

A47 DUALLING – NORTH TUDDENHAM TO EASTON

Scheme no. TR010038

COMMENTS BY A C MEYNELL of the [REDACTED]
[REDACTED] on APPLICANT'S DEADLINE 7
SUBMISSIONS AND HISTORIC ENGLAND'S DEADLINE
6 SUBMISSION
IP reference 2002/8353



ACM 20

25 January 2022

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]

COMMENTS BY A C MEYNELL of the [REDACTED] on APPLICANT'S DEADLINE 7 SUBMISSIONS AND
HISTORIC ENGLAND'S DEADLINE 6 SUBMISSION

Application reference: TR 010038

Interested Party reference: 2002/8353

Document reference: ACM 20

Date: 25 January 2022

A C Meynell – comments on Applicant’s responses to Deadline 7 submissions, and on Historic England’s submission at Deadline 6

CONTENTS

	Description	Page
A)	REP6-022 – Historic England’s response to ExQ3	i
B)	REP7-015 Applicant’s responses to Deadline 6 submissions	i
C)	REP7-017 – Applicant’s Written Summary of Oral Submissions at ISH3	viii
D)	REP7-036 – Revised Environmental Management Plan (Vol 7, 7.4)	xi
	Appendix A – Applicant’s REP7-015 para 29 and 30, boxes numbered	xvi

A) REP6-022 – Historic England’s response to ExQ3

ACM comments on Historic England’s statement at REP6-022 that Mr Meynell (ACM)’s Undertakings published on HMRC’s website for the IHTA designated Estate www.visitukheritage.gov.uk included provisions for maintaining the Estate’s landscape, but not the buildings.

This statement by Historic England is not true. The Undertakings do relate to the structure of the Estate’s buildings as well as to the land. See reply below at B) REP7-015, item 2.

B) REP7-015 Applicant’s responses to Deadline 6 submissions

Item 3 of REP7-015 – Applicant’s responses to REP6-025 - ACM’s Comments on the Applicant’s Deadline 5 submissions and to REP6-033 – ACM’s response to the Applicant’s ISH2 submissions on heritage

Please see attached at Appendix A a pdf of pages 3 to 6 inclusive of REP7-015 with numbering added for ease of reference to each box in the Applicant’s responses, which were unnumbered. The comments below should be read alongside the numbered boxes.

The comments of Mr Meynell (“ACM”) on the Applicant’s responses are as follows:

1. Limited research

The Applicant’s consideration of the Estate’s IHTA designation is flawed (see item 6 below, last paragraph). The local authorities’ reports and the SoCG’s referred to do not support the Applicant’s views as the Applicant suggests they do, for the following reasons:

- a. None of the local authorities have addressed the IHTA designation of the Estate. South Norfolk had no need to do so. As to the thoroughness of the others' questioning of the Applicant's ES chapters generally in their local impact reports referred to, it is relevant to note that none of them pointed out the errors in the Applicant's Arboricultural Impact Assessment (APP-091) as to notation of hedges and tree groups, and the consequent omission of the Estate's hedges from the Hedgerow Plans, which were referred to by ACM in his comments on the ExQ1 replies (REP3-043) and again at ISH2 (REP4-023) (and which have now caused it to be corrected at (REP7-009). The Councils' failure to address the IHTA designation of the Estate cannot be imputed from their documents as reasoned support for the Applicant's flawed approach to it.
- b. None of the Local Authorities chose to be represented at the ASI visit to the Estate, nor have they visited otherwise any private parts of the Estate during the DCO application or beforehand while it was in contemplation, to inspect it.
- c. The SoCG with Breckland DC (REP4-004) was agreed as to Listed Buildings (item 6) on 4 November 2021, day 1 of ISH2, ie before the submissions of ACM and the Applicant on the heritage subject. It does not address the IHTA designation which was discussed on day 2 of ISH2 and which the Applicant has not mentioned in its statement of position with Breckland DC. The other SoCGs, likewise, do not address the IHTA designation. The final "agreed" position in the right-hand column in each has of course been drafted by the Applicant so is self-serving in this respect.

As to Historic England, it was not asked at ExQ1 about the IHTA designation. In both its WR and position statement (REP1-030 at para 1.3) and in response to ExQ1 (REP2-021) it placed responsibility for grade II listed buildings on the local authorities. See item 2 below for Historic England's Response to the question on the IHTA designation addressed to it in ExQ3 (REP6-022).

2. Lack of appreciation of the designated heritage status

The Applicant is wrong to say that there is "*no additional designated heritage status under the IHTA*" or that Historic England confirmed this view.

Quite obviously the Estate has been designated as a heritage asset under the IHTA (See REP1-050 and 051). Historic England say in their reply at ExQ3 (REP6-022) which the Applicant has quoted, only that they defer to Natural England to deal with Ex A's question about the designation because it was Natural England and not Historic England whose responsibility it was to scrutinize and if they agreed, recommend, the application as they did. Historic England then go on to repeat that the handling of the grade II listed status of Berry Hall was for the local authorities, not them.

If what the Applicant means here is that the IHTA designation is not within the definition of "designation" in the same way as a grade II listing is "designation" for the NNPS, the issue as to what weight should be given to the IHTA designation by the S of S determining this DCO application is dealt with by ACM in his RRs at RR-075, his WRs at REP1-044 paras 43-65 and in the WS of his ISH 2 submissions at REP4-023 paras 46-62.

Historic England is in any event wrong to say, as it goes on to do half-way down the quoted reply, that the Undertakings are just for maintenance of the land and "*not the buildings*", for they do include the structure of all the Estate buildings erected pre-1948.

- a. ACM's Undertaking to HMRC (in the part viewable publicly at the Estate's listing at www.visitukheritage.gov.uk as referred to at REP1-045 para 14) states:

"The owners of the land edged red on the map undertake as follows:

*i. to take all reasonable steps for its maintenance and the preservation of its character and for securing reasonable access to the public in pursuance of which **they will abide by the terms of the Heritage Management Plan drawn up in January 2002 in conjunction with The Countryside Agency, in so far as this Management Plan applies to the property**"; (underlining and bold added).*

- b. The Heritage Management Plan dated January 2002, introduced in ACM's statement at REP1-045, para 10, contains a full description of all the Estate buildings in vol 2 entitled "Buildings" (REP1-049) together with the works required to each. The main volume 1 (REP1-048), sets out at section 6 (page no. ACM 03.3 / 35) the works programme for the works to be carried out under the Plan in the first 5 years following designation, those to the buildings being on that and the following page. Confirmation of the carrying out of the works pursuant to the Undertakings and other works more recently, after the first five years, pursuant to the Undertakings and paid for from the funds in the Maintenance Fund, is given in ACM's annual reports to HMRC at REP1-052, referred to at REP1-045 para 23.

In order not to have realised this himself, Mr Bennett must have not read ACM's statement (REP1-045) where ACM's obligations for the buildings' upkeep is explained at para 185, or to have read or remembered the relevant parts of the Heritage Management Plan volumes 1 and 2 (REP1-048 and REP1-049) just referred to or to have opened its volume 2 and to wonder why it is entitled "Buildings". This is notwithstanding that they have been available since before Deadline 1 when they were provided to the Applicant's Counsel Mr Michel Fry, and that at REP4-015 Annex C – the Applicant's Written Summary of Mr Bennett's ISH 2 heritage submissions, Mr Bennett refers in paragraph 18 to Volume 1 of the Heritage Management Plan for copies of various nineteenth century plans.

3. Lack of appreciation of the relatively intact glebe estate

The Applicant is playing semantics by saying that it not a glebe estate any more and therefore is not one. Mr Thomas did not suggest that the Estate was still a glebe estate. (See the description of Berry Hall ceasing to be a rectory in the Heritage Management Plan vol 1 at Rep1-048 paras 1.3.3 to 1.4.6). Westminster Abbey was dissolved as a monastery in 1540 (see [REDACTED]) but the building comprising its former church is still called Westminster Abbey, not Westminster (former) Abbey and despite the fact that it is not all of the former abbey but only part of it. A former glebe estate can be referred to in the same way today as a "glebe estate" by reference to its landscape as having been one and that is what Mr Thomas did. A normal reader, not seeking to pick holes, would understand that.

The dissection of land parcels by the Applicant through desk-top study in an attempt to disprove Mr Thomas' description of "*the ... relatively intact glebe estate*" achieves no more than the previous semantics. Mr Thomas did not say it was wholly intact. As to its quality, the Estate's qualities can only be appreciated properly by seeing all of it. The Applicant's expert Mr Bennett has had every opportunity to visit the estate now but has still chosen only to view

it in one visit in 2020 and then remaining on public ways and only going west of Berry's Lane by looking at the start of the main drive and "part of" the west side on one footpath, as he described at ISH3 (see REP7-017, para 30 (pdf page 29/74)).

The Applicant says (item 3, first para, lines 2 and 3) "*The coherence of the estate has been addressed in ISH2 and REP4-015, Annex C*" However the coherence – or otherwise – of the estate was NOT addressed earlier than that and particularly not in the ES because at that point there had been no appreciation or recognition on the part of the Applicant of it being a former glebe estate. Although late, it is welcoming to see that the Applicant's advisers have appreciated now that it IS a former glebe estate.

In terms of the Estate's intactness, this can be defined by use of the 1839 tithe map for East Tuddenham (described in REP1-048 at pages ACM.03.3 / 57 and 58), where the apportionment refers to its ownership by Rev William Smith and specifically records his holdings as 'glebe'.

ACM invites the Ex A to prefer the evidence of Mr Thomas, and to refer to his description of the history of the Estate at Appendix 1 to the Heritage Management Plan (REP1-048 at ACM03.3 / 54-61), and the ExA's own inspection at the ASI for the coherence of its current landscape. As to the assessment of its qualities, see references in item 7 to this reply

4. Lack of research linking the Estate to the parishes of Honingham and East Tuddenham

Mr Bennett says here that he had assumed when he wrote ES Chapter 6 (APP-045) that either or both Honingham and East Tuddenham parishes might have been involved. In fact he has misquoted himself since at his APP-045 para 6.7.26 he did not mention those two parishes. Nor did he correct this lack of reference when he revised his ES Chapter 6 at REP3-013 in October 2021 after he had had the opportunity to check his information with ACM's statement at REP1-045 and the history of the estate set out by Mr Thomas at REP1-048 (pages ACM03.3 54/61).

As to the lack of weight which should be given to the Councils' asserted support by their SoCGs, ACM repeats his comment no 1 above.

The ExA is invited to give greater weight to Mr Thomas' views given in REP6-033 (at App A, para 2.5) which among other things quotes Mr Bennett's comment in paragraph 6.7.26 of REP3-013 correctly.

5. Failure to assess landscape qualities of the Estate and the effects of the Wood Lane junction upon it.

- a. *Landscape baseline and effects.* The Applicant refers to its ES Chapter 7 (APP-046) and its acceptance by the local authorities. ACM has explained the defectiveness of that Chapter both in its assessment of the baseline and effects in relation to the Estate at Deadline 7 in REP7-023.

As to the Local Authorities, ACM repeats his comments at item 1 above; and they will no doubt comment on REP7-023 if they wish to contest the views expressed in it.

The Applicant's failure to explain its "review" referred to or how its conclusions remained the same is commented on by ACM at REP7-023, para 9.

- b. *Effects on Commercial receptors.* The Applicant's comment is noted, but although it may not have been clear the reasons for mentioning them where Mr Thomas did (at REP6-033, para 4.1) was in the context of their importance to the preservation and maintenance of the Estate as a heritage asset. This importance is described in ACM's statement (REP1-045) at paras 111 to 117 (pages 39-41).
- c. *Countryside Stewardship Status.* As mentioned at ISH3, the CSS scheme on the Estate has been renewed for 5 years from the expiry of the former scheme in December 2021. ACM can give evidence of this if requested. ACM welcomes the recent exclusion of the CSS field margins from the proposed temporary compounds so they can be maintained, as evidenced by the proposed compounds plan now produced at REP7-017 (pdf page 74/74)

6. Combined historic and landscape qualities

The Applicant makes three points, none of which has any merit.

- a) *"The Estate is no longer a glebe estate"* – see item 3 above. It was never held out still to be. Its landscape and setting remain as Mr Thomas describes in REP6-033 para 2.7 and in the Heritage Management Plan (REP1-048) at paras 2.1 and 2.2
- b) *"nor is it particularly well preserved or legible in the landscape"* – Mr Bennett provides no support for this opinion, nor is it clear if it is that of Mr Bennett (who admitted at ISH2 that he knows little about trees) or Mr Meehan (whose knowledge of heritage is unknown), or a combination of the two (neither of whom has visited the area more than once and neither of whom has chosen to visit the whole of the Estate). The Examining Authority is invited to disregard this unsupported opinion of one or other of two people who have not visited all of the Estate and to prefer that of Mr Thomas referred to at a) above and in REP6-033.
- c) *"there is no designated heritage status under the [IHTA]"* – and *"as confirmed by Historic England"* – as to these, see item 2 above.

It is a fact that the Estate has been designated by HMRC as a heritage asset in a national context for its outstanding scenic and historic interest. The Applicant's suggestion that it is not is symptomatic of its failure to accept and properly to take into account the acknowledged outstanding heritage / landscape interest of the Estate – the Applicant's position is that it is *not* outstanding (contrary to its legal designation) and, as such, it follows that they cannot have taken that interest into account. Ergo, the assessment is flawed.

The former glebe estate is entirely legible within the landscape today, as demonstrated by the ability of Natural England and HMRC to grant it IHTA heritage status, the object of a maintenance fund.

7. Failure to appreciate the Estate’s qualities as an entity in itself.

Mr Bennett for the Applicant here responds to criticism in REP6-033 para 2.7 of the Applicant’s failure in ES Chapter 6 (APP-045 / rev. 1 at REP3-013) to carry out a reasonable level of historic research and interpretation about the Estate as a whole, by carrying out now an analysis of Parson Woodforde (who is not mentioned in REP6-033 para 2.7) and Rev’d du Quesne in relation to the criteria for listed buildings.

For the reasons for the heritage designation the Ex A is referred to the Appraisal of Heritage value for the Estate’s designation under IHTA in the 2002 Heritage Management Plan (REP1-048) at para 2.1, to Natural England’s 2011 report to HMRC (REP1-051) at section 3.3, and to the earlier John Popham report of December 2000 (REP1-047) at section 5.

The assessment for designation as a heritage property in relation to IHTA is not carried out by reference to the principles used for selection of listed buildings - therefore the Applicant’s response here is irrelevant, as is his additional analysis of Parson Woodforde and Rev du Quesne. It is a heritage entity that the government has already recognised through existing legislation and Natural England in their submission for scoping also asked for the designated heritage status of heritage property within the area of the Scheme to be considered at the outset.

8. Alternative options.

ACM has responded at REP7-024 to the Applicant’s Revised Appraisal of Options. His experts believe for the reasons given that all of them are feasible.

9. NWL / No NWL – REP4-016 (Applicant’s response to Ex A action list after first hearings Nov 2021) and REP5-016 (Applicant’s response to D4 comments)

ACM does not recognise any question he had asked to which the Applicant replied in REP5-016 relevant to this subject. He does not think the answer at this item is directed to him? Would the Applicant clarify?

10. Wood Lane Junction cross sections in reply to ExQ3 (REP7-017).

ACM notes that if the Inscribed Circle Diameter (ICD) of the south dumbbell were to be reduced to 70m, the roundabout as well as being retained within the northern woodland belt of the Estate (see REP7-037, App C, photo 6), would have its south-western segment at current ground level or thereabouts and not need an embankment at sections E and F. Will the Applicant confirm?

C) REP7-017 – Applicant’s Written Summary of Oral Submissions at ISH3

Item 29. (page 25- pdf page 28) (referred to also in reply to item 31 (page27)(pdf page 30)

Item	REP7-017 - Applicant's summary	ACM comment
29.01	The Applicant explained that it had reviewed the views submitted, specifically those of Historic England in Responses to the ExA's further Written Questions (REP6-022) as well as those of Mr Meynell in their Response to Issue Specific Hearing 2 Written Summary on heritage (REP6-033). The Applicant noted that many of the points have been addressed previously or are now moot following Historic England's response.	For Historic England's position and the interpretation of their REP6-022 rely to ExQ3, see B) above REP7-015 comment item 2 and A) above, REP6-022 comment.
29.02	The Applicant's overarching point is that talking about setting can be nebulous, it can be very hard to put a boundary around and that there is always more that could be done to fully and completely understand any asset in an academic sense.	The whole IHTA designated Estate here is the relevant asset, and its setting is the land around its boundaries.
29.03	However, this process is not an academic exercise but a practical one - the point is one of proportionality. The Applicant used the example of a Grade II* church on a separate scheme.	
29.04	The Applicant pointed out that the Historic England regional inspector had agreed with the Applicant's assessment in their submission (REP6-033). The submission states that duties have been carried out accordingly in assessing the importance of the landscape, not the listed buildings on the estate, reflected in the undertakings that relate to the land and not the buildings.	Historic England had not. Historic England have misdirected themselves on this point. The Undertakings relate also to the buildings. For both see the comment to 29.01 above in this table.
29.05	The Local Planning Authorities (Breckland Council and Broadland District Council) has also agreed with the Applicant's assessments and understanding. It is established that the Inheritance Tax designation is not a cultural heritage designation. The practical application about what must inform the Secretary of State has been done.	They had not addressed the Estate's IHTA designation. See B) REP7-015 comments item 1 above. At scoping stage, Natural England asked for the designated heritage status of IHTA heritage properties within the area of the scheme to be ascertained so they could be considered. They were neither ascertained nor considered. It is not established that the IHTA designation is not a cultural heritage designation. The

Item	REP7-017 - Applicant's summary	ACM comment
		Applicant has failed to assess it. See B) REP7-015 comments item 2, third para and items 6 and 7.
29.06	The Applicant also had several points of clarification to make.	
29.07	Firstly in relation to the potential lack of appreciation of the importance and quality of the glebe estate, the Applicant deemed that they assessed it and that they do not believe it can be stated to be intact because not enough evidence remains to state what the original configuration was. The Applicant outlined various arguments as to how they had reached this conclusion, including that it is no longer functionally a glebe estate.	See B) REP7-015 comments above, items 3, 6 and 7.
29.08	The Applicant also stood by its conclusions in relation to potential double counting – they presented their information and will allow the Secretary of State to decide.	
29.09	The Applicant also noted the previously unmentioned topic of association with historical figures. The Applicant explained that this can be a sensitive topic but that it is something that is not related to the person as an individual but more about their impact on society as a whole. The Applicant deemed that Revered du Quesne and Parson Woodforde did not constitute historically significant individuals in a way that can be tied to the cultural heritage value of the estate or listing.	The historical figures were not previously unmentioned. See REP1-045 para 49; REP1-048 para 2.1.1 last two bullets; REP1-051 para 3.3.6. For response to the substance, see B) REP7-015 comments above, item 7.
	These points will be more fully set out in a written submission at Deadline 7.	At REP7-015; comments at B) above
		The Applicant omits to record in its summary the statements by Mr Bennett before the lunch break (circa 1240) that he had not read the Arboricultural reports, that he believed the North woodland belts west of Berry's Lane had

Item	REP7-017 - Applicant's summary	ACM comment
		<p>been planted after the 1930's (on the evidence of ordnance survey maps) but was not sure when, and after the lunch break (circa 1410) that "trees were not his domain".</p> <p>Mr Josselyn suggested in that case that Mr Bennett was an inappropriate expert to speak on a heritage landscape; to which Mr Michael Fry replied that aspect would be dealt with by the landscape expert (Mr Meehan).</p>
30	Mr Bennetts's statement as to the parts of the estate he visited on 20 May 2020.	Mr Bennett stated that on footpath FP3, on the west side of Berry's Lane and south of the River Tud, he had been half-way across the field.

D) REP7-036 – Revised Environmental Management Plan (Vol 7, 7.4)

ACM has the following comments on the provisions in the above, without prejudice to his primary submissions for the adoption of one of the Alternative options, as to requirements for the proper protection of the Estate and its residential and agricultural receptors

Item	Pdf page	REP7-036 Topic / matter covered	ACM comment
CH2	26/74	Protection of heritage assets; assets in close proximity to works	Berry Hall's walled kitchen garden crinkle crinkle wall should be added to second paragraph
CH8	28/74	Existing vegetation to be retained where possible during construction	For the protection of the Estate, add at end "and for the protection of Berry Hall Estate, around the west through south to east sides of the Wood Lane Junction south dumbbell and up to the embankment leading to the south side of the new detrunked A47 approach road to it from the east"
LV1	28/74	Protection and enhancement of landscape character	To allow the continued management of the Berry Hall Estate northern woodland belts insert as an additional identified measure "retention of hedgerows and woodland ride on north side of Berry Hall Estate north boundary where taken into possession and not required for works, and otherwise creation of new hedgerow and

<i>Item</i>	<i>Pdf page</i>	<i>REP7-036 Topic / matter covered</i>	<i>ACM comment</i>
			woodland ride connected to existing with suitable entry and exit points to enable continuous cover management of woodland belts on completion to continue”
LV2	29/74	To ensure establishment of landscape character	Add new paragraph at end, for the better retention / establishment of the landscape character south of the Wood Lane junction “On land to be taken from Berry Hall Estate around the south-west to south-east perimeter of Wood Lane Junction, Highways England will (subject to due performance of the agreed landscape and ecology management plan, on which Highways England, the draftsman of the plan and the Berry Hall Estate owner will collaborate) delegate on reasonable terms to be agreed to include proper remuneration, day to day responsibility for these matters to be executed in that area on its behalf by the owner of the Berry Hall Estate for so long as the Estate’s existing IHTA designation and Heritage Land Management Plan maintenance programme continues, both during and after the expiry of the 5 year maintenance period.
LV3	29/74	Engagement of arboricultural consultant to limit impact of construction	To ensure adequate protection for the Berry Hall Estate, add new paragraph at end “In relation to trees on land acquired from or adjacent to the Berry Hall Estate, Highways England’s arboricultural consultant shall consult and work collaboratively with the owner of the Estate and /or his appointed arboricultural consultant in completing the arboricultural method statement and (subject to LV4 below) in choosing trees for retention or felling having regard to Highways England’s construction requirements, and subsequently monitoring tree protection measures on site, and the owner shall at times to be agreed with Highways England, fell and remove all trees agreed to be felled by him on such land currently forming part of or adjacent to the Estate.”
LV4	29/74	Replanting to mitigate loss of trees	To ensure consistency of future planting with the existing and retained woodland in woodland belts G232 and G159 on the Berry Hall Estate, add new paragraph at end “In relation to the retention, replacement and reinforcement of existing vegetation on land now forming part of

<i>Item</i>	<i>Pdf page</i>	<i>REP7-036 Topic / matter covered</i>	<i>ACM comment</i>
			Woodland Belts G232 and G159 and the field margins and fields beside them to them lying within the Estate adjacent to and outside of the Wood Lane junction south dumbbell and its approach roads, or to be retained or replaced within the roundabout, Highways England shall have due regard to and, acting reasonably, agree to the implementation of a programme of retention or replacement of existing trees to be selected and provided by the owner of the Berry Hall Estate for consistency with those currently planted in the two woodland belts referred to.”
BD1	30/74	To avoid disturbance on wintering and feeding birds	For the protection of the winter bird feeding and nectar areas on the Berry Hall Estate, add at end “ In relation to Satellite Compound 2 and the adjacent soil storage area (Wood Lane Junction) the Applicant shall consult and, both parties acting reasonably, agree with the Berry Hall Estate owner the timing of vegetation clearing works in summer following harvest, and lighting systems in accordance with this section, and will similarly consult and agree with any reasonable requirements of the Estate owner over the timing to be in summer for remediation and the timing, species and methodology for planting (and whether or not bird boxes will be required). Noise protection bunds will be constructed and CSS filed margins, woodland and hedgerows shall all be protected outside the compounds as shown on Plan [xxx] [at final page of REP7-017]
GS6	38/74	To protect agricultural land and soils	To have regard for the mole drainage systems on the Berry Hall Estate in the areas of the two compounds, add at end “In relation to Satellite compound 2 and the adjacent soil storage area (Wood Lane Junction) Highways England shall have regard to the existing mole drainage systems on both fields and in view of the likelihood of its collapse in both locations shall in the course of remediation arrange for the laying of a new system in each case, linking to existing pipes or if necessary replacement pipes to be laid at the downhill corners of each field. “Highways England shall also have regard to, monitor and replace if required water supply pipes (including cast iron pipes) crossing both compounds in locations which have been

<i>Item</i>	<i>Pdf page</i>	<i>REP7-036 Topic / matter covered</i>	<i>ACM comment</i>
			identified as closely as possible to Highways England by the Owner and which will be surveyed by Highways England and located precisely prior to commencement of work.”
NV1	39/74	Reduction of construction noise	For the protection of the cattle in the dairy buildings at the Berry Hall Estate as is proposed in Highways England’s Compound 2 layout plan (at REP7-017 last page) namely plan, there should be added at the end of the first sub-bullet (Stage 1) to the second main bullet “and the dairy buildings, all earth bunds of 2m height and located as indicated in plan HE551489-GT/-LSI-000-DR-CH-40025”
			ACM is grateful to Highways England for clarifying the noise attenuation steps position for the works adjacent to Merrywood House in the added final bullet in NV1 but would they add to the third sub-bullet “and along the western side so far as practicable” so as to contain the works.
			In the third from last bullet of NV1, Highways England state that Berry’s Lane will be used for Construction traffic. It has previously indicated that there will be no entrance to compound 2 from Berry’s Lane and that Berry’s Lane will not be used and a :back access” to the works, so once the National Grid Gas work has been completed and the north part of Berry’s Lane closed to traffic to construct the proposed new embankment over it there should be no need for further construction traffic to use it and by refraining from doing so to avoid weakening of Berry’s Bridge. Highways England is asked in that case after “as required” to add “but in the case of Berry’s Lane limited only to the sector north of Berry’s Bridge”
NV2	41/74	Reduction of operational noise	For the better noise and visual protection of the Estate the temporary 2m high earth bund shown in plan HE551489-GT/-LSI-000-DR-CH-40025 around the south western sector of the Wood Lane south dumbbell could be retained permanently and extended north to a point where it will merge with the commencement of the cutting taking the west bound on slip road from the south dumbbell. Highways England is invited to discuss the provision of such a bund and to agree to amend the Environmental

<i>Item</i>	<i>Pdf page</i>	<i>REP7-036 Topic / matter covered</i>	<i>ACM comment</i>
			Masterplan (TR010038/APP/6.8) and long sections (at REP7-017) to provide for it.
NV3	41/74	Reduction of operational noise	For the protection of Honingham Village and the Estate Highways England should (if they are not already doing so) provide a low noise road surface to the embanked mainline passing over the Wood Lane Junction for a distance of no less than 500m either side of the junction overbridge, on the southern slip roads and the south dumbbell roundabout.
RD1	42/74	Protecting the aquatic environment during construction	For clarity, ACM asks if the recently added mention of outfalls into the River Tud having in-river sediment controls, should also be applied to the proposed outfall into the ditch north of the River Tud by Berry's Bridge. In which case "and associated drainage ditches" should be inserted after "River Tud". Road Sediment is currently present in the culvert leading to the ditch. It is appreciated that the intention is for the proposed drainage not to take direct road run off but there will be sediment all the same.
RD9	45/74	To minimise operational flood risk	After the 5 th para (starting "West culvert..") It is suggested that it would be prudent to add a new para to provide for the reduction of risk of flooding at Berry's Bridge (see description of risk at REP1-045 paras 167-173) to the following intent " Water run-off from the Wood Lane Junction to the ditch north of the River Tud should make adequate provision for the water to be carried downstream of Berry's Bridge without risk of increased flooding upstream"

GHJ 25 January 2022

Appendix A

Copy of REP7-015 item 3, with numbers ascribed to each box

3 A C MEYNELL

3.1.1 A C Meynell Deadline 6 Submission, comments on any additional information/submissions received by D5 (**REP6-025**), is available at the link below.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-001419-submissions%20received%20by%20D5.pdf>

3.1.2 The Applicant has also reviewed A.C. Meynell's response to Issue Specific Hearing 2 Written Summary on heritage (**REP6-033**), available in the below link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-001421-DL6%20-%20A%20C%20Meynell%20-%20Other-%20Response%20to%20ISH2%20Written%20Summary%20on%20heritage.pdf>

3.1.3 The Applicant's responses are provided in the following table.

3.1.4 A C Meynell also submitted information on Estate water supply, drainage and woodland management supplied to Applicant after Accompanied Site Inspection (**REP6-034**), which is available at the following link. The Applicant has no further comments on this.

3.1.5 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-001423-DL6%20-%20A%20C%20Meynell%20-%20Information%20on%20Estate%20water%20supply,%20drainage%20and%20woodland%20management%20supplied%20o%20Applicant%20after%20ASI.pdf>

Comment	Applicant Response
<p>A C Meynell (ACM) states there are fundamental flaws in the ES in its consideration of the status of and the effects of the proposed Scheme on the [REDACTED] including:</p> <ul style="list-style-type: none"> limited research to develop an understanding of the Estate; <p>1.</p>	<p>ES Chapter 5 Cultural Heritage (APP-045), including scope of the baseline and assessment, are agreed with the relevant authorities, as reflected in the below Examination submissions:</p> <ul style="list-style-type: none"> Breckland Local Impact Report (REP 2-017) Norfolk County Council Local Impact Report (REP2-022) Statement of Common Ground with South Norfolk Council (REP4-006) Statement of Common Ground with Breckland (REP4-004) Statement of Common Ground with Broadland District Council (REP4-005) Statement of Common Ground with Historic England (REP1-009) Historic England Response to Examining Authority's Written Questions (ExQ1) (REP2-021) Historic England Written Representation and Position Statement (REP1-030)
<ul style="list-style-type: none"> lack of appreciation or acknowledgement of the designated heritage status; <p>2.</p>	<p>The effects on [REDACTED] and its designated listed buildings were considered in ES Chapter 6 Cultural Heritage, Rev.1 (REP3-012).</p> <p>There is no additional designated heritage status under the Inheritance Tax Act 1984 as confirmed by Historic England at Deadline 6 in their Responses to the ExA's further Written Questions (REP6-022):</p> <p><i>Historic England were not consulted by Her Majesty's Revenue and Customs during the designation of this Inheritance Tax Act (ITA) claim, had no engagement with the development of the management plan and have no on-going role in the review of the landowner's implementation of the Undertakings under the scheme. These duties have all been carried out by Natural England and as the designation relates to the importance of the landscape, not the listed buildings on the estate. This is reflected in the Undertakings which concern maintenance of the land, not the buildings. The proposed scheme within the draft Development Consent Order would affect some of the land within the ITA area, but we would defer to Natural England on this matter. As regards the grade II listed buildings on the estate we consider it appropriate that the impact on their historic significance by development in their setting should be assessed by the Applicant in the Environmental Statement and, as with other grade II listed buildings in the scheme, we would defer to the Local Planning Authority to advise the Examining Authority on that assessment.</i></p>
<ul style="list-style-type: none"> lack of appreciation of the quality of the small and relatively intact glebe estate; <p>3.</p>	<p>The estate is no longer a glebe estate, as this refers to the function as an income for the church and the former vicars/parsons – this is no longer current. The coherence of the estate has been addressed in ISH2 and REP4-015, Annex C.</p> <p>To clarify the point, the intactness of the former glebe field layout cannot be truly established since the layout of the land granted to the original parson in 1755 is unknown as, if any plans were made, none are known to survive. However, the 1755 reference in REP1-048 states that the grant of land was just over 64.5 acres in 8 parcels of land. The size of an acre was not yet formalised nationally in 1755. The change is not significant enough in most places that a rough comparison is still useful in comparing the size of the grant to modern measurements¹. Taking a "parcel" as being delineated by field boundaries, roads, watercourses etc, and discounting the House, farm buildings and garden with crinkle crinkle wall, the size of the glebe estate at the time of the tithe was roughly 128 acres in at least 31 parcels (7 of which are not attached to the main estate, being spread around the parish). From the plans provided by HMRC² the current estate west of Berrys Lane is roughly 93 acres in at least 18 parcels. Further, the layout of the buildings can be seen to change on the historic mapping from 1826 to 1883, and land use has also changed since the 1838 tithe apportionment, which notes a more uniform arable usage with less woodland/plantation than the current situation.</p> <p>¹Mingay, G. E. (1962). The Size of Farms in the Eighteenth Century. <i>The Economic History Review</i>, 14(3), 469–488. https://doi.org/10.2307/2591888</p> <p>²Turner, M. (1982). Agricultural Productivity in England in the Eighteenth Century: Evidence from Crop Yields. The</p>

Comment	Applicant Response
	<p>Economic History Review, 35(4), 489–510. https://doi.org/10.2307/2595404</p> <p>² http://www.visitukheritage.gov.uk/servlet/com.eds.ir.cto.servlet.CtoLandDetailServlet?ID=584</p>
<p>4.</p> <ul style="list-style-type: none"> lack of cultural heritage understanding and research that links [redacted] to the parish churches at East Tuddenham and Honingham; 	<p>At the time of drafting the ES, the lack of certainty was incorporated into the assessment, not by disregarding the possible associations, but by assuming either or both associations may be present. These relationships are not affected and so the information is not relevant.</p> <p>ES Chapter 6 Cultural Heritage (APP-045) has been reviewed and accepted by all relevant planning authorities that cover the [redacted], including Breckland Council and Broadland Council, as reflected in the below Examination submissions:</p> <ul style="list-style-type: none"> Breckland Council Local Impact Report (REP 2-017) Statement of Common Ground with Breckland Council (REP4-004) Statement of Common Ground with Broadland District Council (REP4-005) Statement of Common Ground with Norfolk County Council (REP4-003) Statement of Common Ground with South Norfolk Council (REP4-006) Statement of Common Ground with Historic England (REP1-009) <p>As noted in their Deadline 6 submission 'Responses to the ExA's further Written Questions' (REP6-022), Historic England defer to the Local Planning Authority to advise the ExA on the assessment of effects by the Scheme on Grade II listed buildings, such as on the [redacted].</p>
<p>5.</p> <ul style="list-style-type: none"> a failure to assess the landscape qualities of the Estate or the effect of the Wood Lane junction upon its landscape or upon it visually whether by day or night, or in winter and summer, or upon its commercial receptors; 	<p>The effects of [redacted] as a visual and landscape receptor were considered and impacts assessed in ES Chapter 7 Landscape and Visual Effects (APP-046), taking account of effects at day and night, and in winter and summer. Night-time effects are assessed within Sections 7.10.47 to 7.10.49 ES of ES Chapter 7, covering both the effects of the Scheme's lighting and vehicle headlights.</p> <p>ES Chapter 7 has also been reviewed and accepted by all relevant authorities that cover the [redacted], including Breckland Council and Broadland Council, as reflected in the below Examination submissions:</p> <ul style="list-style-type: none"> Breckland Council Local Impact Report (REP 2-017) Statement of Common Ground with Breckland Council (REP4-004) Statement of Common Ground with Norfolk County Council (REP4-003) Statement of Common Ground with Broadland District Council (REP4-005) Statement of Common Ground with South Norfolk Council (REP4-006) <p>In addition, 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, this would not affect the conclusions within the route options studies and in ES Chapter 7.</p> <p>The effects on commercial receptors are considered and impacts assessed in ES Chapter 12 Population and Human Health (APP-051). Section 4 of the document '9.25 Additional Environmental Information' (REP6-019), submitted at Deadline 6, also confirms the approach and methodology to assess impacts on population and human health was in accordance with the most up to date standard in the Design Manual for Roads and Bridges (DMRB), LA 112 Population and human health (Revision 1). The approach to collectively account for residential areas and businesses was undertaken primarily based on locality and access with particular focus on access which may be impacted by the Scheme. Therefore, whilst not every business or residential property was listed, the larger businesses and residential areas which were listed for information purposes were assumed to represent the smaller businesses and other residential properties located in the vicinity.</p> <p>Section 4 also presents information regarding countryside stewardship status which was erroneously omitted from ES Chapter 12 (APP-051) at the time of issue. However, as the mid-tier agreement was only valid until December 2021, any new Countryside Stewardship application would have to account for the Scheme, so there would be no change to the impact or the conclusions of the assessment as originally presented. The Applicant understood from the representations made at the hearing that the Countryside Stewardship Scheme had been extended, but at present has no further information on that extension.</p>
<p>6.</p> <ul style="list-style-type: none"> a failure to consider the combined historic and landscape qualities of the Estate and that in its case the sum of the whole is greater than the parts, by not comprehending or appreciating the Estate as an historic glebe estate of uncommon interest and by not recognising the heritage status and inherent value of the whole despite this being acknowledged by HM Treasury on behalf of the Government. 	<p>The estate is no longer a glebe estate, nor is it particularly well preserved or legible in the landscape, and there is no designated heritage status under the Inheritance Tax Act 1984, as confirmed by Historic England at Deadline 6 in their Responses to the ExA's further Written Questions (REP6-022).</p>
<p>7.</p> <p>d) Failure to appreciate the Estate's qualities as an entity in itself</p> <p>2.7. Had a reasonable level of historic research and interpretation been carried out for the ES the consultant would have recognised that is, at least on the western side of Berrys Lane, a small glebe estate which remains largely intact. This</p>	<p>The Secretary of State's statutory criteria in the Principles for Selection of Listed Buildings (DCMS 2018) states:</p> <p><i>"Historic Interest:</i></p> <p><i>To be able to justify special historic interest a building must illustrate important aspects of the nation's history and / or have closely substantiated historical</i></p>

Comment	Applicant Response
<p>essentially underpins the Natural England assessments of and the Government's designation of the estate as outstanding in a national context. While more research would have to be done to confirm this proposition, I believe that it is at least uncommon, if not rare, for a glebe estate that is known to have existed in the 18th century and the bounds of which can be well established in the 19th century to remain intact. Today, is a further point of interest, Mr Meynell is himself distantly related to Rev du Quesne through Rev du Quesne's mother Elizabeth (the daughter of Sir Roger Bradshaigh of Haigh Hall, Wigan) whose portrait he has hanging at Berry Hall and this has cultural heritage value which should have been picked up.</p>	<p><i>associations with nationally important individuals, groups or events; and the building itself in its current form will afford a strong connection with the valued aspect of history.</i>"</p> <p>Guidance is given on what constitutes a "nationally important individual" in Historic England's Listing Selection Guide for commemorative structures (Historic England 2017):</p> <p><i>"inclusion in the Oxford Dictionary of National Biography is a good rule of thumb".</i></p> <p>Parson Woodforde is included, the Rev du Quesne is not. Further guidance on historical association is given in Historic England's selection criteria for domestic and country houses (Historic England 2017):</p> <p><i>"Well-documented historic associations of national importance may increase the case for listing but normally a building should be of some architectural merit in itself or it should be preserved in a form that directly illustrates and confirms its historic associations. In designating the residences of famous persons, a view needs to be reached which balances their historical significance with the interest of the house: degree of survival, and the legibility of the connection between occupant and house, will mainly determine List-worthiness and grading. Sometimes architectural modesty can reveal considerable historical interest (for instance, as in the case of the Chartist settlements of the 1840s). Cases must be judged on individual merits."</i></p> <p>The form of the structure is not securely attached to the dates and descriptions (or lack thereof) of those people noted above. Rev. du Quesne is not an historic figure of significant cultural importance. The diary of Parson Woodforde, which mentions Rev. du Quesne, is of value precisely because the people and places in it are unremarkable. It is a record of ordinary life at a point in time when ordinary people were not usually documented.</p> <p>While it could be argued that Parson Woodforde is of importance, the assessment of the applicant is that he is not, as an individual, culturally influential on a national level, despite being of interest and use via his diary.</p> <p>There could therefore potentially be value in the association if the current environment was relatively unchanged from details noted in the diary and could therefore be experienced and appreciated as an illustrative example of typical late 18th century life. However, no details of the house, gardens or landscape of the estate are given in the diary and the estate has certainly changed as noted above. The nature of the association of Berry Hall with Parson Woodforde is neither strong (as he was not the occupant) nor preserved in a form which directly illustrates and confirms that association.</p> <p>The last sentence of paragraph 2.7 is not a professional heritage assessment concern and should not assist the ExA. The relationship of the current owner to a former one is entirely irrelevant in a heritage assessment. During Issue Specific Hearing 3 (ISH3), the lineage of the Rev. du Quesne and the family relationship with Mr Meynell was raised by Mr Meynell's representatives in discussion of value (again, not directly stated to be of cultural heritage value). That which makes a person of historical significance sufficient to be recognised in development control is their influence over culture. In short, it is what you do, not who you are.</p> <p>While this may understandably be a matter of paramount importance to Mr Meynell personally, the lineage of living individuals is not something that can or should impart cultural heritage value in a legal setting. This sentiment expressed in the comment should be rejected by the ExA and the Secretary of State. Failure to do so may result in a precedent being set that one living person's worth is greater than another's through accident of birth.</p>
<p>ACM claims a reasonable alternative scheme design with a number of different options for it, remains fully capable of avoiding adverse impact on the cultural heritage interests and preserving the integrity of the [REDACTED] these or any other options to adjust the location of the junction and its associated roads and structures to reduce the effects on the Estate, have not so far been adopted.</p> <p>8.</p>	<p>The Applicant has undertaken an assessment of the alternative Wood Lane junction options, as reported in the updated '9.15 - Alternative Wood Lane Junction Options Appraisal' (REP6-015) issued at Deadline 6.</p> <p>The analysis demonstrates that each of the alternative options proposed has significant deficiencies across a range of key criteria where assessments were possible. It follows that the current Scheme design remains the preferred Wood Lane junction design option with regards location and layout to be taken forward as the most appropriate solution in the location.</p> <p>This conclusion is supported by Norfolk County Council in their Deadline 6 Submission 'Comments on any additional information/submissions received by D5' which also states "...the County Council can confirm that it supports the Applicant's proposal for this junction."</p> <p>The provision of Wood Lane junction has also been supported by the relevant district councils since statutory consultation, as reflected in the below Examination submissions at Deadline 4:</p> <ul style="list-style-type: none"> • Statement of Common Ground with Breckland Council (REP4-004) • Statement of Common Ground with Broadland District Council (REP4-005) • Statement of Common Ground with South Norfolk Council (REP4-006)
<p>Regarding Applicant's Response at Deadline 5 - REP5-016, size of Wood Lane junction: REP4-016 Appendix A does not "provide evidence" to justify</p> <p>9.</p>	<p>The ExA is directed to Appendix B of the Applicant's Response to the Examining Authority's Third Written Questions (REP6-018) issued at Deadline 6. This note explains why the Applicant has made an application for a DCO which caters for the</p>

Comment	Applicant Response
<p>the same size of junction in a no NWL situation. The Applicant merely makes a statement (see REP4-016 App A at page 8) "[it] has reviewed the anticipated traffic levels and types of vehicles ... and has concluded that ... the minimum Inscribed circle diameter required would be similar to that required in the NWL scenario. Therefore the footprint of the two scenarios would be similar...". There is no evidence provided to demonstrate how the factors considered produced the conclusion which was reached.</p>	<p>Norwich Western Link scheme and why the Applicant considers that the landtake for the Scheme would remain materially the same in a hypothetical no Norwich Western Link (NWL) scenario.</p>
<p>10</p> <p><i>Regarding Applicant's Response at Deadline 5 - REP5-016, Applicant's Appraisal of Alternatives (AS-022) and REP4-016 size of Wood Lane junction.</i></p> <p>The original Appraisal was responded to on behalf of ACM at REP4-023 Appendix A (Technical Note by Mr Joe Ellis). The updated version of the Appraisal was not submitted by the Applicant at Deadline 5 and will be responded to by ACM when received.</p> <p>REP4-016 did not provide evidence, only an unsupported statement.</p> <p>ACM has asked the Applicant to provide cross sections of the Wood Lane junction in order to be able to understand more clearly the effect its south side as proposed on the BHE and Honingham village and these should be provided also to Honingham PC.</p>	<p>The Applicant has undertaken an assessment of the alternative Wood Lane junction options, as reported in the updated '9.15 - Alternative Wood Lane Junction Options Appraisal' (REP6-015) issued at Deadline 6.</p> <p>The Wood Lane junction long sections, showing how the Scheme landscaping will screen the [redacted] are provided in Appendix A of the Applicant's Response to Examining Authority's Third Written Questions (REP6-018) issued at Deadline 6. These have also been issued directly to Mr Meynell. Updated cross sections have also been issued as Appendix A to the Applicant's Written Summary of Oral Submissions at ISH3 (TR010038/EXAM/9.29) submitted at Deadline 7.</p>

4 BRYAN ROBINSON

- 4.1.1 Bryan Robinson's Responses to the ExA's further Written Questions (**REP6-026**) are available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-001384-DL6%20-%20Bryan%20Robinson%20-%20Responses%20to%20the%20ExA%E2%80%99s%20further%20Written%20Questions.pdf>
- 4.1.2 On the matter raised, covering the colony of barbestelle bats, traffic movements along Taverham Road and the Scheme's consideration of the NWL in the design and traffic modelling, the Applicant has nothing more to add to the responses provide to the ExA to date.

5 CLIMATE EMERGENCY POLICY AND PLANNING'S (CEPP)

- 5.1.1 Climate Emergency Policy and Planning's (CEPP) Responses to the ExA's further Written Questions - ExQ3/4.3.1, REP4-016, REP4-015, EV-024a (**REP6-020**), are available at:
- 5.1.2 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010038/TR010038-001392-DL6%20-%20Climate%20Emergency%20Policy%20and%20Planning%20--%20explanation%20of%20non-compliance%20with%20EIA%20Regs.pdf>
- 5.1.3 The Applicant's response to Section 2 of their comments is presented in the below table.

Comment	Applicant Response
<p>17 At REP4-015, page 28, point 5 on "the High Court Judgment in the case of R (on the application of Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin)", the Applicant states:</p> <p><i>"... it was an application for judicial review into the road investment strategy (RIS) decision of the Secretary of State's on the 11th March 2020, pursuant to section 31 of the Infrastructure Act 2014."</i> [1]</p> <p>18 These 3 statements are erroneous and misleading.</p> <p>19 First, on 21 July 2020 Lieven granted the claimant permission to apply for judicial review. This is evidenced in the Holgate J judgement of 26th July 2021 at bullet 16. In my written representation on the Blofield (A47BNB scheme), dated 20th July 2021, I referred to the case which Holgate J had already heard, and I also referred to expert witness evidence before the Court from Professor Phil Goodwin (on the types of carbon emissions that should be assessed for road schemes). I was referring to the full case which had already been heard in the Court and, following the Hearing, was determined, 6 days later, on 26th July 2021. I have never referred to the original application for judicial review of 11th March 2020 in any representations on the A47 schemes.</p> <p>20 Later, after the July 26th 2021 judgement, in my deadline D4 submission on A47BNB, dated Sept 9th 2021, I referred to the fact that Transport Action Network had sought permission to appeal the ruling – a ruling which was on the full judicial review (not an application for one).</p> <p>21 Therefore statement 1 is false in saying that I was referring to the</p>	<p>The Applicant is grateful to Dr Boswell for withdrawing his purported complaint by way of a letter dated 9 January 2022 (AS-039) accepted by the ExA into the Examination.</p> <p>Given the retraction of the purported complaint, the Applicant does not propose to provide any further response here, but notes that the Applicant responded to the purported complaint orally at issue specific hearing 3, and the Applicant comments are captured in the Applicant's written summary of those hearings (TR010038/EXAM/9.29).</p>