

Ref.	Comments to Examining Authority's Further Questions ExQ3 from Bryan Robinson (ref 20028154)
Q3.3.5	<b>Question</b>
	<p>The potential presence of a super colony of Barbastelle bats has been raised by a number of parties including Wild Wings Ecology [RR-084], Stop Wensum Link [PDB-009], Bryan Robinson [REP2-027] and Norfolk Wildlife Trust [REP4-045]. Please can NE provide their view on these submissions and what the implications are for the proposed development. Please also address whether there are likely to be any cumulative impacts which need to be considered.</p>
	<b>Comment</b>
	<p><i>I raised the issue of the potential super colony of Barbastelle bats not only to ensure that NH conducted appropriate surveys for crossings of the A47 within the Zone of Influence but more specifically that this must be seen as a major impediment to the NWL progressing, emphasising the need for the <u>primary</u> A47NTE proposal to be without the NWL. I appreciate that both NCC and NH do not have the detailed base data from Wild Wings Ecology but there must also be respect for Dr Packman's concerns of the data being used by others prior to the publication of the finished paper.</i></p> <p><i>If this request is being made to Wild Wings Ecology, it should be also made to NCC to provide its 2021 bat survey information relating to the NWL.</i></p> <p><i>I have outlined below the concerns of the NWL being used as the basis of the design for A47NTE.</i></p> <p><i>On the aspect of detail, I note Figure 8-11 in TRO100038/APP/6.1 that mitigation for all bats at crossing points are mainly to be tree planted hop-overs. A similar mitigation is proposed for A47BNB at Figure 8-7 in TRO10040/APP/6.1, stating "At crossing point locations extra heavy trees will be planted of at least 4.25m high when planted". Again this sets different standards for the two schemes and I would request that the specification for hop-overs in A47NTE copies that for A47BNB.</i></p>
Q14.3.1	<b>Question</b>
	<p>With regards to the proposed Wood Lane junction, if the NWL is not delivered, what are the implications for the proposed junction? Would the non-delivery of the NWL result in the provision of an over-designed and over-sized junction arrangement? What options has the applicant looked at to account for the potential non-delivery of the NWL, to identify whether a reduced junction size and land take could be provided?</p>
	<p><b>Comment</b></p> <p><i>I suggest that both the Wood Lane and the Norwich Road junctions are over-designed with both trying to accommodate developments of the NWL and the FEP by the various local Councils with vested interests.</i></p> <p><i>I repeat my request for a base scheme to dual this section of the A47 only with the side road and junction strategies to accommodate the existing constraints.</i></p> <p><i>I have outlined below the concerns of the NWL being used as the basis of the design for A47NTE.</i></p>

Q14.3.5	<p><b>Question</b></p>
	<p>Given the future modelled increase in traffic along the A47, why are no works proposed at the existing Fox Lane junction?</p>
	<p><b>Comment</b></p> <p><i>I do not accept the over simplistic statement by NH that as the junction is outside the extent of the new dualling the existing configuration does not need to be upgraded.</i></p> <p><i>In an earlier letter to Highways England dated 22 September 2020, I wrote on behalf of Wensum Valley Alliance which included the extract noting “We do not understand the merge and diverge figures associated with this junction as table 8.5 (sic: in the Side Roads &amp; Junction Strategy Report). Further we believe that the use of this junction will increase dramatically by traffic from the villages to the south of Honingham with the closure of Berry’s Lane and would like reassurance of the safety of this compact junction”.</i></p> <p><i>There is no detail to satisfy that these concerns have been considered. The fact that it is on an existing dual carriageway and 500m away from the limit of the new dual carriageway does not mean that it can be ignored. The possible increased usage of the junction as well as the increased mainline traffic dictates that it is an integral part of the A47NTE design considerations.</i></p>
Q14.3.6	<p><b>Question</b></p>
	<p>The traffic modelling shows a large number of vehicles using Taverham Road, both with and without the NWL. Given the current nature of this road, please provide an explanation and a justification for this.</p>
	<p><b>Comment</b></p> <p><i>The approach of projecting a substantial increase of traffic for Taverham Road without evidence but ignoring the traffic usage on Fox Lane suggests a double standard.</i></p> <p><i>My concern at the design complexity of the Norwich Road junction with the removal of traffic access to the A47 from Church Lane, Lower Easton means the Norwich Road junction is overdesigned. NH state that is to replace the existing Easton Roundabout which has be removed. Apart from the mainline traffic with the removal of a northern connection to/from Church Lane the side road usage is limited to traffic from Easton and Marlingford from the South. Why cannot this traffic access the A47 at Wood Lane via the southern side road link? Is traffic from currently using Church Lane (south) and the Easton roundabout from Colton going to then double back to the new Norwich Road junction or use the country lanes to the Fox Lane junction?</i></p> <p><i>Concerning my earlier question whether this could have been designed as a compact grade separated junction and the NH response that the design is dictated by CD122 Clause 2.2.1 which states “Compact grade separated junctions should not be used on dual and single carriageway roads when mainline flows are above 30,000 AADT. A response from NH is now posted on A47BNB to a reverse question why a compact grade separated junction has been used for that scheme with similar traffic figures.</i></p>

***The response (document TR010040 9.28) is: Introduction to the Design Manual for Roads and Bridges, pg 4, “the verb ‘should’ indicates advice expressed as a recommendation” and is not statutory or legislative requirements. These recommendations are good practice and where they are not followed they require justification. The A47 Blofield to North Burlingham B1140 junction was assessed for various junction layouts, including full grade separation. It was determined that a compact grade separated junction (CGSJ) would be best option due to the negative impacts a fully grade separated junction would cause. The negative impacts included compulsory purchase of The White House property, to the east of the B1140, increased land take and a greater environmental and ecological impact due to the increased footprint of the arrangement. [Emphasis added]***

***This response differs from the justification given in A47NTE and I suggest similar alternatives should be presented for the Norwich Road junction for the Examiner to consider.***

***I repeat my opinion that the large dumbbell Norwich Road junction is designed for the FEP with the unacceptable consequence of feeding unsuitable volumes of traffic on to Taverham Road.***

**Commentary outlining concerns of basing the A47NTE design on the ‘near certainty’ of the NWL.**

***The issue of barbastelle bats for A47NTE and the NWL are substantially different as it is understood that there are no roosts in the area of the A47NTE scheme being considered by the Examiner. The A47NTE needs to account for foraging implications only but the NWL as a project must satisfy a number of habitats and species protection legal directives relating to the known roosts recorded both by Wild Wings Ecology and the NCC survey results of 2020, which I suggest means that certainty of the NWL is far from being established.***

***Addressing environmental implications in looking at alternatives have to date been superficial for the NWL by NCC, being deferred until a planning application for a single option is submitted to its own planning committee which will be sometime after the A47NTE decision. The comparative environmental matters include consideration of cutting down veteran trees, which is acknowledged as being necessary for the NWL, as well as the habitat destruction of protected species and unknown mitigation measures for the viaduct across a SAC both during construction and in use.***

***There is no barrier to NH designing the base scheme for the national strategic road without the NWL but including side road and junction changes to reflect the existing situation. The subsequent design of the later NWL can then determine any further changes necessary both to the local road network and the design proposals for A47NTE.***

***The whole A47NTE design is disproportionately influenced by the decision that the NWL is near certain in terms of accounting for the cumulative environmental impacts. However, planning permission for the NWL has not been granted and an application is programmed for the end of 2022. Planning consideration for local road schemes is a duty of the County Planning Authority which in the case of the NWL is NCC who is also the scheme promoter.***

**Many of the environmental issues are covered by legislation such as the Wildlife & Countryside Act and Natural Environment & Rural Communities Act imposed on competent authorities generally as well as other environmental legislation directly related to planning. There is no reason why NCC cannot therefore investigate, and indeed has a duty to establish whether the NWL will cause breaches under this general legislation rather than defer to the planning stage.**

**At some stage in this Inquiry, the delicate question needs to be addressed of who has predetermined that the NWL will be granted planning approval and is near certain. It is an established fact that NCC has already spent in excess of £20m on design fees etc, purchased land for the project and appointed a contractor without issuing an Appropriate Assessment under the Habitats Regulations. NH appears to be happy to accept this position within this A47NTE application using the certainty of the NWL as one of the baseline factors on which the design is based.**

**It must be remembered that at this stage neither NCC nor NH has made a planning decision on the NWL. However it is the Examiner is being asked to make a planning determination for A47NTE, the design of which is based on the NWL being constructed. In fact the side road strategy with the proposed closure of roads is dependent upon the NWL.**

**The question therefore is whether the Examiner in the judgement by implication also is considering the planning merits of the NWL prior to its formal submission to NCC Planning Committee? What are the implications for a subsequent planning application for the NWL in terms of pre-determination and undue influence?**

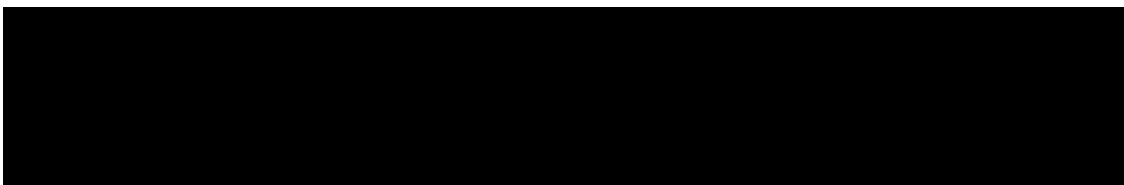
**The Examiner may not be aware that a new Link across the Wensum has already been considered by the Planning Inspectorate under Inquiry ref TR010015 for the Northern Distributor Road (NDR). In response to the question by the Examiner why had a scoping report for a Western Link had not be put in hand, NCC submitted the committee report for the meeting of the Environment, Development and Transport Services Committee dated 18 September 2014. The report notes that NCC would progress with the NDR excluding the NWL but continue to pursue studies for the NWL separately. The policy confirmed the early decision in 2005 to finish the NDR at the A1067 Fakenham Road “which would avoid impact on the SAC” (Exhibit NCC/EX/65<sup>1</sup> - Appendix 2 paragraph 6.3.9).**

**The 2005 decision was made against a statement by the Head of Law (Appendix 13 of NCC/EX/65) the conclusions of which were**

**“(a) it will be difficult to justify a new/widened carriageway crossing;**

**(b) it will be significantly easier to justify using the existing single carriageway crossing on the brown or purple route; and**

**(c) a partial route stopping at the A1067 would avoid any impact on the SAC”.**



***Notwithstanding the significant work undertaken since the 2014 Scoping Report, no further legal advice on the Habitats Regulations have been published by NCC, which would suggest that the 2005 advice is still the formal current legal position.***

***If A47NTE is approved with the design based on the NWL as part of the local network, what happens if the NWL is then refused planning permission by NCC against environmental grounds?***

***There is much debate locally whether the NWL is a designated scheme in various emerging plans (Greater Norwich Local Plan (GNLP); The Local Transport Plan (LTP4); and Transport for Norwich (TfN)).***

***It is acknowledged that the NWL is included in the draft new LTP4 as a Strategic Priority Road Scheme. However in the presentation of the Cabinet report on the adoption of a LTP4 to the NCC Council at the meeting of 29 November 2021, the Cabinet member noted that “For the avoidance of doubt it is not endorsing in its adoption of any particular project described illustratively”. I am therefore confused whether the NWL is a formal project in the adopted LTP4 or simply an illustrative project not endorsed.***

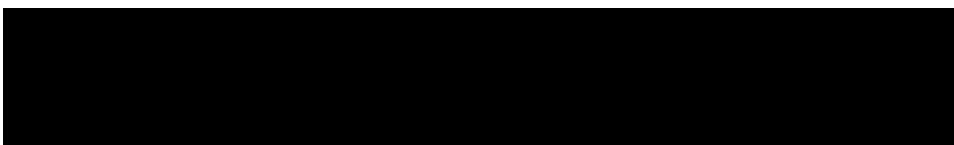
***The NWL is not part of the emerging GNLP as understood from accompanying the Topic Paper on Infrastructure<sup>2</sup> which states “In the same way that policy 4 sets out improvements to rail services and to trunk roads, the GNLP does not promote the NWL as a proposal of the plan, but instead reflects its inclusion in other plans”.***

***In a response dated November 2021 to a question from the Examiner reviewing the GNLP regarding what employment sites are dependent on the NWL, the Greater Norwich Partnership states:***

***“No development delivery in the GNLP is dependent on the completion of the NWL road. As set out in paragraph 5.9 and the map in 5.11 of the consultation on Transport for Norwich (D1.4S) held in autumn 2021, the NWL’s purpose is to be one of a range of new strategic connections to benefit the economy. It is intended to assist with the promotion of sustainable transport measures to capture the benefits of the improved connections within the Norwich urban area and the strategic growth area around it.***

***The proposals in the GNLP which are likely to benefit most directly from the NWL are the strategic employment sites at the Norwich Airport area and the Food Enterprise Park at Easton/Honingham promoted in policies 1 and 6. While the NWL would enhance access to these locations in particular, neither of these sites rely on its implementation as strategic road links are already in place via the A47 and A1270 and strategic bus corridors provide links to the city centre.”***

***If the cumulative impacts of the NWL are included in the environmental considerations for A47NTE should not these two employment sites also be included as the main beneficiaries of the NWL.***



***As an aside, it should be noted that no EIA was carried out in connection with the LDO for the first phase of the FEP. Therefore the environmental impacts have not been considered and if the access provided by A47NTE releases the final 60% of phase 1 and opens the possibility of granting a further LDO for phase 2, these should also be considered as cumulative projects. Extra land made available with access to A47 is approximately 32 hectares.***

***A planning application has been submitted for Imperial Park at the airport on land which was previously arable. The extent of this proposal is 37 hectares.***

***I repeat my previous position that A47NTE should be a standalone project without the design being influenced by the NWL, accepting that an alternative design may be produced to indicate any differences which may have to be incorporated, if and when the NWL receives planning approval.***

***If we are presented with a scheme unencumbered by the NWL, perhaps then we can understand the AADT projections used in figures 4.18 and 4.27 in the Case for the Scheme (doc. APP-140), which currently do not make any sense. Fig. 4.27 gives the 2015 base AADT levels of 24,000 west of the A47NTE works and 30,000 east of the works on the Southern Bypass. These figures are without the NWL and one would expect that the DM scenario would reflect general expectations of traffic increases with known local implications only.***

***The AADT for the DM at the western end is expected to rise to 39,000 in 2025 (62% - 6.2% annually) and 49,000 (104% - 4.2% annually) in 2040. While at the eastern end the 2025 AADT increase to 36,000 (20% - 2% annually) and 46,000 (53% - 2.1% annually) in 2040.***

***There is no logic to these figures for a DM scenario without any works to either the A47 or a NWL. One has to then question how these predictions are translated into the other AADT with the NWL and with both the NWL and A47NTE. It must be assumed that theses then translate into the EXTRA carbon emissions as a result of the scheme above the DM emissions. If the DM traffic and therefore the emissions are inflated the extra emissions would be too low.***