact as far as is practicable.</p> <p>Given the specific works at this location of the Scheme and in particular the large grade separated junction around Wood Lane and related number of accommodation works (side roads, drainage, etc.), there is a requirement to have a suitable compound to serve these works. The proposed compound satisfies the selection criteria.</p> <p>Land situated to the north does not provide the required area for a construction compound, material storage, safe access / egress to the A47 nor align with the construction phasing of the Scheme.</p> <p>Land to the east of Berrys Hall is required temporarily for the diversion of the National Grid gas main, which has to also take into account the interface with Merrywood House.</p>
Mitigation	<p>There are 10 households [REDACTED] that would be severely impacted by pollution, noise</p>	N	<p>The impact of the proposed compounds are assessed in terms of the potential impact on residents, trees, shrubs,</p>

Topic area	Response	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
	<p>and light as a result of the location of the construction, materials handling and storage compounds. [REDACTED]</p> <p>[REDACTED] Once again, moving as much as possible to the bare farmland north of the new road would reduce this impact. Not a single household would be affected to the north of the new road as there are none.</p>		<p>wildlife and watercourses.</p> <p>These have been assessed in the following chapters of the Environmental Statement (TR010038/APP/6.1):</p> <p>Chapter 5 Air quality,</p> <p>Chapter 7 Landscape and visual effects</p> <p>Chapter 8 Biodiversity</p> <p>Chapter 11 Noise and vibration</p> <p>Chapter 13 Road drainage and the water environment</p> <p>The construction compounds and material storage areas will seek to protect existing trees and shrubs (including hedgerows) where possible. Where possible, the noise generating and dust generating activities have been moved away from residential properties.</p>
Design	<p>The Estate owns a holiday cottage, the business of which will be impacted upon by this scheme. As with the residential properties there will be significantly less impact both from a business point of view as well as a personal one if the compound can be moved to the north.</p>	N	<p>Highways England will discuss any compensation with landowners, that is required as a consequence of the scheme for permanent or temporary land take and have sought to reduce the impact of construction areas on receptors and properties where possible. Galliford Try are wholly committed to and take part in the Considerate Constructors Scheme (CCS) and with its principles embodied in our policies and procedures, this means that we accept and implement all aspects of the CCS; including the provisions under "Respecting the Community".</p> <p>In this regard and through these commitments we intend and expect to establish and maintain excellent working relationship with the Parish Councils and residents affected by the construction works.</p> <p>Notwithstanding the current measures to mitigate construction impacts, Galliford Try in conjunction with Highways England undertake to continue to liaise with</p>

Topic area	Response	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
			Landowners, Parish, district and county Council's throughout the construction period to ensure the works progress with minimal adverse effect and where necessary allow for timeous, commensurate and effective intervention to appropriately manage any issues as they arise
Design, heritage and health and wellbeing	Merrywood House children's home is not technically part of the Estate, but it is adjacent and controlled by a Meynell Family Trust. There is a compound proposed to be on Estate land within close proximity of Merrywood House. [REDACTED]	Y	Highways England is engaging with Merrywood House and following discussions has reduced the works adjacent to the home as much as practically possible. The project team will continue to engage with the Trustees through the design process.
Heritage	We have previously pointed out that the Estate is designated as a National Heritage Asset and is of "outstanding scenic, historic or scientific interest". While the road itself will have a profound and negative impact on this designation, the impact of the compounds is likely to be more severe as for the duration of the works the character of the Estate will be severely impacted as will the public benefit. The construction works could threaten the Heritage Status of the Estate. Once again the impact would be lessened if the compounds could be moved to the north.	N	The impact of the Scheme on Heritage Assets is assessed in Chapter 6 Cultural Heritage of the Environmental Statement (TR010038/APP/6.1), with mitigation measures proposed where significant adverse impacts are predicted.
Design	A larger drainage pipe will need to be installed beneath Berry's Lane to allow for the additional water being brought to this location as a result of the proposed drainage changes.	N	Appendix 13.2 Drainage Strategy of the Environmental Statement (TR010038/APP/6.3) presents an assessment of the Scheme's impacts on and proposed changes to the local drainage system, including provision a new drain alongside Berrys Lane to a new outfall to the River Tud as part of a system to manage surface water runoff.
Walking and cycling	There has been mention that the footpath that runs east-west to the north of Merrywood House may have its surface upgraded to something more akin to a hard track. We would oppose this as it would encourage cyclists which are not permitted on a footpath. It is a rural footpath and thus should remain grass.	N	It is proposed to upgrade the footpath to a bridleway with a cycle track to replace the connection lost by removing the Berrys Lane highway connection with Dereham Road. This upgrade would provide an enhancement and connect into the wider local walking, cycling, horse riding network.

Topic area	Response	Change (Y/N)	Highways England's response (inc. the regard had to the consultation response):
Access	Highways England look at the possibility of creating a gated access from the new roundabout on the southern side of the flyover at Berry's Lane to the track that runs north-south from [Editor's note: name removed] agricultural buildings. As it stands [Editor's note: name removed] only access route for HGVs will be cut off permanently, which is not acceptable. The solution we are proposing would be the easiest way around this.		Access is maintained via Berrys Lane onto the agricultural access track running west before turning north to the agricultural building. Berrys Lane is proposed to be closed to through traffic in response to Stakeholder feedback from Statutory Consultation, Local Parishes, and the multi parish Local Liaison Group.
Design and access	Why not block Sandy Lane off above Thompsons scrap yard? Leaving it accessible from the new link road to and from Honingham will without doubt create a rat run to Wood lane, Lenwade and Fakenham and indeed will still allow traffic to come from Wood Lane down Sandy Lane. It achieves nothing by allowing traffic to use the road; farm and local traffic (me included) can go via Wood Lane to meet the new A47.	N	The proposed scheme maintains a similar arrangement of the Wood Lane and Sandy Lane junctions with the existing A47. Highways England have engaged with the lead local highway authority, Norfolk County Council throughout scheme development. We will raise your concerns with Norfolk County Council, the local highway authority, for their consideration.
Environment	I do not want my hard dug trees to be squashed by builders materials and plant whilst the site is in course of construction. I have made an effort on my 3.5 acres to create a woodland, it would be sad to see it flattened for a hard standing	Y	The proposed temporary compound and construction works area has been reduced to minimise impact on this land parcel, but some loss will still be incurred as the Scheme crosses this site. Where unavoidable, temporarily affected land would be replanted.
Design	It appears that where the Lyng Road joins the existing A47, the road will change route slightly. We ask why this is necessary if the junction is adequate as it is and given the current road will be a lot less busy. All that moving the route of the Lyng Road seems to do is take additional land from our clients. We request for either clarification as to why the Lyng Road has to change route or that it remain in its current position.	Y	The existing Lyng Road provides a north south connection to the A47 and west towards North Tuddenham. As part of the proposed scheme, a new sideroad will connect the Existing Lyng road to the existing A47 and Hockering via the creation of a new sideroad and T-Junction. In order to comply with road design standards, to ensure a safe connection, and junction visibility we have remodelled the layout. Following the feedback provided at the Statutory Consultation the revised design provided in the Winter update moved the