

# A47 North Tuddenham to Easton Dualling

**Scheme Number: TR010038**

**Volume 9**

## **9.34 Applicant's Statement of Final Position**

The Infrastructure Planning (Examination Procedure) Rules 2010  
Rule 8(1)

Planning Act 2008

February 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

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

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**Applicant's Statement of Final Position**

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## 1. INTRODUCTION

- 1.1.1. This Statement of Final Position in respect of matters examined has been produced by the Applicant, Highways England, to provide the Examining Authority (ExA) with a single document outlining the Applicant's position on the Principal Issues addressed in, and other matters which arose during, this Examination.
- 1.1.2. It has been suggested by other interested parties that a disproportionate amount of Examination time has been spent on a single objector. That is perhaps inevitable as Mr Meynell is the only party seeking to maintain an in principle objection to the Scheme.
- 1.1.3. Although there is a focus on Mr Meynell's case for these reasons, the Applicant is concerned to demonstrate that it has fully addressed all matters raised by the other interested parties to the Examination. The Applicant's Statement of Final Position in respect of those matters is at Chapter 2 of this document. In particular, the Applicant addresses the position in respect of:
- The Food Enterprise Zone
  - Taverham Road
  - The Norwich Western Link.
- 1.1.4. As to Mr Meynell, a Statement of Common Ground (SoCG) has been agreed but not signed. The Applicant and Mr Meynell have agreed to make final submissions to the Examination in respect of the issues identified in the SoCG as not agreed. The issues raised by Mr Meynell are addressed in Section 6 below.
- 1.1.5. Although Section 6 responds to Mr Meynell's specific concerns, the Applicant notes generally:
- A few of Mr Meynell's issues are relevant to other interested parties;
  - Although the impact of the Scheme on [REDACTED] is particularly significant to Mr Meynell, it is not as significant in the wider context of the Scheme; and
  - The balance is between Mr Meynell's private benefits and the significant public benefits of the Scheme.
  - Indeed, Mr Meynell appears to agree that there is a need for the Scheme – but his objection appears to amount simply to the unattractive assertion that the Scheme should be on someone else's land. Mr Meynell's relevant representation made plain (**RR-075**) that "*Although [Mr Meynell] is supportive of the principle of the DCO, and the aims it seeks to achieve, he objects to the application in its current form*".
- 1.1.6. The point on significance is important where in the Examination there has been (quite properly) no real challenge to the need for the Scheme, other than an implicit challenge incorporated into the attacks on all road schemes; nor has there been any evidence in the Examination which has disturbed the Case for the Scheme (**APP-140**).

## 2. PRINCIPAL ISSUES

- 2.1.1 The Applicant summarises briefly its position in relation to each of the Principal Issues as identified in the ExA's Rule 6 letter (**PD-005**) and confirmed in the Rule 8 letter (**PD-006**).
- 2.1.2 In respect of many of the common issues which were raised by several Interested Parties, the Applicant continues to rely on the Common Responses A – I, which it set out in the Applicant's Response to the Relevant Representations (**REP-013**).

*Table 2-1 – Applicant's summary in respect of the Principal Issues*

Principal Issue	Applicant's Concluding Comments
Air Quality and Emissions	<p>Air quality issues were not raised in the Issue Specific Hearings (ISH) on Environmental Matters. Written responses to the written questions on this topic are in <b>REP2-014</b> and <b>REP6-018</b>. <b>REP3-023</b> contains the Applicant's comments on responses by the statutory authorities to the first written questions.</p> <p>With regards queries raised by the District Councils regarding the assessment and monitoring of PM2.5, agreement on the Applicant's response is shown in the Statements of Common Ground with Breckland Council (<b>REP4-004</b>), Broadland District Council (<b>REP7-011</b>) and South Norfolk Council (<b>REP7-013</b>).</p>
Biodiversity, Ecology and the Natural Environment	<p>The Applicant's responses to written questions on these topics are in <b>REP2-014</b>, <b>AS-021</b> and <b>REP6-018</b>. <b>REP3-023</b> contains the Applicant's comments on responses by the statutory authorities to the first written questions.</p> <p>Oral and written responses were provided to questions raised in ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>). Annex B of <b>REP4-015</b> provides the Applicant's detailed response to the issue of Biodiversity Net Gain (BNG).</p> <p>The Scheme's cumulative impacts on bats with the Norwich Western Link and off-shore windfarm cable routes are considered in Revision 1 of ES Chapter 15 Cumulative Effects Assessment (<b>REP6-030</b>).</p> <p>The main cause of the residual 'large adverse' impact of the Scheme on bats is due to the uncertainty around use of hop-overs in bat mitigation at the existing crossing points. Alternative mitigation measures were carefully considered, as discussed in response to Q3.0.13 within <b>REP2-014</b>.</p> <p>The Applicant's response to Q3.0.16, on Pages 14 to 16 of <b>REP2-014</b>, also explains why the barbastelle colony should not be assessed as a Special Area of Conservation under The Conservation of Habitats and Species Regulations 2017.</p> <p>This view has been supported by the ExA in paragraph 2.1.7 of the "Report on the Implications for European Sites (RIES) (<b>PD-014</b>).</p> <p>During the Examination, the Applicant also submitted the following additional information:</p> <ul style="list-style-type: none"> <li>• Updated 6.9 Report to Inform Habitats Regulations Assessment (<b>REP6-008</b>) to reflect edits requested by the ExA.</li> </ul>

Principal Issue	Applicant's Concluding Comments
	<ul style="list-style-type: none"> <li>• 9.25 Additional Environmental Information (<b>REP6-019</b>) which presented:               <ul style="list-style-type: none"> <li>- Chapter 2: assessment of the Scheme's effects and mitigation for new County Wildlife Sites designated after the DCO application; and</li> <li>- Chapter 3: review of cumulative risks to a bat colony, including their core sustenance zone, at the Roar!!! Dinosaur Adventure Park, in Moreton-on-the-Hill.</li> </ul> </li> </ul>
Climate Change	<p>The Applicant's responses to written questions on this topic are in <b>REP2-014</b> and <b>REP6-018</b>, and also in <b>REP3-023</b> in response to statutory authorities answers to the first written questions. Oral and written responses were provided to questions raised in ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p> <p>Detailed responses to comments by Dr Boswell, of Climate Emergency Policy and Planning (CEPP), on the Scheme's climate assessment, especially regarding cumulative carbon emissions, were provided in <b>REP3-022</b> (Section 7); <b>REP4-011</b> (Section 15); <b>REP7-015</b> (Section 5); and <b>REP8-013</b> (Section 7).</p> <p>During the Examination the Applicant submitted an update to ES Chapter 14 Climate (<b>REP3-014</b>).</p> <p>At Deadline 10, the Applicant will provide a response to the ExA's Rule 17 (<b>PD-019</b>) request for more information in relation to the climate assessment.</p>
Compulsory Acquisition and/or Temporary Possession	<p>Responses to written questions are in <b>REP2-014</b> and <b>REP6-018</b>. Again, <b>REP3-023</b> comments on the statutory authorities' responses to the first Written Questions.</p> <p>Oral and written responses were provided to questions raised during Compulsory Acquisition Hearings (CAH), CAH1, CAH2 and CAH3 (<b>REP4-013</b>, <b>REP4-016</b> and <b>REP7-016</b>).</p> <p>Required changes to the compulsory acquisition powers during the Examination on land parcels 7/7a, 7/8a, 9/1a and 14/6a were reported in updated Land Plans (<b>REP1-002</b> and <b>REP5-002</b>).</p> <p>Updates were also made to the dDCO, Book of Reference and Statement of Reasons; see document '9.1 Guide to the Application, Rev.9' (<b>REP8-002</b>).</p>
Draft DCO	<p>Responses to written questions on the dDCO, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during CAH1, CAH2 and CAH3, plus ISH1 and ISH3 (<b>REP4-013</b>, <b>REP4-014</b>, <b>REP4-016</b>, <b>REP7-016</b> and <b>REP7-017</b>).</p> <p>Document '9.26 Non-Material DCO Changes Request' (<b>AS-038</b>) was accepted by the ExA under Rule 9 (<b>PD-015</b>) following the Applicant's submission of document '9.32 Non-Material DCO Changes Consultation Feedback' (<b>AS-040</b>).</p> <p>Updates were made to the dDCO, Explanatory Memorandum and Consents and Agreements Position Statement; see document '9.1 Guide to the Application, Rev.9' (<b>REP8-002</b>).</p>
Geology and Soils	<p>Responses to written questions are in <b>REP2-014</b> and <b>REP6-018</b>.</p>

Principal Issue	Applicant's Concluding Comments
	<p>The Applicant's position on agricultural land is set out therein. Further oral and written responses were provided at ISH3 (<b>REP7-017</b>), supported by an updated Environmental Statement (ES) Chapter 9 Geology and Soils (<b>REP7-006</b>).</p>
<p>Historic Environment</p>	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p> <p>During the Examination, the Applicant submitted an updated ES Chapter 6 'Cultural Heritage' (<b>REP3-012</b>) in response to a reduction in permanent construction impacts on Church Farm House and Barn Grade II Listed Buildings and Honingham Park non-designated asset.</p> <p>Agreements on concerns raised by the local authorities on this topic are shown in the Statements of Common Ground with Historic England (<b>REP1-009</b>), Norfolk County Council (<b>REP4-003</b>), Breckland Council (<b>REP4-004</b>), Broadland District Council (<b>REP7-011</b>) and South Norfolk Council (<b>REP7-013</b>).</p> <p>Further closing statements on the heritage effects and assessment related to [REDACTED] are provided in the Section 6.</p>
<p>Landscape and Visual Effects</p>	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p> <p>During the Examination, the Applicant submitted the following additional information in support of responses to written questions and comments by third parties:</p> <ul style="list-style-type: none"> <li>• Cross sections of views from [REDACTED] (Appendix A of <b>REP6-018</b>, updated in Appendix A of <b>REP7-017</b>).</li> <li>• Cross sections of views from Taverham Road (<b>REP5-016</b>, updated in <b>REP8-013</b>).</li> <li>• Indicative layout sketch for Compound 2 in Appendix B of <b>REP7-017</b> demonstrating the approach outlined within section 11 of the Scheme Design Report (<b>AS-008</b>).</li> <li>• Updated Environmental Statement Appendix 7.6 - Arboricultural Impact Assessment (<b>REP7008</b>), with associated update to 2.12 Hedgerow Plans (<b>REP8-006</b>).</li> </ul> <p>Agreements on concerns raised by the local authorities on this topic are shown in Statements of Common Ground with Norfolk County Council (<b>REP4-003</b>), Breckland Council (<b>REP4-004</b>), Broadland District Council (<b>REP7-011</b>) and South Norfolk Council (<b>REP7-013</b>).</p> <p>Further closing statements on landscape and visual effects related to [REDACTED] are provided in the Section 6.</p>
<p>Material Assets and Waste</p>	<p>Responses to written questions are in <b>REP2-014</b> and <b>REP6-018</b>.</p>

Principal Issue	Applicant's Concluding Comments
Noise and Vibration	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>.</p> <p>Oral and written responses were provided during ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p>
Population and Human Health	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p> <p>During the Examination, the Applicant submitted document '9.25 Additional Environmental Information' (<b>REP6-019</b>) which contained Chapter 4 that presented: a statement on the approach and methodology undertaken in the assessment of population and human health; and information regarding Countryside Stewardship Status (CSS) which was erroneously omitted from ES Chapter 12 (<b>APP-051</b>) at the time of issue.</p> <p>Further closing statements on assessment of business and agricultural effects in relation to [REDACTED] are provided in the Section 6.</p>
Scope of Development and Environmental Impact Assessment	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during ISH1, ISH2 and ISH3 and CAH1, CAH2, and CAH3 (<b>REP4-013</b>, <b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b>, <b>REP7-016</b> and <b>REP7-017</b>).</p> <p>During the Examination, the Applicant submitted an update to Chapter 15 Cumulative Effects Assessment (<b>REP6-030</b>), in addition to updated ES Chapters listed elsewhere in this table.</p>
Transportation and Traffic (incl. effects on side road network)	<p>Responses to written questions, and statutory authority comments, are in <b>REP2-014</b>, <b>REP6-018</b>, and <b>REP3-023</b>. Oral and written responses were provided during ISH1, ISH2 and ISH3 (<b>REP4-014</b>, <b>REP4-015</b>, <b>REP4-016</b> and <b>REP7-017</b>).</p> <p>In addition, the Applicant submitted responses to alternative transport design proposals:</p> <ul style="list-style-type: none"> <li>• Alternative Wood Lane Junction Options Appraisal, Rev.1, (<b>REP6-015</b>).</li> <li>• <b>REP6-017</b> (Section 5) response to comments on the above report.</li> <li>• <b>REP3-025</b> (Section 4) response to Weston Longville Parish Council's alternative Wood Lane Junction design.</li> <li>• <b>REP5-016</b> (pages 7, 8, 22 and 23) response to proposed alternatives to Norwich Road Junction connection to Taverham Road.</li> </ul> <p>Further closing statements on transport and traffic matters related to Norwich Western Link, Honingham Lane and Taverham Road are provided in the Section 4 of this report.</p> <p>With regards the handover of new and de-trunking of existing assets, Highways England and NCC are in discussion to sign an agreement.</p> <p>A draft agreement has been developed for how the construction and handover of the Norwich Western Link spur will be managed between the two parties.</p>



Principal Issue	Applicant's Concluding Comments
	Discussions are on-going to finalise the agreement(s) after the Examination period.
Water Environment	<p>Responses to written questions in <b>REP2-014</b> and <b>REP6-018</b>. Oral and written responses were provided during ISH3 (<b>REP7-017</b>).</p> <p>During the Examination, the Applicant submitted additional information in response to queries raised by Norfolk County Council (as the Lead Local Flood Authority (LLFA)) and the Environment Agency - see <b>REP3-026</b>, <b>REP3-027</b> and Section 5 of <b>REP6-019</b>.</p> <p>Agreement on all issues raised by the LLFA and Environment Agency is recorded in updated Statements of Common Ground with Norfolk County Council (<b>REP4-003</b>) and Environment Agency (<b>REP4-002</b>) submitted at Deadline 9.</p> <p>Norfolk Rivers Internal Drainage Board submitted a request at Deadline 7 (<b>REP7-020</b>), which the Applicant positively responded to in Section 3 of <b>REP8-013</b>.</p>

### 3. ISSUES IN RELATION TO THE FOOD ENTERPRISE ZONE

- 3.1.1. The Applicant continues to rely on the responses to Brown & Co on behalf of the Food Enterprise Park (FEP) under responses RR-067.1 to RR-067.5 in the Applicant's Response to the Relevant Representations (**REP1-013**).
- 3.1.2. The Applicant's position is that:
- The Greater Norwich Food Enterprise Zone Local Development Order (LDO) made by Broadland District Council (BDC) on 31 October 2017 required a vehicular access route to the FEP to be approved prior to commencement of development pursuant to condition 2.20 of the LDO as well as the closure of Blind Lane. The route via Church Lane was approved by BDC on 21 December 2018 and has therefore been the intended route since that date. As such, there is no requirement for the Scheme to provide an access over and above what has been approved to-date by BDC.
  - The Applicant will continue to work with the promoters of the FEP and other interested parties, including the local planning and highways authorities, to explore opportunities to work with the FEP's contractor to construct the access alongside the construction A47 North Tuddenham to Easton scheme, to secure cost efficiencies and minimise disruption, provided that agreement can be reached between the parties in respect of all relevant matters, and all necessary permissions are secured.
- 3.1.3. The relevant Councils accept the Applicant's position:
- Norfolk County Council (NCC): Row 53 in the Statement of Common Ground - Norfolk County Council, Rev.0 (**REP4-003**) states NCC's position with regards the FEP. In particular, the County Council notes: "*The council accepts that responsibility for connection to the FEP including securing the necessary statutory approvals and funding rests with the promoters of the FEP.*"
  - Broadland District Council: Row 2 in the Statement of Common Ground – Broadland District Council (**REP7-013**) states BDC's position with regards to the FEP. BDC notes: "*Though BDC don't 'support' the FEP access not being included in the Applicant's scheme, BDC accepts the Applicant's position and rationale, so now want to ensure that all parties work together to try and get the FEP access delivered to ensure cost efficiencies and minimise disruption as far as possible.*"
- 3.1.4. At Deadline 8, Brown & Co, on behalf of FEP and Honingham Thorpe (HTF), submitted 'Comments on any additional information/submissions received by D7' (**REP8-022**), which stated the following with regards Blind Lane access between the Food Enterprise Zone (FEZ) and A47 Norwich Road Junction:
- "*The respondent would like it noted that recent communication with the applicant and their responsiveness to the respondents proposals has been very positive and constructive and, whilst differences remain, there is an appreciation and respect for efforts that are being made to find a satisfactory compromise*".

## 4. ISSUES IN RELATION TO THE TAVERHAM ROAD

- 4.1.1. Responses RR-006.5 and RR-050.5 in the 'Applicant's Responses to the Relevant Representations' (**REP1-013**) address the need for, and location of, the proposed Norwich Road roundabout.
- 4.1.2. The Applicant is required to consider developments with approved planning consent or identified as 'Near Certain' in accordance with the Department of Transport's Transport Appraisal Guidance (DfT TAG). This is explained in Section 4.3.21 Local Developments and Section 4.4 Major Highway Schemes, of the Case for the Scheme (**APP-140**).
- 4.1.3. NCC held route option consultations on four selected Norwich Western Link (NWL) routes in late 2018/early 2019 with the Preferred Route Announcement made in July 2019.
- 4.1.4. The Scheme Assessment Report (SAR) summarises the scheme development works undertaken during Stages 1 & 2 (December 2015 to November 2017) of the route options assessment. The Preferred Route Decision (PRD) making is summarised in Section 2 of the Case for the Scheme (**APP-140**). Appendix N of the SAR outlines the four shortlisted Scheme options assessed, which demonstrates that two junctions were considered as required by the A47 Scheme as a standalone scheme prior to the NWL Scheme being considered:
- Junction 1 - On the axis of Berrys Lane and Wood Lane. The Scheme is independent of the NWL and would proceed without the NWL coming forward. However, if NWL does not come forward, a junction would still be required to connect the A47 to the B1535 (Wood Lane), which is the assigned local highway authority Heavy Goods Vehicles (HGV) route and also provides access for Hockering and parishes north and south to the Strategic Road Network.
  - Junction 2 - West of Easton to replace the existing Easton at-grade roundabout, which the Scheme removes. In line with Scheme objective to provide a more free-flowing network, the existing Easton roundabout is to be removed. The location of the new Norwich Road junction at Easton was determined based on the requirement for a fully grade separated junction, whilst taking into account the existing constraints such as the Grade 1 listed St Peter's Church, existing accesses and sideroads, Orsted cable route, Food Enterprise Zone planning permission and local topography.
- 4.1.5. Response RR-006.3 in the 'Applicant's response to relevant representations' (**REP1-013**) justifies the lack of a continuing direct connection for two-way traffic between St Andrew's Church, Honingham and the village.
- 4.1.6. Section 5 of the 'Applicant's Responses to Deadline 4 Comments' (**REP5-016**) details the reasons why it is not possible to convert the proposed Honingham Church WCH underpass for vehicle access.
- 4.1.7. With regards traffic flows along Taverham Road, Appendix A to the Applicant's Written Summary of Oral Submissions at ISH2 (**REP4-015**) states that:
- "The C174 Taverham Road is a 1.6km local authority road linking the A47 to the junction north with Telegraph Hill / Weston Road / Honingham Lane. Along the route*

*there are nine signed formal passing places and an implemented order prohibiting HGV use through to Taverham; this is signed at the junction of the A47 / Taverham Road (No Access for HGVs to Taverham) and this provision is retained with the Applicant's scheme.*

*The "DN" [see below] scenario at Location 2 [Honingham Lane] shows an increase from the 2015 Base, as a result of the inclusion of the NDR and natural growth. [NOTE: the 2015 baseline for Taverham Road 600 AADT (Annual Average Daily Traffic), whilst the "Do Nothing" scenario in 2025 is 900 AADT along Taverham Road.]*

*The DS0 Scenario [see below] with the A47 and NWL schemes open demonstrates that the strategic traffic is reduced to 200 AADT [Annual Average Daily Traffic].*

*In the interim, between the opening of the proposed schemes, we are proposing the introduction of a Temporary Traffic Regulation Order (TTRO) to prohibit through traffic on Honingham Lane. This is modelled in the "DS1" scenario [see below], which contains No NWL and the Church Lane (Easton) closure, which demonstrates there is a slight increase in traffic of 400 AADT.*

*The "DS2" scenario [see below] demonstrates that if Honingham Lane were to remain open without the NWL being operational then the traffic flows would increase from the DN scenario of 900 to 2,600 AADT.*

*This scenario demonstrates the importance of the TTRO mitigation at Honingham Lane from the closure of Church Lane until the opening of the NWL.*

*Norfolk County Council have also undertaken further modelling of the scenarios and this joint approach was communicated to the Parish Councils via the Local Liaison Group (LLG) on the 23<sup>rd</sup> February 2021 based on the proposed A47 mitigation measures.*

*Modelled Scenarios:*

- DN = "Do Nothing" - Natural growth only for the proposed scheme opening year of 2025 (Includes the Norwich Distributor Road (NDR))*
- DS0 = "Do Something 0" - Natural Growth to 2025 + A47 Scheme + Norwich Western link Scheme*
- DS1 = "Do Something 1" - Natural Growth to 2025 + A47 Scheme + Honingham Lane Closed*
- DS2 = "Do Something 2" - Natural Growth to 2025 + A47 Scheme + Honingham Lane Open"*

4.1.8. The Applicant has engaged throughout the Scheme development process and has an agreed position with the local highway authority, Norfolk County Council.

## 5. ISSUES IN RELATION TO THE NORWICH WESTERN LINK

- 5.1.1. The Applicant's REP3-022.1 to REP3-022.6 in the Applicant's Response to the Relevant Representations (**REP1-013**) and Section 5 of the Applicant's Response to the Written Representations (**REP3-022**) concerning the Applicant's approach to NWL interaction and design of the junction for the Scheme remain pertinent.
- 5.1.2. As has been explained in Chapter 4 above, the Scheme is not dependent on the NWL and would still proceed without the NWL coming forward. The design of the Scheme is not disturbed by the prospect of NWL not coming forward.
- 5.1.3. Whilst the NWL in its current format is near certain, the Applicant considers that, in the remote circumstance that NWL does not come forward, it is certain that a similar scheme will nevertheless be required.
- 5.1.4. In order to formulate a Do Minimum (DM) scenario with the NWL in place, and in the absence of any layout plan, the Applicant made an assumption on what that layout would be, as is stated in section 4.4.6 of the Case for the Scheme (**APP-140**). That is entirely appropriate and sensible given the guidance and the Scheme's objectives.

With regards the design of Wood Lane Junction in the Applicant's Scheme in a 'No NWL' scenario, Appendix A of the Applicant's Response to Examining Authority's Action List from ISH1, ISH2, CAH1 and CAH2 (**REP4-016**) responds to the ExA's request to provide evidence to demonstrate the size of the Wood Lane Junction required should the Norwich Western Link not be provided.

- 5.1.5. The Applicant has also explained the justification for including provision of the NWL arm to the roundabout within the Scheme in section 4.16 of the Statement of Reasons (**APP-021**). In particular, paragraph 4.16.6 states:

*"The provision of additional capacity for future developments is permitted under, and subject to the provisions of, the DCLG guidance on associated development for DCOs (April 2013), which states at paragraph 5(iv) that a degree of overcapacity may be included as associated development for a DCO "if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project".*

- 5.1.6. The NWL is not anticipated to be a DCO project; but will be a significant and necessary element of the roads network if it comes forward and is a major infrastructure project.

## 6. ISSUES IN RELATION TO BERRY HALL ESTATE

- 6.1.1. This section summarises Highways England's position in relation to the issues not agreed between Highways England and Mr Meynell as owner of [REDACTED]. For convenience, each of the issues identified as not agreed in the SoCG submitted to the Examination at Deadline 9 is addressed in the same order as in that document

Ref No	Issue	Applicant's Position and Concluding Comments
1	Scheme Objectives	<p><u>Scheme Objectives, NN NPS and RIS</u></p> <p>The Scheme has been designed to take into account the Scheme objectives and traffic modelling as presented within the Scheme Design Report, Rev.1 (<b>AS-009</b>) and the Case for the Scheme (<b>APP-140</b>). Section 3.5 of the Case for the Scheme (<b>APP-140</b>) presents the Scheme's objectives and how the Scheme design achieves these objectives.</p> <p>The National Policy Statement for National Networks (NN NPS) Accordance Tables (<b>APP-141</b>) present the Scheme's compliance with the NN NPS. Although the Road Investment Strategy (RIS) objectives are relevant to how the Applicant has designed and will execute the Scheme, they are at most an important and relevant matter within s.104(2)(d) of the Planning Act 2008.</p> <p>Notably, Annex D of NN NPS makes clear that RIS relates to the decision on investment planning and decision-making, rather than the planning decision on schemes.</p>
2	Consultation and Scoping	<p><u>Pre-application, consultation in relation to the Wood Lane Junction, consultation in relation to closure of the direct access from the A47 to [REDACTED], consultation in relation to the temporary construction compounds</u></p> <p>The Applicant does not consider that its approach to pre-application consultation or statutory consultation was unlawful or inadequate in any respect. The ExA has received 12 adequacy of consultation representations (<b>AoC-001 to AoC-012</b>) which confirm that, in the view of each council, the Applicant has complied with its duties under sections 42, 47 and 48 of the Planning Act 2008. The Applicant agrees.</p> <p>There is an air of unreality about Mr Meynell's disagreement: Mr Meynell was consulted on the route options in 2017 (see response to RR-061.11 in <b>REP1-013</b>) and on the preferred route design, including A47 access removal, the Wood Lane junction design and a proposed DCO boundary allowing for temporary work areas extents, during Statutory Consultation (February –</p>

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		<p>April 2020). An updated design with a revised DCO boundary and additional details of compounds and storage areas was consulted upon during the Targeted Consultation (December 2020 - January 2021) and via meetings and direct correspondence with Mr Meynell.</p> <p>The Applicant understands that Mr Meynell now accepts that he was consulted in October 2017 and that there was an at grade roundabout junction design shown to him, located on the axis of Berrys Lane and Wood Lane, as confirmed in the SoCG submitted at Deadline 9. This aligns with the Applicant's response given in RR-061.11 of <b>REP1-013</b>.</p> <p>As set out in RR-061.8 of the Applicant's Responses to Relevant Representations (<b>REP1-013</b>), the Applicant has made several changes to the Scheme design to reduce the impact on [REDACTED], in response to consultation with Mr Meynell. It is an obvious point to make that consultation is an ongoing iterative process, amendments have been made to the Scheme before and throughout the Examination in response to submissions made and issues raised.</p> <p>As stated in the Applicant's Deadline 5 submission cover letter (<b>REP5-001</b>), the Applicant's Land Referencing Team did not receive a response to the Request For Information (RFI) sent to Mr Meynell as part of its diligent inquiry, which included follow up telephone calls and letters. Many of the issues which have been resolved during the Examination process are those which would have been addressed pre-application had Mr Meynell engaged with the Land Referencing Team undertaking diligent enquiries.</p> <p>That the Applicant for good and clearly explained reasons has not agreed to all of Mr Meynell's suggestions over the course of the Examination is not an indication that the Applicant has ignored matters raised with it. It is simply the case that the Applicant cannot agree to all of Mr Meynell's suggestions, no matter how subjectively reasonable they might appear to him, particularly where implementing those suggestions would have a significant consequential impact on other landowners.</p> <p>Further, as can be seen in the SoCG with Mr Meynell, there has been extensive correspondence and meetings between Mr Meynell and the Applicant. In particular, as noted in Annex B of the SoCG, the Applicant's internal note of the Honingham Parish Council meeting on 16 December 2019 is that Mr Meynell read a pre-prepared speech which asked for the Wood Lane Junction to be moved north. The Applicant considers that this demonstrates that Mr Meynell was well aware of the intentions and location of the Wood Lane Junction at that time. In any event, it now appears to be conceded by Mr Meynell that he was aware of the intention for a roundabout at Wood Lane Junction from October 2017.</p>

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		<p>As to the disagreement related to the other meetings listed in the SoCG, the Applicant understands that Mr Meynell simply makes the point that he raised his various concerns with the Applicant at each of the meetings. As the Applicant has explained, it has a duty to duly consider representations made to it, but no duty to act upon them.</p> <p><u>The Wood Lane junction in the Scoping Report and Natural England's Scoping Opinion</u></p> <p>The graphic in the Scoping Report showing the preferred route, also used in the Preferred Route Announcement leaflet<sup>1</sup>, had the junction indicated at the existing A47 junction with Sandy Lane and Church Lane, east of Hockering.</p> <p>However, the assessed route options were based on and described as having a junction at the existing A47 junction with Wood Lane and Berrys Lane. The scheme design presented at statutory consultation in 2020 also had a new A47 junction shown at Wood Lane and Berrys Lane, whilst the EIA Scoping Report showed baseline study areas based on a provisional DCO boundary that also assumed a junction in this location.</p> <p>The Scoping Opinion is a document prepared by the Planning Inspectorate on behalf of the Secretary of State. Natural England is a consultee to that Scoping Opinion, which is why the Natural England letter is listed in the Information Sources section of the Scoping Opinion. Accordingly, the Natural England letter is not the scoping opinion for the purposes of compliance with the EIA regulations. It is a scoping response.</p> <p>This is made clear in paragraph 1.1.7 of the Scoping Opinion. Paragraph 1.2.2 sets out that the Applicant <u>should refer</u> to consultee comments, and paragraph 1.2.3 provides that the Applicant <u>should</u> demonstrate consideration of the points raised and <u>recommends</u> a table to summarise the scoping responses from consultees. Notably, "should" is used rather than "must".</p> <p>Furthermore, there is no special emphasis placed on HM Treasury designation in the Scoping Opinion.</p>
3	Alternatives	<p><u>Reasonable alternatives to the proposed design and consideration of alternatives, alternative locations for Construction Compound 2 in Plots 8/5a and 9/1a</u></p> <p>The Applicant developed the preferred route following a review of 14 alternative route options, which were qualitatively assessed in terms of their Engineering, Environmental, Transportation and Economic suitability, with each option comparatively rated red, amber, green. Four options were then selected to be taken forward to the non-statutory route options consultation outlined in Section 2 of the Case for the Scheme (<b>APP-140</b>).</p>

<sup>1</sup> Available at: <https://highwaysengland.citizenspace.com/he/a47-north-tuddenham-to-easton-dualling/results/s170173-a47-preferred-route-announcement-leaflet---tuddenham--b.pdf>



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		<p>Following the non-statutory options consultation, the four options were subject to further assessment taking into account public feedback as detailed in the Scheme Assessment Report<sup>2</sup> (SAR). As described in Section 23.3 of the SAR 'Junctions on the Route' all four route options assessed ahead of the Preferred Route Decision (PRD) in 2017 included a junction on the axis of Berrys Lane and Wood Lane, including one option north of the existing A47 proposed Scheme location; these are illustrated on the options drawings contained within Appendix N of the SAR and were (and continue to be) available on the Applicant's website during statutory consultation. The PRD minutes are contained within Annex O<sup>3</sup> of the SAR and state; <i>"There is currently no side road or junction strategy and this will be considered during PCF Stage 3. For pricing purposes two roundabouts and indicative connections to the local road network have been assumed."</i></p> <p>The Applicant further developed the Scheme during PCF Stage 3 as outlined in the Scheme Design Report (<b>AS-008</b>) ahead of Statutory Consultation during February to April 2020.</p> <p>The Applicant has also previously explained the reasoning for the land required from the [REDACTED] and why the compounds and material storage areas cannot be located on the opposite (north) side of the A47 as proposed by the landowners. This is set out in Annex O of the Consultation Report (<b>APP-024</b>), on pages 27 to 30. This is also re-iterated at RR-061.9 of the Applicant's Responses to Relevant Representations (<b>REP1-013</b>).</p> <p>The reasoning was explained again on the 19 January 2022 during a site meeting with Mr Meynell and his appointed Land Agent (Joshua Spink). The Applicant explained the location in regard to the offline works to construct the A47 mainline to the west of the scheme, the construction process and temporary traffic movements (as presented in the "Outline Traffic Management Plan (<b>APP-144</b>)) to facilitate the creation of the wood lane junction. The Applicant's approach ensures that customer impacts are reduced and minimises the interface of construction work areas with customers.</p> <p><u>Consideration of Mr Meynell's alternatives</u></p> <p>None of the alternative designs and locations proposed by Mr Meynell in the course of the Examination are considered to be appropriate. The Applicant has undertaken an assessment of the alternative Wood Lane junction options, presented by Mr Meynell at Deadline 1 (<b>REP1-057</b>), as reported in Revision 1 of '9.15 - Alternative Wood Lane Junction Options Appraisal' (<b>REP6-015</b>) issued at Deadline 6.</p>

<sup>2</sup> This report is available amongst the Consultation 2020 documents at: [REDACTED]

<sup>3</sup> This report is available amongst the Consultation 2020 documents at: [REDACTED]

Ref No	Issue	Applicant's Position and Concluding Comments
		<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 Applicant's 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 this 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 (<b>REP6-023</b>)' 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"> <li>• Statement of Common Ground with Breckland Council (<b>REP4-004</b>)</li> <li>• Statement of Common Ground with Broadland District Council (<b>REP4-005</b>)</li> <li>• Statement of Common Ground with South Norfolk Council (<b>REP4-006</b>)</li> </ul> <p><u>Alternatives to WCH and the Honingham FP3 conversion to a cyclepath in plot 9/1(g)</u></p> <p>The Applicant understands that Mr Meynell's objection is to the upgrading of FP3 on his land.</p> <p>The inclusion of the enhanced footway / cycleway link between Dereham Road and Berrys Lane in the Scheme provides a direct link to Honingham village for east – west movements and also Restricted Byway 1 (RB1) for north – south movements via the Hall Farm underpass, by upgrading the existing Public Right of Way (ProW) FP3 in this location. The upgrade would be constructed with a bound granular surface to fit within the local environment and would be constructed on the line of the existing route and northwards to avoid impact on the existing hedgerow.</p> <p>This has been consulted upon and agreed with NCC, as set out in the Statement of Common Ground (<b>REP6-023</b>). Given that position, the Applicant does not consider that there are further suitable alternatives or modifications which it should reasonably have considered, particularly as it largely follows the route of the pre-existing public right of way</p> <p>The proposed WCH strategy aligns with the wider objectives of the Scheme and with local transport policy objectives in respect of the development of an accessible and integrated network which provides safer routes between local communities and promotes the use of active travel modes.</p>

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		This is set out in the Scheme Design Report ( <b>AS-008</b> ) and Case for the Scheme ( <b>APP-140</b> ).
4	Design	<p><u>DMRB should apply to the design of the Grade C link road proposed to join the south dumbbell roundabout and new grade C roads to be constructed in its vicinity (viz new section of to be de-trunked A47 and new Dereham Road (Honingham) spur).</u></p> <p>The Applicant has engaged and designed the local roads in accordance with the requirements of the Local Highway Authority (Norfolk County Council) who form the Overseeing Organisation and adopting authority for these assets – as referenced within Section 3.4.1 of the Alternative Wood Lane Junction Options Appraisal, Rev.1 (<b>REP6-016</b>).</p> <p>The DMRB has been used as a framework and has not simply been used to deliver the DMRB requirements as written. Through engagement the road cross sections, geometry and design speeds have been agreed and referenced back to the DMRB for Departures as required. The Departures were then submitted to the Local Highway Authority for Approval in Principle and formed part of the Applicant's internal governance with the independent Safety, Engineering &amp; Standards (SES) division.</p> <p>Section 5.2.2 of the report (<b>REP6-016</b>) confirms this approach: “<i>Departures from Standard for Wood Lane Junction within the Scheme design have been submitted and approved by the relevant Overseeing Organisations and are summarized for the assessment area in Appendix A.</i>”</p> <p>This approach was confirmed by the Local Highway Authority (Norfolk County Council) in their “Response to Applicants Submission Additional Submission – 9.15 Alternative Wood Lane Junction Options Appraisal” (<b>REP6-023</b>): “<i>The County Council has discussed the current Scheme design with the Applicant during its development and supports its approach of using the UK DMRB as a framework for the design of the sideroads.</i>”</p> <p><u>Further design modifications in relation to the Wood Lane Junction which could reduce the impact on the [REDACTED] and/or improve the benefits of the Scheme.</u></p> <p>As has been set out above, the Applicant does not consider that there are any reasonable design modifications which could be applied to the Wood Lane Junction without compromising the Scheme's compliance with objectives.</p> <p>The Applicant has undertaken a Safety Review (<b>REP6-016</b>) on the inherent geometry departures and operational safety aspects of Mr Meynell's proposed alternatives. This concluded that the whilst the Scheme design contains some departures which have been subject to engagement and governance with the local highway authority; Mr Meynell's alternatives contain departures which would be more severe in their reduction of geometrical standards with associated safety implications.</p>

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		<p>The suggested modifications proposed by Mr Meynell are inappropriate and would not realise or improve the assessed benefits of the Scheme.</p> <p>The Applicant considers that the substantial public benefits of the Scheme it has designed significantly outweigh any private benefit which Mr Meynell may accrue from reductions in the overall performance of the Scheme.</p>
5	Wood Lane Junction	<p><u>Wood Lane Junction design and location in the DCO</u></p> <p>This is addressed in Appendix B of the Applicant's Response to the Examining Authority's Third Written Questions (<b>REP6-018</b>) issued at Deadline 6. This note explains why the Applicant has made an application for a DCO which caters for the Norwich Western Link scheme and why the Applicant considers that the land take for the Scheme would remain materially the same in a hypothetical no Norwich Western Link (NWL) scenario.</p> <p>The 2020 statutory consultation design retained a through connection between Berrys Lane connection and the A47 Wood Lane junction, but following statutory consultation feedback from the public and engagement with the Local Liaison Group (Norfolk County Council and Parish Councils) the Scheme design was amended to close Berrys Lane to through traffic.</p> <p>This was to avoid an increase in north-south traffic movements using Berrys Lane and associated safety risks to local residents, especially children. This change is reported in Table 4.12 (item no. 6) of the Consultation Report (<b>APP-024</b>).</p> <p>The Applicant's proposal introduces new side roads of a higher quality than Berrys Lane and also have a higher speed limit, therefore it allows agricultural traffic to operate on a wider carriageway at a higher speed rather than on a single carriageway rural lane (<b>REP4-015</b>).</p>
6	Compulsory Acquisition	<p>The Applicant has explained the reasoning and justification for the land required from the [REDACTED], and why the compounds and material storage areas cannot be located on the opposite (north) side of the A47 as proposed by Mr Meynell. This is set out in Annex O of the Consultation Report (<b>APP-024</b>), on pages 27 to 30. This is also re-iterated at RR-061.9 of the Applicant's Responses to Relevant Representations (<b>REP1-013</b>).</p> <p>It has been examined in detail by the ExA in CAH 2 and CAH 3 with the Applicant's written summary of both hearings set out in <b>REP4-013</b> and <b>REP7-016</b> respectively. All of this collectively provides a compelling case in the public interest for the acquisition of Mr Meynell's land for the purposes of s.122 of the Planning Act 2008.</p>

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		<p>The land included within the Application is no more than is reasonably required for the construction, operation and maintenance of the Scheme, and the limits of the land required have been drawn so as to avoid unnecessary land take. The approach taken is proportionate.</p> <p>The permanent, temporary and new rights allocation has assumed as a worst case need for the DCO application purposes and will be continually under review as the detailed design process progresses.</p> <p>If during the detailed design stages it becomes apparent that less land is required, or the Scheme can be constructed with reduced rights (e.g. avoiding permanent acquisition), then the Applicant will continue to seek to minimise the permanent land take impacts on the landowner; this iterative process has already been demonstrated during the Examination stage with the removal of the Back Drive, reservoir and silage clamp from the temporary land take areas.</p>
7	Inheritance Tax Act 1984	<p><u>The designation of the [REDACTED] for inheritance tax purposes</u></p> <p>The designation of [REDACTED] under the Inheritance Tax Act 1984 ("IHTA 1984") is not a heritage designation relevant to the assessment of the Scheme in relation to NN NPS paragraphs 5.120 to 5.142. It does not make the [REDACTED] a designated heritage asset as defined in the NN NPS. Nor does it make it a nationally designated area for landscape purposes as defined in paragraph 5.150 NN NPS. The Applicant accepts that the [REDACTED] was designated for inheritance tax purposes as it represented "an area of outstanding scenic interest in Norfolk", which is why the Estate is listed as free from tax under the Conditional Exemption Initiative<sup>4</sup>, but that is not a planning or heritage designation.</p> <p>Moreover, there is nothing in the IHTA 1984 which would require any consideration over and above the careful assessment which the Applicant has carried out. The effects on [REDACTED] and its listed buildings as Heritage, Visual and Landscape constraint were considered, and impacts assessed in ES Chapter 6 Cultural Heritage, Rev.1 (<b>REP3-012</b>) and ES Chapter 7 Landscape and Visual Effects (<b>APP-046</b>).</p> <p>As set out in RR-061.2, RR-061.6 and RR-061.7 of the Applicant's Responses to Relevant Representations (<b>REP1-013</b>), the Applicant has reviewed the [REDACTED] IHTA 1984 designation and Heritage Management Plan and concluded that, while they contain some additional information on the Estate to that considered during the assessment, this would not affect the conclusions within the route options studies and in ES Chapters 6 and 7.</p>

<sup>4</sup> See the HMRC reference at: <http://www.visitukheritage.gov.uk/servlet/com.eds.ir.cto.servlet.CtoLandDetailServlet?ID=584>

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		<p>There is no additional designated heritage status under the IHTA 1984 as confirmed by Historic England at Deadline 6 in their Responses to the ExA's further Written Questions (<b>REP6-022</b>).</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.</i></p> <p><i>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> <p>Under the IHTA 1984 (Section 31(1) Designation and undertakings) the Treasury may designate sites for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• land of outstanding scenic, historic or scientific interest</li> <li>• buildings of outstanding historic or architectural interest</li> <li>• land essential for the protection of such a building</li> <li>• objects historically associated with such a building</li> </ul> <p>The letter designating [REDACTED] confirming the exemption only states 'land' (see <b>REP1-050</b>, ACM 3.5 – 2003 designation letter). It is noted that this excludes the buildings and the land required for the buildings from the designation since they are not quoted in the designation letter. Further, historic or scientific interest are not identified on the HMRC link identified above.</p> <p>Historic England and Natural England have different responsibilities, defined in:</p> <ul style="list-style-type: none"> <li>• The National Heritage Act 1983 created the Royal Commission (Historic England) and set out the functions in Section 32 and Section 33.</li> </ul>

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		<ul style="list-style-type: none"> <li>The Natural Environment and Rural Communities Act 2008 created Natural England and its remit is set out in Section 2. Section 7 concerns management arrangements.</li> </ul> <p>The Applicant understands that this means there is no intended overlap or cultural heritage remit for Natural England. This is reflected in how HMRC consult on the tax designation, explained in the guidance '<i>Conditional exemption and Heritage Management Plans: An introduction for owners and their advisers</i>'.</p>
8	Heritage	<p><u>Heritage Assessment</u></p> <p>ES Chapter 6 Cultural Heritage (<b>APP-045</b>) 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"> <li>Breckland Council Local Impact Report (<b>REP 2-017</b>)</li> <li>Statement of Common Ground with Breckland Council (<b>REP4-004</b>)</li> <li>Statement of Common Ground with Broadland District Council (<b>REP4-005</b>)</li> <li>Statement of Common Ground with Norfolk County Council (<b>REP4-003</b>)</li> <li>Statement of Common Ground with South Norfolk Council (<b>REP4-006</b>)</li> <li>Statement of Common Ground with Historic England (<b>REP1-009</b>)</li> </ul> <p>As noted in their Deadline 6 submission 'Responses to the ExA's further Written Questions' (<b>REP6-022</b>), 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>The Applicant explained in responses to representations and questions (<b>REP1-013, REP2-014, REP3-022, REP3-023 and REP6-018</b>), and in response to oral questions during ISH1, ISH2 and ISH3 (<b>REP4-014, REP4-015, REP4-016 and REP7-017</b>), the approach it took to heritage assessment generally and in respect of [REDACTED]. For the reasons it has already set out, the Applicant considers that the heritage assessment of [REDACTED] was sufficient and appropriate.</p> <p>Moreover, even taking Mr Meynell's case at its highest, paragraph 5.127 NN NPS provides that the level of detail in any assessment should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on significance. Subjective significance is not relevant to the assessment. Notably, Mr Meynell has</p>

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		made his points over the course of the Examination, and these are matters which the Secretary of State is explicitly able to take into consideration as set out in paragraph 5.128 NN NPS.
9	Biodiversity	<p>Effects on biodiversity and landscape have been assessed in ES Chapter 7 Landscape and Visual Effects (<b>APP-046</b>) and ES Chapter 8 Biodiversity (<b>APP-047</b>). ES Appendix 7.6 Arboricultural Impact Assessment was updated and submitted at Deadline 7 (<b>REP7-008</b>).</p> <p>The assessment was reviewed in light of comments raised in the Issue Specific Hearings, and was updated to correct, for example, groups of trees, hedges, and individual trees. The list correctly reflects Appendix 2 and minor adjustments have been made to reflect responses and comments received during the examination. The changes are not notable and do not change the conclusions of ES Chapter 7. For example, the tree belt at Merrywood House has been amended to show as being retained in Appendix 7.6 (<b>APP-094</b>) and Chapter 7 had already assumed this.</p> <p>The provisional design of the proposed ecological mitigation is presented in the Environmental Masterplan, Rev.4 (<b>REP8-011</b>), and all mitigation detailed in Section 8.9 of ES Chapter 8 will be detailed and implemented as part of the record of environmental actions and commitments (REAC), which forms Table 3.1 in the Environmental Management Plan (EMP) , Rev.1, (<b>REP7-036</b>). Additional detail regarding the mitigation design will be presented in Annex B5 'Landscape and Ecology Management Plan (LEMP)' of the EMP, to be produced by an appointed Landscape Architect and Ecologist prior to construction. The LEMP will describe the proposed management and monitoring of the landscape and ecological mitigation and compensation features of the Scheme.</p> <p>Delivery of these commitments, including consulting the relevant local planning authority on the final landscaping design and Environmental Management Plan, are secured through the dDCO Requirements 4 'Environmental Management Plan' and 5 'Landscaping' (<b>REP8-008</b>).</p> <p>It is understood that for Holding 10, a mid-tier agreement exists that was extended for one year until December 2021. A new Countryside Stewardship application could be made by the owner of Holding 10 but it could not include options on land in the DCO boundary on the basis that they could not commit to management of the land the subject of these options for the full period of the agreement. Therefore, on this assumption and as the status of a new application is unknown, there would be no change to the impact, or the conclusions of the assessment as presented with respect to this omission.</p>



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10	Population and Human Health	<p><u>Businesses</u></p> <p>ES Chapter 12 (<b>APP-051</b>) was written 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). In line with DMRB LA 112, the assessment considered the impacts of the Scheme on land use and accessibility and human health.</p> <p>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. The intention was to assess the impact to residential properties and businesses by location rather than individually.</p> <p>Businesses which are located within an assessed residential area are inherently assessed under private property and housing for journey length increases, as discussed in paragraphs 12.10.29 and 12.10.30 of ES Chapter 12.</p> <p>ES Chapter 12 shows only permanent changes to severance under Operational impacts. Permanent impacts, which would occur during construction of the Scheme, are listed in paragraph 12.8.6 under the Construction impacts heading and are not repeated or duplicated under the Operation impacts heading. The presentation in this way still permits the assessment of significant and non-significant effects.</p> <p><u>Local Impacts</u></p> <p>ES Chapter 5 Air Quality (<b>APP-044</b>) and ES Chapter 11 Noise and Vibration (<b>APP-050</b>) assesses the risk from construction of the Scheme with regards risks from noise, vibrations, air quality and dust emission. Measures to minimise impacts during construction (e.g. dust, vehicle emissions) would be delivered through dDCO (<b>APP-017</b>) Requirement 4 'Environmental Management Plan', which requires the second iteration version to be approved by the Secretary of State following consultation with the relevant planning authority. This plan includes Annex B.3 'Construction Noise and Dust Management Plan' to manage the risks to control emissions of dust and noise during construction. No significant effects are predicted at the Berry Hall properties; ES Figures 11.9 to 11.28 in <b>APP-075</b> and <b>APP-076</b> show no significant construction noise impacts during day time or night time, with mitigation in place. Where possible the Contractor would also seek to keep construction activity as far away from the properties as possible to further minimise disturbance risks.</p> <p>Construction traffic will access the construction work area from the A47 and northern end Berrys Lane, not along Berrys Lane from Mattishall Road to the south. No construction activity is required south of Berrys Bridge over the river Tud. This commitment</p>

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		<p>will be managed through the traffic management plan, secured through Requirement 10 'Traffic Management' of the dDCO (<b>REP8-008</b>).</p> <p>The construction workforce will not be permitted near the Berry Hall properties to avoid disturbance and safety concerns to the residents. The Applicant will also engage further with the residents of the properties at Berry Hall to understand their concerns and identify specific measures to cater for any special needs. Action G7 in the Environmental Management Plan, Rev.1 (<b>REP7-036</b>) confirms the commitment to engage with local residents to provide prior notification of and manage concerns about periods of disruption; delivery of this commitment will be secured through dDCO Requirement 4 'Environmental Management Plan'.</p> <p>For these reasons, the Applicant considers that the assessment of the various businesses at [REDACTED], and the impacts on both [REDACTED] was sufficient and appropriate.</p>
11	Landscape and Visual Impact	<p>As set out in RR-061.2, RR-061.6 and RR-061.7 of the Applicant's Responses to Relevant Representations (<b>REP1-013</b>) plus at ISH2 (<b>REP4-015</b>) and ISH3 (<b>REP7-017</b>), the landscape and visual impact on [REDACTED], in ES Chapter 7 Landscape and Visual Effects (<b>APP-146</b>), was revisited in light of Mr Meynell's submissions, in particular the IHTA designation, and there was no change to the ES assessment.</p> <p>In respect of Mr Meynell's asserted needs in relation to landscape and visual impact, screening for visual and noise purposes is provided where required as identified by the assessments undertaken and proposed mitigation detailed within Environmental Statement Chapter 7 Landscape &amp; Visual (<b>APP-046</b>) and Chapter 11 Noise &amp; Vibration (<b>APP-051</b>).</p> <p>For [REDACTED] there is no requirement for the provision of a noise bund during operation of the Scheme and visual screening is provided by landscape planting, as illustrated within the Environmental Masterplan, Rev.4 (<b>REP8-011</b>). It is also not possible to use the proposed temporary construction screening bund as that will comprise of the topsoil cleared from the compound and construction work area, so will be required to restore the land for agricultural use post construction.</p>
12	Tree Protection	<p>Measures to avoid loss of trees and protect those retained are prescribed in the Environmental Management Plan (EMP), Rev.1 (<b>REP7-036</b>), secured under Requirement 4 of the draft Development Consent Order (<b>REP8-008</b>).</p> <p>The EMP contains measures to be designed to apply to the whole Scheme, thus statements are specifically designed to be all encompassing. For example, Action LV3 requires the Principal Contractor to engage an arboricultural consultant to complete an arboricultural method statement, which will include tree protection measures in compliance with BS5837:2012 (Trees in</p>

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		<p>relation to design, demolition, and construction – Recommendations) during the construction phase. Any commitments over and above the EMP provisions will be reflected and considered under the Heads of Terms agreement for compensation.</p> <p>During the Examination, comments were received from Local Planning Authority Officers on the Scheme's effects on trees and ES Appendix 7.6 Arboricultural Impact Assessment (<b>APP-094</b>). The Applicant's responses, including references to tree protection measures in the EMP, have been agreed in Statements of Common Ground with Norfolk County Council (<b>REP4-003</b>), Breckland Council (<b>REP4-004</b>), Broadland District Council (<b>REP7-011</b>) and South Norfolk Council (<b>REP7-013</b>).</p>
13	National Grid Gas Works	<p>The Applicant was approached by National Grid Gas around the potential of the early diversion of the affected main to mitigate impact on their forward delivery programme and reduce impact of outages on the network.</p> <p>The Applicant engaged with the 3 No. affected landowners; however, were not able to agree early land access for National Grid Gas Works with Mr Meynell.</p> <p>As a result, the Applicant no longer seeks early access.</p> <p>Had Mr Meynell granted early access, this would have had the effect of avoiding the Scheme needing to use the whole of the field north of Merrywood House at the same time as occupying two fields north of Berry Hall, thereby reducing the impact on the farming business.</p>
14	Mitigation measures	<p>None of Mr Meynell's proposed changes to the Environmental Management Plan (EMP), Rev.1 (<b>REP7-036</b>) can be accepted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The EMP is designed to apply to the whole Scheme, thus statements are specifically designed to be all encompassing, whilst land parcel specific requirements / commitments are managed through land agreements (e.g. protection of vegetation; retention/management of hedgerows and woodlands; and mitigation measures around Compound 2).</li> <li>• Some requests relate to issues that are already committed to within the Scheme design, so are not required to be covered in the EMP (e.g. provision of low noise surfacing).</li> <li>• Some requests are managed as part of detailed design discussions and agreements as part of consent applications to the relevant determining authorities, such as the Environment Agency, Norfolk County Council (as Lead Local Flood Authority(LLFA)) and Norfolk Rivers Internal Drainage Board (IDB).</li> </ul>

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		Some of the requests cannot be delivered as the relevant Environmental Statement chapter does not identify a significant effect warranting investment in provision of such mitigation (e.g. noise and vibration mitigation) as has been set out in detail above.