

A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

COMMENTS on behalf of A.C. MEYNELL of the [REDACTED]
on the Applicant's response to his Written Representations

IP reference 2002/8353



ACM 13

12 November 2021

Infrastructure Planning - Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010
Regulation 10

The A47 North Tuddenham to Easton Development Consent Order

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Application reference: TR 010038

Interested Party reference: 2002/8353

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Comments by A C Meynell of the [REDACTED] on the Applicant's Response to his Written Representations at Deadline 1

The following Deadline1 submission documents from Savills UK on behalf of Mr Meynell were lodged with the Ex A for Deadline 1 and reviewed by the Applicant for the preparation of their response.

- Summary of Written Representation ACM 00 (REP1-042)
- Index of documents submitted (REP1-059)
- Written Representation ACM 01 Introduction and index (REP1-043)
- Written Representation ACM 02 (REP1-044)
- Written Representations ACM 03.08
- Written Representation ACM 03 Statement of A.C. Meynell (REP1-045)
- Written Representation ACM 03.1 Appendix 1 (REP1-046)
- Written Representation ACM 03.2 Appendix 2 (REP1-047)
- Written Representation ACM 03.3 Appendix 3 (REP1-048)
- Written Representation ACM 03.4 Appendix 4 (REP1-049)
- Written Representation ACM 03.5 Appendix 5 (REP1-050)
- Written Representation ACM 03.6 Appendix 6 (REP1-051)
- Written Representation ACM 03.7 Appendix 7 (REP1-052)
- Written Representation ACM 03.8 Appendix 8 (REP1-053)
- Written Representation ACM 03.9 Appendix 9 (REP1-054)
- Summary of Written Representation ACM 03.10 Appendix 10 (REP1-055)
- Written Representations ACM 03.8 Appendix 11 (REP1-061)
- Written Representation ACM 03.11A Annex A to Appendix 11 (REP1-056)
- Written Representation ACM 04 Transport Consultant's Report (REP1-057)
- Written Representation ACM 05 Woodland Appraisal (REP1-058)

The below table shows Mr Meynell’s comments to the response in the right hand column alongside the Applicant’s responses in the centre and the Applicant’s list on the left of Mr Meynell’s concerns.

Ref	Issue	Specific Concern	Applicant’s Response	Mr Meynell’s (“ACM”) comments
				<p><u>Overarching points.</u></p> <ol style="list-style-type: none"> 1. ACM repeats his overarching point at the head of his comments on the Applicant’s response to his RRs lodged at Deadline 2 (REP2-026). 2. Throughout these Responses the Applicant makes reference to its Responses to ACM’s RRs without taking into account ACM’s comments on those responses in REP2-026. Rather than repeating each comment again here ACM invites the ExA to read any of the Applicant’s Responses to RRs referred to below with ACM’s comment from REP2-026 alongside it.
1.01	Consultation process	<p>Failing related to consultation on:</p> <ul style="list-style-type: none"> • Temporary works – compounds and storage areas. • A47 access removal not mentioned. • Wood Lane junction proposals. 	<p>As set out in RR-061.11 and RR-061.13 of the Applicant’s Responses to Relevant Representations (REP1-013), the Applicant has been in correspondence with the landowner and their representatives about the effects on the Berry Hall Estate.</p> <p>The landowner was consulted on the route options in 2017 (see response to RR-061.11) and on the preferred route design, including A47 access removal and Wood Lane junction design and a proposed DCO boundary allowing for temporary work areas extents, during Statutory Consultation (February – April 2020). An updated design with revised DCO boundary and additional details of compounds and storage areas was consulted upon during the Targeted Consultation (December 2020-January 2021) and via meetings and direct correspondence.</p>	<p>ACM’s contacts with the Applicant are set out in REP1-045 section VI)</p> <p>The temporary works areas and compounds were not brought to ACM’s notice by the Applicant until 9 December 2020 (see REP1-053 page 52). At that point it appeared a fixed intention of the Applicant and not for consultation (see REP1-045 p73 para 215).</p> <p>At the time of the statutory consultation in Feb 2020 the areas now containing the compounds and works areas were to be used for proposed permanent roadways (see Consultation brochure at Applicant’s website, 2020 consultation)</p> <p>Changes made since Feb 2020 (removal of Church Lane link road as unnecessary and link to Berry’s Lane removed to</p>

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			<p>As set out in RR-061.8 of the Applicant's Responses to Relevant Representations (REP1-013), the Applicant has made several changes to the Scheme design to reduce the impact on Berry Hall Estate.</p>	<p>prevent rat-running) and any alterations consequential to that have been made primarily for reasons not connected with the Berry Hall Estate (BHE) and have resulted in additional adverse impacts on the BHE (increase of DCO boundary to enable compound in Plot 8/5a, construction of cyclepath on Plot 9/1g and closure of A47 access – on which see REP1-044 at para 66 et seq).</p>
2.01	Estate's designation under Inheritance Tax Act 1984	<p>Estate's designation under Inheritance Tax Act 1984 means the Berry Hall Estate should have been assessed as being an asset of national significance for its scenic and heritage value.</p>	<p>The effects on [REDACTED] and its listed buildings as Heritage, Visual and Landscape constraint were considered, and impacts assessed in ES Chapter 6 – Cultural Heritage (APP-045) and ES Chapter 7 Landscape and Visual Effects (APP-046).</p> <p>As set out in RR-061.2, RR-061.6 and RR-061.7 of the Applicant's Responses to Relevant Representations (REP1-013), the Applicant has reviewed the Berry Hall Estate ITA 1984 designation and Heritage Management Plan and concluded that, while they contain some additional information on the Estate to that considered during the assessment, this would not affect the conclusions within the route options studies and in ES Chapters 6 and 7.</p>	<p>The effects on the BHE were not fully or adequately considered – see most recently ACM's submissions to ISH2 (Summary lodged 12 Nov 2021 at ACM 12) and REP1-044 at paras 43-61).</p> <p>ACM will respond to the new submissions made by the Applicant on heritage issues at ISH2 when the Applicant has provided a written summary of them.</p>
2.02		<p>No proposed mitigation measures to preserve the historic and scenic interest for which the Estate has been designated.</p>	<p>As set out in RR-061.8 and RR-061.9 of the Applicant's Responses to Relevant Representations (REP1-013), the Applicant has considered alternative options to Wood Lane junction and made changes to minimise the permanent landtake impact on the Estate.</p> <p>In addition, actions are proposed in the Environmental Management Plan (APP-143) to limit and mitigate the impact to and protect cultural heritage assets during construction and operation of the Scheme, such as CH1 that proposes:</p>	<p>As mentioned at Comment 1.01 above, the changes made since Feb 2020 have not been made primarily to benefit the BHE and have resulted in additional adverse effects upon it.</p> <p>As submitted in REP1-044 at para 46 (and again at ISH2 – see Summary at ACM 12 para 54) the BHE landscape is "incapable of substitutability" and the Applicant's proposed mitigation measures cannot replace what will be lost if its proposals are permitted to proceed</p>

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			<p><i>"Sensitive vegetation planting design along the route corridor and proposed junctions to screen and enhance the setting of heritage receptors (such as St Peter's Church, St Andrew's Church, Berry Hall, and Church Farm House and Barn)."</i></p> <p>These actions are secured through dDCO Requirement 4 'Environmental Management Plan' (REP2-005).</p>	
3.01	Compliance with the statutory and policy requirements relating to compulsory acquisition	The Applicant has failed to consider reasonable alternatives to the proposed Wood Lane junction involving no or lesser compulsory acquisition upon the Estate, and resulting in no or materially reduced adverse impacts.	<p>The land included within the Application is no more than is reasonably required for the construction, operation and maintenance of the Scheme, and the limits of the land required have been drawn so as to avoid unnecessary land take. The approach taken is proportionate.</p> <p>The permanent, temporary and new rights allocation has assumed as a worst case need for the DCO application purposes and will be continually under review as the detailed design process progresses. If during the Examination it becomes apparent that less land is required, or the Scheme can be constructed with reduced rights (e.g. avoiding permanent acquisition), then the Applicant will continue to seek to minimise the permanent landtake impacts on the landowner.</p> <p>As set out in RR-061.8 and RR-061.9 of the Applicant's Responses to Relevant Representations (REP1-013), the Applicant has considered alternative options to Wood Lane junction and made changes to minimise the permanent landtake impact on the Estate.</p>	The Applicant's responses here at 3.01 to 3.03 do not address its failure to consider alternatives in terms of type of fully grade separated junction and the precise location of the junction, after having determined to proceed with a grade separated junction in the vicinity of Wood Lane (see REP1-044 paras 108-110 and ACM's summary of submissions to CAH1 at ACM 10)
3.02		The Applicant has failed to demonstrate that it has sought to minimise the impact upon the Owner's land and, consequently, that the interference is proportionate.		
3.03			The Applicant has made no meaningful attempt to acquire the	The Applicant has engaged with the landowner since 2017 as described in RR-061.13 of the Applicant's Responses to Relevant

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		land it requires by agreement.	Representations (REP1-013). The Applicant will continue to work with representatives of the Berry Hall Estate, during the DCO Examination and detailed design development of the Scheme, to seek an agreement to acquire land for permanent, temporary and new rights.	
3.04		Alternative designs have been presented for the location and layout of Wood Lane junction.	<p>The Applicant is reviewing the Transport Consultant's Report submitted by Savills UK. However, representatives of the Berry Hall Estate submitted updated alternative Wood Lane junction design proposals to the Applicant on Friday 17 September 2021 at 11.38pm (pdfs) with digital AutoCad (.dwg) files issued on Tuesday 21st September 2021.</p> <p>Therefore, the Applicant has not been able to complete their assessment of the alternative design proposals for submission at Deadline 3. However, the Applicant will provide the ExA a technical review note by Monday 25 October to allow time for the ExA to consider before the hearings in November.</p> <p>The technical review will consider the alternative designs with regards to:</p> <p><u>1. DMRB Compliance</u></p> <ul style="list-style-type: none"> a. Mainline b. Junctions <ul style="list-style-type: none"> i. DMRB Junction Hierarchy ii. DMRB Compliance c. Sideroads <p><u>2. Operational Traffic</u></p>	The Applicant has now lodged its Appraisal of Alternatives (AS-022). ACM has replied at high level at ISH2 (see summary at ACM 12) and a Technical Note of Mr Joe Ellis of RPS Consulting is appended at Appendix A to ACM 12 which gives further detail on ACM's response will be expanded upon in ACM's full response to the Appraisal to be lodged by deadline 5.

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			<p>a. Operational capacity and queuing etc</p> <p>b. A47 interaction with side road network and communities</p> <p>c. Implications for Applicant's commitments post Statutory consultation feedback</p> <p><u>3. Safety Objectives</u></p> <p>a. Departures</p> <p>b. Safety Concerns</p> <p><u>4. Number of Structures</u></p> <p>a. Cost</p> <p>b. Environmental impact (incl. carbon emissions)</p> <p>c. Maintenance</p> <p><u>5. Landtake impacts</u></p> <p>a. Berry Hall Estate land</p> <p>b. Land owned by other landowners</p>	
4.01	Loss of access to the Estate	Compulsory acquisition would authorise permanent acquisition of every access/egress to the Estate, leaving Owner and others without any property right to access or egress the Estate.	<p>The Applicant requires the rights to construct a permanent drainage system across the private driveways connecting Berry Hall to Berrys Lane. However, the Applicant would ensure the Owner and occupiers of the Berry Hall Estate retain the right to access or egress the Estate during construction and subsequent operation of the Scheme. In addition, Article 17 of the dDCO (REP2-005) only provides the power to close the private accesses listed in Schedule 4 and only the access from the A47 to Berry Hall is listed as being permanently stopped up.</p> <p>The permanent acquisition rights proposed in the DCO are a worst case option to enable the</p>	<p>ACM's position on the removal of access to the BHE is summarized in the summary of his submissions to CAH2 (ACM 11 at paras 16-29 with references there to other relevant documents lodged in the DCO application process).</p> <p>ACM notes the Applicant's intentions but the DCO as currently drafted does remove all title and rights to the driveways leading to Berry Hall from Berry's Lane in Plot 9/1b to be permanently acquired across those driveways.</p>

A47 North Tuddenham to Easton Dualling

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			Applicant to install new land drainage across the accesses from Berrys Lane. Through the detailed design of the Scheme, the Applicant will work with representatives of the Berry Hall Estate to provide this drainage provision with minimal permanent loss of land to the Berry Hall Estate or, if feasible, through acquisition of easement rights to install and maintain the drainage, thereby avoiding the need to apply permanent compulsory acquisition rights.	
4.02		Need for continued access to the Estate throughout construction and operation, including by HGVs.	All direct access to the strategic road network within the Scheme extent is proposed to be closed off to achieve the safety improvements and free flowing requirements of the Scheme design. However, the Applicant is working with representatives of the Berry Hall Estate to clarify concerns regarding impacts on vehicular access to the estate from closure of the direct access to the existing A47 and, if required, explore means to maintain access to the Estate via Berrys Lane for private property, agricultural and forestry needs.	ACM is not requiring direct access to the Strategic road network but an access to the to-be detrunked A47 at the north end of the Old Back Drive as described in REP1-045 (page 55) and at ACM 12 para 25, which his alternatives will provide.
4.03		Closure of the A47 access (the 'Old Back Drive'), namely the resulting inability for HGVs including refuse lorries, farm vehicles and timber lorries, to access to the Estate (and, potentially fire engine).		ACM has provided the Applicant with details of the vehicles using this access and awaits further proposals from the Applicant.
4.04		Implications of the above for the farming and forestry businesses.		
4.05		The closure of Berry's Lane at the A47 junction would result in	The Applicant acknowledges the potential impact on the business, albeit access would be retained via Berrys Lane. Any impact would be addressed	ACM notes the Applicant's desire to address this issue and awaits proposals.

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		a loss of passing sales for Berry hall Estate's Christmas tree business, and the BHE's biggest advertising signs are placed at that junction.	as part of a land agreement between the Applicant and Mr Meynell.	
5.01	Impact on farming business	Extent of both the temporary land take for the farming business (including use of the cattle building), namely that the taking of the majority of all three arable fields and their use for works purposes and the loss of the silage clamp is likely to result in the cessation of the beef farming business at the Estate because of the significance of both to the system of farming operated.	As set out in RR-085 of the Applicant's Responses to Relevant Representations (REP1-013), the Applicant would work with the farmer to mitigate the temporary impact to the farming business. The Applicant will make sure access to and use of the building for the cattle and silage clamp will be maintained during construction of the Scheme, while alternative measures for the temporary loss of use of the arable fields for growing grain for feed and spreading the cows' manure as fertiliser would be addressed as part of a land agreement between the Applicant and Mr Meynell.	ACM reminds the Applicant here of the importance of the farming enterprise on the BHE to the preservation and enhancement of the Heritage Asset (REP1-045 at paras 109-116) ACM looks forward to receiving suggestions from the Applicant for the "alternative measures for the temporary loss of use of the arable fields" referred to here, which as explained at REP1-045 (para 106) are critical to the holistic farming system on the BHE.
5.02		The meadows will be unable to be used in practice for pasture and degraded by lack of use.	Access to the meadows will also be maintained during the construction of the Scheme, avoiding the pastures degrading by lack of use. This would be addressed as part of a land agreement between the Applicant and Mr Meynell.	The Applicant has made proposals here and ACM would welcome further detail.
5.03		The arable fields will be degraded and are likely to take several years before any	The Applicant's Principal Contractor will make sure where the arable fields are temporarily used, the site clearance and restoration would follow established soils management best practice to	ACM would appreciate specific proposals from the Applicant addressing this specific land and the need to restore the mole drainage system (REP1-045 at para 66) and to remove the soil compaction and degradation resulting from the use of the land

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		viable cultivation can recommence.	enable cultivation to recommence post restoration; these principles will be set out in Annex B.2 (Soil Handling Management Plan) of the Environmental Management Plan, compliance with which is secured through Requirement 4 of the dDCO (REP2-005). The Applicant will continue working with representatives of the Berry Hall Estate to understand the type of restoration required to support their cropping needs.	for the purposes the Applicant intends.
5.04		Permanent land take for the farming, with the middle field likely to be lost as it will probably have to have an earth bund constructed across it to deflect noise from the south dumbbell and the remainder taken to be fully planted as a visual barrier to the new road to protect the hall and gardens.	The Applicant is working with representatives of the Berry Hall Estate to explore means to minimise the permanent landtake due to Wood Lane junction and associated drainage and landscaping west of Berrys Lane. No noise earth bund is required in this location.	The earth bund would be to protect the estate visually from the presence of the embanked mainline and embanked south dumbbell and side road over the BHE, as well as from noise. While emphasising again the benefits of the alternatives and without prejudice to his primary contentions, ACM will continue discussions on minimizing land take as the Applicant suggests here if the Applicant acknowledges the Heritage importance of the BHE.
5.05	Water supply to the farming business	Continued use of the Estate's private reservoir, the criticality of which to the farming enterprise the Applicant has explicitly recognised, but which is proposed to be permanently acquired and where no	The Applicant will continue working with representatives of the Berry Hall Estate during the development of the Scheme's detailed design to provide measures to maintain use of the Estate's private reservoir or provide an alternative water supply.	ACM welcomes the Applicant's wish to secure the preservation and maintenance of the Estate's water supply from its reservoir described at REP1-045 paras 79-84).

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		alternative has been proposed.		
5.06	Impact on arboricultural interest of the estate	Through taking the northern woodland belts into their ownership the Applicant will thereby not only waste a generation of careful and continuous work on the Estate's trees but will destroy the opportunity for these trees to be managed in the future to grow to their full capability and thus the opportunity to provide the contributions to the community and to its economic vitality that were intended when they were planted.	The Applicant requires permanent land acquisition rights to ensure delivery of the Scheme, but for the woodland belt either side and west of the existing A47 access to Berry Hall these are a worst case option to enable the Applicant to create the westbound on slip road over the existing A47 and works to utility cables along the route of the access track through the woodland. Action LV3 of the Environmental Management Plan, delivery of which would be secured through Requirement 4 of the dDCO (REP2-005), seeks to minimise the loss or harm to existing trees. However, the Principal Contractor may also need to do some works to certain trees to help protect those trees and/or its workforce. The Applicant would wish to negotiate temporary access or new easement rights to enable the landowner to retain and continue managing those areas of woodland that will not be permanently removed.	ACM repeats the benefits of the Alternatives in not only preserving the integrity of the Estate but of preserving in addition a large number of trees and hedgerows situated around the location of the Wood Lane junction the prospective loss of which has not been fully or clearly drawn to the attention of the Ex A or the relevant local authorities in the AIA so far produced by the Applicant. (see ACM's comments on ExQ1 at REP3-044 esp Comment 28 on page 51 (biodiversity net gain or not)) and to the consequential unnecessary loss of biodiversity. ACM nevertheless welcomes the Applicant's wish to enable the Estate to continue its ownership and management of the northern woodland belt both during and after the construction of the proposed scheme and to reduce the area planned to be felled
5.07.1		The significance of the effect of the Proposed Scheme upon the arboricultural interest of the Estate, having regard to the increased quality and sensitivity of that interest as compared to that identified in the	ES Appendix 7.6 Arboricultural Impact Assessment (APP-094) is based on the British Standard 5837: 2012 'Trees in relation to design, demolition and construction – recommendations'. This report is not a woodland appraisal, and therefore the two reports cannot be compared equally. The BS5837:2012 assessment is based on the tree feature at the	The Woodland Appraisal (REP1-058) does base its assessment on the tree features at the time of survey (see its paras 4 and 5), as well as future potential. Further, it does so from an actual inspection of the woodland in question. By contrast the ADAS surveyor (for APP-094) and her fellow consultants did not approach Mr Meynell to seek permission to enter the woodland surveyed on the Berry Hall

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		Environmental Statement.	time of survey, not what it has the potential to develop into, as the Woodland Appraisal has made reference to.	<p>Estate before making their assessments during their visits to the project location between 15 June and 24 July 2020 (APP-094 paras 1 and 2.3) It appears from the inaccuracies in their brief and general descriptions and assessments (see App3 to APP-094 compared with paras 4 and 5 of the Woodland Appraisal) that they did not enter the woodland surveyed. (This likelihood seems to be borne out by APP-094's Disclaimer (immediately before page 1) "where field investigations have been carried out, these have been restricted to a level of detail required to achieve the stated objectives of the work" (for which see para 2.2 "to provide an evaluation of the effects of the Proposed Scheme on the existing trees on and adjacent to the site")</p> <p>What the Woodland Appraisal also does, and what the ADAS survey does not do, is to describe the past and present management of the woodland as well, and its future potential (see REP1-058 paras 7.2 to 7.4).</p> <p>Mr Coombes comments that his key point in his Appraisal is that BS5837:2012 is better for assessing individual trees than whole woodlands and that the Standard fails to include a range of other factors which he, Mr Coombes, has endeavoured notwithstanding that, to cover in the appraisal within the Standard's constraints.</p>
5.07.2			The Woodland Appraisal does not appear to disagree or offer a rebuttal that the ADAS report G227 and G232 (W1) were both recorded as Category B according to BS5837:2012. It should	<p>The Woodland Appraisal (REP1-058) <u>does</u> disagree with the ADAS Report.</p> <p>G227 and G232 (W1, to the west of Berry's Lane) were</p>

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			<p>be noted that the guidance suggests that these features should have an estimated remaining life expectancy (not contribution as the Woodland Appraisal is implying) of at least 20 years, and therefore these features could feasibly live well in excess of 20 years, not that they will only live for another 20 years as the Woodland Appraisal seems to have interpreted the guidance.</p>	<p>assessed under BS5837:2012 by ADAS (see APP-094, App 3) as being respectively B1 (mainly arboricultural qualities <i>"trees that might be Cat A, but are downgraded because of impaired condition ... such that they are unlikely to be suitable for conservation beyond 40 years"</i>) and B3 (mainly cultural values, including conservation <i>"trees with material conservation or other cultural value"</i>). G159 (W2, to the east of Berry's Lane) was assessed by ADAS as C1 (mainly arboricultural values <i>"unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories"</i>).</p> <p>The Woodland Appraisal states that they should all (ie G227, G232 and G159) be <u>as a minimum of B2</u> (mainly landscape qualities <i>"trees present in numbers, usually growing as groups or in woodlands, such that they attract a higher collective rating than they might as individuals"</i>)(see REP1-058 at para 6.1).</p> <p>Mr Coombes comments that grading groups of trees or woodlands as B1 or C1 is totally incorrect. Of necessity they must always be A2, B2 or C2 respectively as it is the "2" category and not the "1" category which applies to groups of trees. The correct grading for both woods is B2. B3 can, if required, also be allocated in the case of woods or trees with cultural or historic value but neither W1 nor W2 qualify for this category.</p> <p>The Standard deals with minimum life expectancy (which equates with contribution); hence the phrase "of at least 20 years" for category B in the Cascade Chart included within the Standard. Mr Coombes explains that the point of mentioning</p>

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				<p>this in his Appraisal was to stress that the British Standard deals with minimum values, and that the actual life expectancy of woodlands managed on continuous cover could be centuries.</p>
5.07.3			<p>The Woodland Appraisal is not considered correct to suggest that arboricultural considerations are not taken into account on large civil engineering projects. On the contrary, the presence of BS5837:2012 is one of the assessments that has increased the consideration of the impact a project will have on trees. It should be noted that BS5837:2012 states "This British Standard provides recommendations and guidance for arboriculturists, architects, builders, engineers, and landscape architects. It is also expected to be of interest to land managers, contractors, planners, statutory undertakers, surveyors, and all others interested in harmony between trees and development in its broadest sense."</p>	<p>The Applicant misquotes the Woodland Appraisal. The Woodland Appraisal states (REP1-058, at para 7.1) "BS5837:2012 recommendations are designed for use on development sites where they work well. However, the BS5837 recommendations are less effective in the context of large civil engineering projects where the position of roads and other infrastructure are often determined <u>on other criteria then arboricultural considerations.</u>" [Emphasis added]</p> <p>The Woodland Appraisal continues at para 7.2 to explain that the Helliwell system of appraisal (among others mentioned) offers a more holistic evaluation system, which would have been more appropriate in the current situation.</p> <p>It is clear from reading BS5837:2012 as a whole that it is directed primarily to developments of buildings and other structures adjacent to highways, not to constructing public highways themselves through landscapes, on which the criteria for assessing tree values and their retention or not are different.</p> <p>See for example, the Introduction to BS5837:2012, on page 1 (last two paragraphs) where it states: "where tree retention or planting is proposed in conjunction with nearby construction, the objective should be to achieve a harmonious relationship between trees and structures that</p>

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				<p>can be sustained in the long term. The good practice recommended in this British Standard is intended to assist in achieving this objective.</p> <p>"The standard follows a logical sequence of events that has tree care at the heart of the process. This is summarised as a flow diagram in Figure 1. The full sequence of events might not be applicable in all instances; for example, a planning application for a conservatory might not require the level of detail that needs to accompany a planning application for the development of a site with one or more dwellings."</p> <p>Figure 1 on page 2 then follows the RIBA architects' work stages and recommends the tree survey and categorisation (at 4.4 and 4.5) take place at RIBA work stage A (Feasibility) in order to influence the design.</p> <p>Para 1 of the Standard (Scope) states</p> <p>"This British Standard gives recommendations and guidance on the relationship between trees and design, demolition and construction processes.</p> <p>"It sets out the principles and procedures to be applied to achieve a harmonious and sustainable relationship between trees and structures.</p> <p>"The standard is applicable whether or not planning permission is required"</p> <p>Para 4.4.1.1 recommends that tree surveys should be used "to inform feasibility studies and design options. For this reason the tree survey should be completed and made available prior to and/or independently of any specific proposals for development"</p> <p>Para 4.4.1.2 goes on "Tree surveys undertaken after a detailed design has been prepared can identify significant conflicts; in such cases the nature of and need for the proposed</p>

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				<p>development should be set against the quality and values of affected trees. The extent to which the design can be modified to accommodate those trees meriting retention (see clause 5) should be carefully considered".</p> <p>The remainder of the document (see esp clauses 7, 8 and Appendix A) are directed to the construction of buildings and other structures on individual sites with connections to adjacent public highways, not to the construction of public highways through landscape.</p> <p>That is the point made in the Woodland Appraisal.</p> <p>Mr Coombes comments that to illustrate his point, the Norwich Northern Distributor Route, for which his firm prepared the AIA, involved the loss of 6000 trees including several areas of woodland.</p> <p>In development situations this would normally be unacceptable, where often proposals that require the removal of a single tree can lead to planning applications being refused despite offers of remedial planting. New buildings can often be fitted around tree constraints whereas road projects, generally, cannot.</p> <p>In the context of the many large civil engineering projects his firm has been involved with, the AIA becomes something that its drafting did not envisage; a tally of trees and woods that need to be removed to advise the level of remedial planting, rather than a survey prior to design commencing intended to influence how a development can best be designed to sit among or around the more notable trees found to exist on the</p>

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				<p>development site.</p> <p>However, in the context of a highway, if the survey and report are prepared at a suitably early stage, compromises to save trees and woods can often be incorporated.</p>
5.07.4			<p>The retention of these woodlands has been taken into consideration at the design stage, and as such G227 will be retained in its entirety, and only sections of G232 and G159 will need to be removed. A section of W1 (G232 in ES Appendix 7.6) is proposed for removal around the junction of the existing A47 and Berry's Lane to facilitate the construction of the new roundabout, and a section of W2 (G159 in ES Appendix 7.6) is proposed for removal around the junction of Berry's Lane and Dereham Road to allow for the realignment of these roads as they feed into the new roundabout.</p>	<p>Not agreed. The Applicant has failed to follow the clear recommendations in BS5837 (see its Figure 1 and para 4.4.1.1), by having designed, located and presented the proposed Wood Lane junction to the public in the February to April 2020 public consultation before carrying out the arboricultural survey in June / July 2020.</p> <p>The location of the junction's south dumbbell roundabout and the roads connecting into it embanked above the Berry Hall Estate land and requiring removal of the trees around it, fails to respect the integrity of the Berry Hall Estate and the importance of the retention of the particular trees grown at that location to both to the landscape and to the human receptors at the Berry Hall Estate and in Honingham village.</p> <p>Had the tree survey been carried out, and carried out properly (including assessing the future value of the particular trees to the Estate and the human receptors), before the location was chosen and the design at the location was prepared, alternative options could have been considered at that point, which they were not.</p>

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5.07.5			<p>Under BS5837:2012, W1 (G232 and G237) is already recorded as Category B. W2 (G159) was considered to be of a lower quality and recorded as Category C. The Woodland Appraisal implies that the stem diameter recorded in G159 to be less than 150mm diameter, yet the survey has recorded stem diameter at 170mm. Therefore, the Woodland Appraisal does not alter the conclusions of impact assessment.</p>	<p>The Appraisal is clear in its grading of B2 for both the woods W1 and W2.</p> <p>The British Standard states that <i>individual</i> trees under 150 mm stem diameter are automatically to be allocated a C category.</p> <p>However, there are no rules in the Standard to guide how an assessment should be made in relation to <i>woods or groups of trees</i> which, by natural progression over the years, will inevitably contain within them a range of stem diameters.</p> <p>To ensure proper protection in these circumstances for a group of trees or a wood the standard practice of Mr Coombes' firm, which has been accepted by his clients including highway authorities over many years, is to base protection zones in relation to them on the largest girth trees in the area.</p>
5.07.6			<p>Replacement of lost woodland is illustrated in the Environmental Masterplan, Rev.1 (AS-007) and measures to protect the retained woodland through actions in Table 3.1 of the Environmental Management Plan (EMP) (APP-143).</p>	<p>Again, for the reasons stated above, the APP-094 survey fails to take account of the existing woodland's particular future potential (compared with that of any replacement) or its position in the landscape.</p> <p>Mr Coombes notes that the southern dumbbell roundabout as proposed by the Applicant, cuts through the Berry Hall Estate's screening belts, opening up views of the new road engineering.</p> <p>The narrow belt of proposed planting, on what will be made</p>

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				<p>up ground on and immediately below the slope of the embankment supporting the roundabout at this point, will not be a satisfactory replacement for the lost woodland in terms of screening, structure and potential landscape contribution.</p> <p>Further, if the management or ultimate control of the new planting remains with the Applicant, the trees so planted, or such of them as may survive, will also remain at risk of future removal for highway reasons.</p> <p>As an example of this, Mr Coombes is aware that not far to the east of the Proposed Scheme, swaths of planting on the A47's Norwich Southern Bypass have recently been removed due to trees encroaching towards the carriageway.</p>
5.07.7			<p>The Applicant will continue to engage with representatives of the Berry Hall Estate during the development of the final landscaping design under dDCO Requirement 5 'Landscaping' (REP2-005) and the detailed Landscape and Ecology Management Plan (LEMP), which forms Appendix B.5 of the EMP to be secured through dDCO Requirement 4 'Environmental Management Plan' (REP2-005).</p>	<p>ACM would appreciate this.</p>
6.01	Land drainage impacts	Works on the parts of the fields will likely upset the drainage on the remaining parts.	<p>The land drainage would be managed during construction and restored post construction to avoid any increased flooding and ponding impacts.</p> <p>This commitment is secured through</p>	<p>ACM awaits further discussion of detailed proposals relative to the fields in question as mentioned at 5.03 above</p>

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			<p>Environmental Management Plan Annex B.9 Temporary Surface Water Drainage Strategy and Action GS3. Action GS3 requires "<i>Restoration of temporary land take areas to their former condition, based on pre-construction site surveys</i>". Delivery of the Environmental Management Plan is secured through Requirement 4 of the dDCO (REP2-005).</p>	
6.02.1		<p>Unless the proposed water run off into the River Tud upstream of Berry's Bridge is so constructed as to avoid the risk of causing flooding the Scheme is likely to cause a risk of damage to my land from flooding and a further adverse impact on access to the estate through the additional flood risk to Berry's Lane.</p>	<p>Flood risk is considered in ES Appendix 13.1 Flood Risk Assessment (APP-124 and APP-125). The Scheme includes mitigation measures that will ensure that the design is safe for its lifetime and will not detrimentally impact flood risk to others.</p>	<p>No details have been supplied as yet for the discharge into the River Tud or the ditch adjacent to it by Berry's Bridge.</p>
6.02.2			<p>A proposed pre earthworks ditch is required to provide a flow path for the land drainage ditches around the southern roundabout to an outfall at the River Tud. This is located parallel to the west side of Berrys Lane as shown on Sheet 9 of the Drainage & Surface Water Plans (APP-011). The proposed pre earthworks ditch will not be conveying any surface water run-off from the carriageway as this is contained within the piped network leading to the detention basin adjacent to the A47.</p>	<p>The ditch proposed will discharge as mentioned in the Comment at 6.02.1 above: does the Applicant have any estimates of the likely flow?</p>
6.02.3			<p>The final pre earthworks ditch will be designed in liaison with Norfolk County Council, as the Lead Local Flood Authority, and the Environment Agency as part of their consenting processes and Requirement 8 'Surface water drainage' of the dDCO (REP2-005). The design will be required to avoid increasing flood risk and includes allowances for increased rainfall due to climate change.</p>	<p>What proposals are being considered for the discharge at present? None have been supplied.</p>

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7.01.3		<p>heavy machinery moving and vibrating so close to it. No impact assessment has been made of it, as is evident from its omission from the Cultural Heritage chapter.</p> <p>The cobbled carriageway which I believe to be of a similar age to the crinkle crinkle wall, is made from rectangular granite cobblestones. It appears to be likely to be intended to be removed by the Applicant, who again has made no assessment of the impact on it of the works intended.</p>	<p>Action CH2 states: <i>"Protocols will be established following best practice guidance to ensure vibration levels are kept within acceptable tolerances(as defined in BS 5228-2), to avoid damage, and to halt or alter works methodology should tolerances be exceeded."</i> Although other assets are mentioned in this commitment, this is to capture different, specific measures. The vibration protocols will not be necessarily inclusive or exclusive of any particular asset, allowing us to react to concerns as they arise.</p> <p>The cobblestones at the driveway entrance off Berrys Lane would be covered under the archaeological Written Scheme of Investigation (WSI), which would include pre-works recording and monitoring of features if they are to be disturbed. The proposed works are to install land drainage under the driveway, so the cobblestones would be returned in-situ.</p>	<p>The Applicant's intentions are noted regarding works on the drainage (if required on that side of Berry's Lane).</p> <p>However, are works also required for other utilities. This is unclear from the Application documents which indicate other utilities being diverted in the vicinity of the cobblestones (see APP-094 App 7 which indicates works for utilities within the RPA of T291 immediately adjacent to the cobbles)</p>