

A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

RESPONSE TO APPLICANT'S LANDSCAPE SUBMISSIONS AT ISH2

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

IP reference 2002/8353



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

Response to Applicant's Landscape submissions at ISH2
On behalf of A.C. MEYNELL of the [REDACTED]

Application reference: TR 010038

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A47 North Tuddenham to Easton Development Consent Order Application.

Landscape Issues in relation to the [REDACTED] Response to Applicant's submissions at ISH2

Overview

1. The submissions concerning the Estate by the Applicant's Landscape expert (Mr John Meehan) at ISH2 are contained in the Applicant's Written Summary of that hearing [REP4-015] in its response at Ref 5 under the Heading "Agenda item 8: Landscape and Visual Effect" [REP4-015 at pp 44-45 (pdf pp 47/74-48/74)].¹ Mr Meynell takes issue with Mr Meehan's conclusions for the two reasons given below.

This submission complements and should be read alongside the paper by Mr Steven Thomas of Heritage Land Management Ltd (at REP6-033, Appendix A) responding to the cultural heritage aspects of the Applicant's ISH2 submissions dealt with by Mr Paul Bennett².

2. First, from Mr Meehan's opening remark at ISH2³:

"The Applicant opened by expressing a concern that the lines between heritage and landscape should not be blurred and made reference to its previous statements in relation to heritage"

it is clear that the Applicant does not recognize that it is the combination of the two ie the heritage interest combined with the landscape interest, that is the defining feature of the [REDACTED] as a landscape – the whole being more than the sum of its parts. In order to give proper recognition to the Estate's qualities the two aspects need to be considered together for the purposes of the ES to inform HM Government's decision on the DCO, just as they were by HMRC in making its heritage designation.

3. Second, dealing with the Landscape aspects, Mr Meehan goes on to say in the Written summary of his ISH2 submission (REP4-015 Item 8, ref 5, foot of page 44 and the top of page 45) that:

"as mentioned in REP1-013 (RR.061.2, .6 and .7) the Applicant had reviewed the Estate's designation and the Heritage Management Plan and

¹ Note: The page headings in REP4-015 incorrectly refer to the questions and responses as having been raised at ISH1.

² Mr Meynell will reply to Mr Bennett's ISH3 submissions when the written summary of them has been received

³ REP4-015, page 44, item 5, second paragraph

concluded that the ultimate conclusions reached in ... ES Chapter 7 – Landscape and Visual effects APP-046 [were correct].”⁴

Mr Meynell remains of the view that the Applicant has underestimated the adverse effect which its Proposed Scheme will have on the landscape of the Estate, not just in the construction period but in the operational phase too, by its failure to acknowledge the qualities of the estate as a landscape in its own right (and not just as small portion of a larger area) as recognized by the Government when making their IHTA designation [REP1-050], qualities which Mr Popham had described in his first report in 2000 [REP1-047], which Mr Thomas had described in the Heritage Management Plan [REP1-048 and REP1-049] and which Natural England had affirmed in their 2011 letter to HMRC [REP1-051].

The National Character Area

4. The Applicant was aware (see its ES Chapter 7 [APP-046] at para 7.7.17) that in terms of National Character Area, the majority of its study area fell within NCA 84, mid-Norfolk, two of the key characteristics of which are
 - *“Ancient countryside, much of it enclosed in the 14th century, with a sporadically rationalized patchwork field system, ... and mixed hedges with hedgerow oaks*
 - *Large number of 18th century estates with their associated parkland...”*

The Estate has all of these in its own exceptional miniature parkland⁵ setting, but it is not mentioned as an example.

5. While not mentioning the [REDACTED] or even Berry Hall as a historic landscape feature within the study area of LCA A5, the Applicant did recognize the existence of and make specific reference to landscape parkland in describing the adjacent landscape area to the north of the A47, LCA B6, as having within its LCA description (but outside the study area) *“historic parklands / estates e.g at Bylaugh and Sennowe Park”* (APP-091 para 1.2.4). Both of these parks are several miles beyond the study area and in no way affected by the current proposed Scheme. Nevertheless it is worth drawing attention to their having been mentioned in the ES, to highlight the inconsistency in the Applicant’s approach to its ES assessment for the Estate, since while Sennowe Park is registered with Historic England as a “historic park”,

⁴ The sentence ends with the reference ..046 so we have assumed that the words we have inserted in square brackets were intended to follow.

⁵ See the view of it on the cover of REP6-033 and reproduced on the cover of this present submission, which was taken at the ASI, from the north margin of Warren Plantation looking north.

Bylaugh has a 19th century grade II* listed Hall (in 2013 an abandoned ruin) and other buildings⁶ but its park is not a registered historic park.

The Applicant's unfamiliarity with the Estate during its landscape assessment for the ES

6. As with the author of the Heritage Chapter 6, it is stated that the author of the Landscape Chapter 7 visited only publicly accessible areas within the study area before completing his assessment and it is not made clear in the reference to the visits in Chapter 7 how comprehensive they were (APP-046, para 7.5.1). An over-reliance on desktop research, together with the Applicant's omission to consult the Heritage Asset website as advised by Natural England, may explain the inclusion of Warren Plantation and the absence of Berry Hall as a key visual element for the Scheme in Chapter 7 (APP-046, para 7.7.29), and have also influenced the expert's conclusions on the visual receptors chosen on the Estate west of Berry's Lane (R24, Berry Hall, and P12, west of Warren Plantation⁷; see ES Chapter 7, Fig 7.5 sheet 2 (APP-061).

7. The combination of the omission of the Estate as an entity for assessment and the Landscape assessor's unfamiliarity with the landscape of the Estate might have been the reasons that caused him not to consider that it would be appropriate to assess the primary view looking north over the Estate from the south on the eastern portion of the public footpath by Warren Plantation and of course he had no opportunity to do so from the northern edge of Warren Plantation which being a little higher, is the Estate's traditional best viewpoint. The Landscape assessor also did not visit the Estate at the Accompanied Site Inspection on 16 November 2021 when both these views were seen, with the construction compound sites and the location for the proposed south dumbbell of Wood Lane junction visible beyond the Hall. These views (both the first, public, and the second, private but within the estate and seen by the public on open days) should have been considered as important views for assessing the impacts of the Scheme.

The Applicant's Landscape assessment of the Estate within the LCAs and its deficiencies

8. As explained by the Applicant in the ES, the major part of the Estate (ie west of Berrys Lane) falls within the local Landscape Character Area A5 within Breckland DC's district, described in Appendix 7.3 to ES Chapter 7 [**APP-091**] at section 1.3. This area broadly covers the entire

⁶ Wikipedia "Bylaugh Hall"

⁷ **R24**- Construction, large / moderate; year 1 and year 15, slight/neutral; **P12** – construction, year 1 and year 15, all slight/neutral

western part of the route of the Proposed Scheme lying to the south of the existing A47 and stretches a considerable distance further south beyond the Scheme boundary. The estate is not mentioned in this Appendix by name or as an entity within the LCA. The 50.5 ha Estate is a very small portion at the eastern extremity of what is, in proportion to The Estate's size, a very large LCA area which ranges in land types from the closed landscape of the River Tud's valley floor and woodlands at one end of the spectrum, through small meadows to the large modern arable fields with longer views opening up on and beyond the south side of the valley, at the spectrum's other end.

9. As is reported in all the documents surrounding the IHTA Heritage designation⁸, what is special about the Estate's landscape is its intimacy and the preservation of the older meadows and fields around the Hall and its gardens, which have continued in use in much the same way as they have been since the 18th century and are protected from the surrounding area (including the A47) by their surrounding woodland⁹. This distinction between the Estate and the generality of the remainder of LCA A5, would be apparent to anyone who has walked it. Notwithstanding this, the Applicant's landscape expert, who has not yet visited any private part of the Estate, stated at ISH2 [REP4-015 at page 45, second paragraph) after confirming in the previous paragraph [bottom of page 44] on that he had reviewed the Estate's designation and Heritage Management Plan,

"[In] ES Appendix 7.3 [APP-091] and paragraph 1.3.5 ... local value was identified and concluded that the overall LCA, which includes the Estate, is of medium landscape value The Applicant is clear that landscape value was therefore considered fully in the LVIA" [underlining added]

There is no explanation why the Applicant was "therefore" able to reach that conclusion in relation to the Estate, apart from referencing in the previous paragraph of the ISH 2 Written Summary, its responses to Relevant Representations [REP1-013] at RR-061.2, RR-061.6 and RR-061.7. Looking at these for guidance on the reasoning, one finds the only reference to any reasoning on the landscape aspects in the final paragraph of RR-061, which reads:

"Though the Applicant acknowledges ES Chapter 7 does not specifically mention the [REDACTED] designation, it does consider Berry Hall in the visual assessment and the effects on the host landscape character areas that [REDACTED] forms a part of. [REDACTED] falls within the ...(LCA's) A2 [sic¹⁰] and D2. However, in response to the representation the Applicant has reviewed the [REDACTED] designation and Heritage Management Plan and concluded it would not affect the conclusions of ES Chapter 7."

⁸ The previously referred to REP1-047 to REP1-051 inclusive

⁹ Mr Thomas mentions in his paper submitted at Deadline 6 [REP6-033]

¹⁰ It should be A5 – see para 8 above – this was not corrected in the review which leads one to question its thoroughness

In other words, it does not say any more. Mr Meynell replied to this RR response¹¹ by pointing out that no details were given of the review and that the ExA should not accept the comment without a detailed review being provided. As of now, none has been provided and the Applicant's replies to Mr Meynell's Written Representations on this subject¹² repeat the RR responses without any new information or expanded reasons being given for the result of the review. The ascribed medium landscape value for the Estate as part of LCA A5¹³ is self-evidently in conflict with the outstanding value ascribed to the Estate by virtue of its IHTA designation.

10. Among the features of LCA A5 most relevant to the study area the Applicant mentions: Warren Plantation,¹⁴ as a surviving historic land cover element; an extensive network of rights of way along the course of the river and up the valley sides and, as a historic feature, East Tuddenham Church (to the west of the Estate), but it omits Berry Hall (see APP-091 para 1.3.2). Key sensitivities mentioned include Valley crests, "which clearly define the extent of the character area" and gently sloping pastoral fields (APP-091 para 1.3.4). It is not explained or understood why the whole of Warren Plantation on the south side of the Tud Valley, the northern part of which was visited in the ASI and which, once one is away from its northern edge, has no views of the Scheme and is across the valley from it, is thought to be a "key sensitivity" to the Scheme proposed. It is agreed however that the "valley crest" on the north side of the Tud valley which visually includes the section of the Estate's northern woodland belt to be lost to the proposed south dumbbell with the elevated new mainline visible beyond it from the south, is a key sensitivity (assuming that that part of the valley crest was included in the general description) and will be impacted by the Scheme as now proposed (see also the next following paragraph below).

11. In terms of susceptibility the Applicant notes in particular "*the clearly defined, wooded valley form ... and the limited influence of urban features, such as the A47, which is well screened by tree and hedge cover through this LCA*" which "*indicates some opportunities for a well-designed linear development to assimilate within its surrounding context*" (APP-091, para 1.3.6). The susceptibility and the overall sensitivity was considered as high. (APP-091, paras 1.3.7 and 1.3.8). Paragraph 7.7.28 of Chapter 7 itself emphasises "*the linear belt of tree and hedgerow cover beside the existing A47*" as "**a notable vegetation feature which provides a screen to views**" [APP-046 para 7.7.28]. The Applicant does not say so, but a significant section of the screening is provided by the northern woodland belts at the Estate which were specifically encouraged in the Heritage Management Plan prepared by Heritage Land Management Ltd nearly twenty years ago [REP1-048] at para 4.6.1, which at that time was

¹¹ At REP2-026

¹² REP3-022, page 3, last box,

¹³ See the first italicised quotation earlier in this para 9, taken from the Applicant's ISH2 Written summary, referencing back to para 1.3.5 of ES Appendix 7.3 [APP-091]

¹⁴ The woodland containing the ice-house (this is repeated as a key visual element in the study area in Chapter 7 [App-046 at para 7.7.29])

said would add to its character. They have been managed with great care since then by Mr Meynell to create what is now both an increasingly valuable protection from the intrusion of the roadway and a scenic backdrop to the Estate from its major public viewpoints and from the ASI inspection it is hoped will be agreed have added to the Estate's character and will do so more as it continues to mature if permitted to remain and to continue in the Estate's management (see also the next following paragraph).¹⁵.

12. While para 7.7.28 of APP-046 recognises the visual benefits of the Estate's northern woodland belt in general terms as part of the linear woodland it refers to lying south of the A47, the Applicant's Arboricultural assessment did not do so and this remains a subject of debate between the parties.¹⁶ Mr Meynell hopes that from inspection of the trees along the north woodland belt at the ASI it should be recognized by a viewer that they are now, thanks to his care of them in their developing years, growing up to start playing the important part which Mr Thomas hoped they would, in providing the "frame" for the Estate.
13. Mr Meynell has also in his comments on various responses to the ExA's questions at ExQ1 [REP3-044] pointed out a number of failings and omissions in the baseline appraisal in the Applicant's overall Landscape ES in particular, in Landscape terms, in omissions of hedgerows on the Estate from the numbers shown as being lost, and highlighting the very significant proportion of the overall tree and hedgerow loss in the area of the Wood Lane junction, including several mature specimens in the Estate hedgerows, which is not extrapolated by the Applicant in the ES from the overall figures.. These parts of the ES are now to be reviewed and corrected by the Applicant, as mentioned at ISH2 and that incomplete appraisals in the bat surveys are also to be addressed.
14. The Applicant's errors and omissions in the areas mentioned in the preceding paragraphs reinforce Mr Meynell's concerns at the overall lack of thoroughness on the Applicant's part in the ES assessments regarding the Estate and the land around it when deciding to locate the Wood Lane Junction in the precise location which the Applicant has chosen for it. These concerns inevitably flow through to whether consideration of the effects of the Scheme upon that area, and in particular on the Estate, has also been "downplayed".

The Applicant's assessment of the adverse effects from the Proposed Scheme

(i) Principal adverse effects of the Scheme as a whole

¹⁵ Looking across the River Tud towards the Hall from the footpath north of Warren Plantation, described at para 7 above.

¹⁶ APP-094. See the Woodland Appraisal by Mr A T Coombes for Mr Meynell [REP1-058], which describes the northern woodland belts as they have grown since the Heritage Management Plan was produced and their developing quality, and which challenges the ES Chapter 7 Arboricultural Assessment. See also the Applicant's response to the Appraisal [REP3-022 at page 6] and Mr Coombes' reply to that [REP4-025 at 5.06-5.07] where he explains his assessment more fully. Also the letters written to Mr Meynell following the Royal Forestry Society's members' visit to the Estate in August 2021 [REP1-054].

15. As to the principal potentially adverse effects of the Operational side of the Proposed Scheme on Landscape and visual receptors, the Applicant in ES Chapter 7 [APP-046] at para 7.8.4 lists four. Three of these four principal adverse impacts affect the [REDACTED] (although it is not pointed out by the Applicant specifically that they do and, as seen above, the Estate as an entity has not been assessed for them):

- *"the potential loss of tree cover including the removal of mature specimen trees from roadsides*
- *"the height and potential visual prominence of some new infrastructure and landforms within the low lying landscape"*
- *The potential erosion of rural character through the geometry and detailed design of new elements away from the main trunk roads. The two proposed junctions (Wood Lane and Norwich Road) are a focus in this respect".*

(ii) The Applicant's objectives for the Scheme as a whole

16. According to ES Chapter 7 [APP-046] para 7.9.3, the following overarching landscape and visual objectives have guided the iterative development of the Scheme design:

- To **minimize direct impacts on trees and woodlands** through avoidance – especially mature or veteran trees along roadsides
- **.. limiting the elevation of new infrastructure and earthworks**
- To **maintain the distinction between the trunk road network and the underlying peaceful, rural landscape** by ensuring that elements of the Proposed Scheme away from the main trunk roads are detailed in a way which is appropriate to the local vernacular and rural character [Applicant's emphasis]

17. Notwithstanding these objectives, Mr Meynell notes that the Applicant acknowledges without mentioning the Estate that the Estate will be particularly affected by a number of adverse effects where the objectives have not (by the Applicant's designs) been able to be achieved:

- **"Construction would result in disruption within the landscape ... [including] vegetation clearance and earthworks ... and the presence of site compounds and construction plant"** [APP-046 para 7.10.2) (all of which will affect the Estate through temporary acquisition primarily because of the proposed location of the part of the Wood Lane Junction which has been located on and south of the existing A47))
- **"Notable areas of tree loss would [include] Woodland beside the existing A47 between Sandy Lane and Wood Lane"** [APP-046 para 7.10.6 and 7.10.30] (which includes the loss both of sections of the

northern woodland belts and mature specimen hedgerow trees near the proposed junction)

- **“adverse changes to the landform ... [including] at the Wood Lane junction** the mainline would require an embankment creating, the associated local access roads and embankment¹⁷ [sic] would be in cuttings for the most part” [APP-046, para 7.10.7, first bullet and 7.10.31] (The Applicant has provided sections at Deadline 6 (see REP6-018) from which it is apparent that the words “for the most part” obscure the fact that as well as the mainline the south dumbbell roundabout is not in a cutting but at ground level and increasingly embanked on its south side on and overlooking the Estate’s land and Berry’s Lane, at the top of the valley edge, where the Estate’s woodland will have been removed)
- **Operations associated with the realigned Dereham Road, Honingham** [APP-046, para 7.10.7 (fourth bullet)] (which will be embanked more highly over the Estate’s land east of Berry’s Lane and also opened by the removal of the Estate’s woodland.

(iii) Assessment of Effects on Landscape Character of the Scheme as a whole

18. As to the effects of the **construction stage** works on landscape character, these are stated to be a moderate adverse change resulting in a moderate adverse / Significant effect on the high sensitivity LCA A5 area (which includes the Estate west of Wood Lane) and a Major adverse change resulting in a large adverse / significant effect on the high sensitivity LCA D2 area (the estate east of Berry’s Lane) [APP-046 table 7-7]. The **primary impacts causing the adverse effects would be at the sites of the two junctions.**

19. As to the **Permanent effects** on landscape character, the Applicant states LCA A5 would have the same moderate adverse change resulting in the same significance at year 1 as during construction, reducing to a minor adverse change leading to a slight / not significant effect at year 15. LCA D2 similarly would have a major adverse change leading to a large adverse / significant change at year 1 reducing to minor adverse change at year 15 leading to a neutral / not significant effect at that point [APP-046 Table 7-10]

The overall moderate adverse (significant) effect on landscape character at year 1 is said to be **“due to the relative prominence of infrastructure including the proposed Wood Lane and Norwich Road junctions”**. [APP-046 para 7.10.39]

¹⁷ “Roundabouts” rather than “embankment” is probably intended here as an embankment does not generally exist within a cutting.

By year 15 the Applicant suggests that the establishment of landscape mitigation would reduce the magnitude of change. But, the Applicant writes, "*localized residual adverse landscape character effects would remain, in particular due to the presence of the two junctions. There would be a degree of erosion of the distinct underlying rural character away from the existing trunk road infrastructure. Despite the integrating contribution of new planting, a localised slight adverse (not significant) effect on landscape character would persist due to erosion of the character of the River Tud corridor*" [APP-046 para 7.10.40]

(iv) The Applicant's failures and omissions in relation to the Estate

(a) Landscape character

20. It can be seen from the above that the largest driver for the initial year 1 and continuing adverse change in landscape character due to the Scheme is considered to be the presence of the junctions. The Wood Lane Junction, embanked as it is proposed to be, with its south roundabout and Dereham Road link road also embanked where they overlook the estate, will place the Estate in a particularly vulnerable position to suffer these continuing adverse landscape effects. As the Estate has not been assessed as an entity, these particular adverse effects have not been considered against its value as an asset which has merited Government designation as a nationally important landscape.

(b) Visual receptors

21. In the same way, the ES Chapter 7 deals with visual receptors both residential and from PROWs. Individual receptor points are taken, but because the Estate has not been considered as an entity the visual effect of the new junction proposed at Wood Lane on the Estate as a whole has not been considered either.
22. Also, the Applicant has failed to consider the impacts upon the Estate's commercial receptors (farming and forestry) which are managed to support its IHTA designation. If the farming is lost the visual quality of the landscape of the meadows and arable fields will suffer, just as the quality of the woodland of the northern belt, in visual terms as well as in terms of timber value, will degrade if its continuous cover management (described at REP6-034) is not maintained, whether temporarily or permanently.

(c) Distinction of the Estate from the surrounding area

23. The Applicant's submissions in the RR responses and at ISH2, to the effect that the adverse effects for the Estate on all these counts are the same as for the remainder of the Landscape areas in which it sits, do not add up. This is not just because the effects on the Estate as a

discrete landscape in its own right have not been considered, or because the Applicant has not given credence to the qualities for which it was designated as an outstanding national heritage asset, but also simply because, unlike the rest of the land in the two LCA's, the Estate is the only part of either LCA which lies immediately adjacent to and below the Wood Lane junction and the Estate thus has a unique position within each LCA in terms of the effect of the potential impact upon it of the Proposed Scheme and in particular of the junction.

(d) Consequence of failings and omissions, and resulting impact / effect on the Estate

24. Given the amount of "downplaying" of the baseline conditions (see para 14 above), and that it is not just the trees and hedges on the Estate in the way of the south side of the junction that would be removed but virtually all of those on the north side of the existing A47 west of the junction and in Wood Lane as well, notwithstanding all the intentions of the Environmental Masterplan for mitigation planting, a large "hole" would be created by the Applicant's proposals in the upper north-east corner of the Estate and the landscape surrounding it in that location leaving the Estate open to the roundabout, side roads and the embanked mainline above them. As the Applicant has acknowledged¹⁸, this would reduce the rural character of the area particularly where the junction is above the natural ground level. This would impinge not only on the northern part of the Estate but across to the views of it from south from the public footpath and the north edge of Warren Plantation described at paragraph 7 above¹⁹. In addition, the proposed new cyclepath and loss of trees and hedgerows at each end of it over the field to the north of Merrywood House, including the addition of a pavement in Dereham Road (involving the loss of hedgerow and two good mature trees) would add to the sense of urbanization even if the path is not tarmacked.
25. This degree of intrusion on an Estate nationally designated for its stated outstanding qualities which Mr Meynell is advised the Secretary of State should take into account, in his opinion – and in Mr Thomas's in Heritage terms [REP6-033, Appendix A] - is excessive. It was explained by Natural England in their 2011 letter to HMRC [REP1-051] with reasons, that it was their view that "*the landscape [of the Estate] is incapable of substitutability*" [REP1-051 under "Assessment of Quality" at para 3.3.4]. This is referred to by Mr Meynell in his WRs and at the ISH2 submissions [see REP1-044 para 46 and REP4-023 para 54]. In spite of this, the Applicant has singularly failed to account for the impact of taking part of an unsubstitutable landscape.

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¹⁸ See para 1.14 above and APP-046 para 7.8.4

¹⁹ See footnote 5 and the photograph on the cover of REP6-033, reproduced on the cover of this present submission.