

Broadland District Council Response to Examining Authority's Written Questions (ExQ1)

Deadline 1 (6th July 2021)

Question number	Question	Response
1.1.9	The Environment Agency (EA), in its RR [RR-008], indicates that, rather than itself, Broadland District Council (BDC) would be responsible for some consents or licence agreements relating to waste and materials as identified in Appendix A of the Consents and Licences Position Statement document [APP-018]. Does BDC agree with this, and if so, can the Applicant please make any changes necessary to the document?	BDC agrees that it is responsible for mobile plant licenses (Appendix A of APP-018 on page 6, row 3).
1.1.14	The ExA understands that the development plan for Broadland District, within the administrative boundaries of which the Proposed Development is located, includes: the Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014); the Broadland District Council Development Management DPD 2015; the Broadland District Council Site Allocations DPD 2016; the Broadland District Council Growth Triangle Area Action Plan 2016; and various neighbourhood plans, including the Blofield Parish Neighbourhood Plan 2016. Please provide a definitive list of relevant development plan policies, reasons for conformity or otherwise with these and a copy of the policies (this could be done as part of the Statement of Common Ground between the Applicant and Broadland District Council and / or within Broadland District Council's Local Impact Report).	A definitive list of relevant development plan policies and reasons for conformity or otherwise will be provided in the Local Impact Report. A copy of those policies will be provided within the Statement of Common Ground.
1.3.1	Can Natural England (NE), NCC and BDC please comment on the approach taken by the Applicant in its HRA Report [AS-007] and confirm whether it is satisfactory?	The approach taken by the applicant in its HRA Report appears to have followed accepted guidance and is satisfactory. (Advice on ecological matters provided to Broadland District Council by Norfolk County Council).

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1.3.3	Changes were made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021 due to the United Kingdom's 's exit from the European Union. Does this have any implications for the HRA Report [AS-007]?	<p>The changes made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021, include three New Schedules; These new Schedules are unlikely to have implications for the HRA report.</p> <p>SCHEDULE 1New Schedule 4A to the Conservation of Habitats and Species Regulations 2017 (Prohibited methods of Capturing and Killing Wild Animals).</p> <p>SCHEDULE 2New Schedule 2A to the Conservation of Offshore Marine Habitats and Species Regulations 2017</p> <p>SCHEDULE 3New Schedule 3A to the Conservation of Offshore Marine Habitats and Species Regulations 2017.</p> <p>Several amendments have been made throughout the Regulations, and Highways England must ensure that the HRA meets the new amendments where relevant.</p> <p>(Advice on ecological matters provided to Broadland District Council by Norfolk County Council).</p>
1.3.8	ES Chapter 8: Biodiversity [APP-046], paragraph 8.8.2, lists biodiversity resources which have not been carried forward in / scoped out of the assessment. Are NE, NCC and BDC content with this and the justification for it?	<p>Based on the methodology followed in assessing the biodiversity resources, BDC would be content that the sites listed in this section are unlikely to be directly affected by the duelling.</p> <p>With regard to badgers as a biodiversity resource, BDC would comment that the Badger survey in Appendix</p>

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		<p>8.6 of 6.2 Environmental Statement Appendices surveyed for badgers adequately but the surveys will require updating as recommended in that report.</p> <p>Badgers are a highly mobile species and "it is recommended that an update survey across the entire survey area is carried out 18 months prior to the first known development start date to update the information collected in this survey. This would allow time for the consideration of further amendments to the development phase or other matters related to planning as required".</p> <p>(Advice on ecological matters provided to Broadland District Council by Norfolk County Council).</p>
1.3.9	Are the parties content with the Applicant's approach that some protected species surveys, including for great crested newts, would be undertaken prior to construction (and any protected species licences sought subsequently if necessary), given that the COVID-19 pandemic precluded these from being undertaken prior to the submission of the application?	<p>Any outstanding or deferred protected species surveys should take place as soon as possible now that the eased covid-19 restrictions permit it. We are currently within an acceptable period for most survey types.</p> <p>Updated surveys where under survey has been highlighted, will help to give a full and current assessment of the wildlife present and any additions or amendments to mitigation that might be required to achieve the best scheme possible.</p>

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		(Advice on ecological matters provided to Broadland District Council by Norfolk County Council).
1.6.1	ES Chapter 6: Cultural Heritage (APP-044), paragraph 6.5.6, notes that a final archaeological trenching report is to be made available at a later date. Will this be made available during the course of the examination, and if not, what are the implications for this?	Broadland District Council have no comments to make in respect of this issue and defer to the response of Norfolk County Council on this matter.
1.6.4	ES Chapter 6: Cultural Heritage [APP-044], section 6.7, identifies key designated and non-designated heritage assets which may experience significant effects. Is BDC, NCC and Historic England (HE) in agreement with this list and the overall assessment of effects on these?	There are no significant omissions nor are there any significant disagreement with the overall assessment of effect. Please refer to Local Impact Report for further commentary on Cultural Heritage.
1.6.8	Should Requirement 9 (Archaeological remains) of the dDCO [APP-016] make provision for the publication and archiving of any findings following archaeological investigations carried out in accordance with the Written Scheme of Investigation?	BDC has no comments to make in respect of this issue and defer to the response of Norfolk County Council on this matter.
1.7.1	Are the parties satisfied with the Applicant's cumulative effects assessment and the shortlist of projects considered?	BDC are satisfied with the Applicant's the shortlist of projects considered. The Council notes that the Examining Authority has raised issues with regard to the cumulative assessment of climate in its letter dated 22 June 2021. With this noted and to be addressed, BDC are satisfied with the cumulative effects assessment.

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1.8.21	Art 16(6): Does BDC consider 28 days to be reasonable?	Norfolk County Council are the street authority so BDC consider that this question should be directed towards them.
1.8.31	Art 38(4)(b): Is BDC content with the provisions of this article?	If there are existing hedgerows (and especially 'important' hedgerows (as defined by the Hedgerows Regulations 1997)) that are not required to be removed in order to achieve the scheme's agreed design, then it would be expected that they would be retained. BDC understand that Art 38(4)(b) requires the local authority to agree to any additional removal not directly required for the scheme; with this safeguard in place BDC consider the provisions of the article to be acceptable.
1.8.57	R18: Do the parties consider 10 business days sufficient time to respond to consultation on the discharge of requirements?	10 business days is insufficient to adequately consider and respond. No less than 28 days should be provided.
1.10.1	Is BDC satisfied that the viewpoints and photomontage locations selected (as shown on ES Figure 7.4 [APP-057]) are adequately representative of the Proposed Development, noting that the Applicant states that no response was received from the local authority to a further consultation in July 2020 in respect of some changes relating to the diversion of a medium pressure gas pipeline (paragraph 7.4.18 of ES Chapter 7: Landscape and Visual Effects [APP-045])?	Yes, it is considered that the selection of viewpoints and photomontage locations is adequately representative.
1.10.2	Is BDC and NCC satisfied with the Masterplan [APP-118] and the proposed species mix as shown on the final page of the Masterplan?	BDC have no reasons to dispute the spatial arrangement and general design of the planting proposals.

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		BDC would query the use of ivy (<i>Hedera helix</i>) and Blackberry (<i>Rubus fruticosus</i>); these are potentially quite dominating of young woody planting, and can be problematic in mature hedgerows and plantings. Whilst there is no disputing the important habitat and food sources these species can provide, it might be that they are best introduced as part of management, rather within the initial mix.
1.10.3	Is BDC satisfied with the Applicant's approach to defining landscape character areas as per ES Chapter 7: Landscape and Visual Effects [APP-045] paragraphs 7.7.24 - 7.7.25 and Table 7-3, ES Appendix 7.4 [APP-081] and ES Figure 7.3 [APP-057]?	Yes. A minor point of correction, however, in that the local notable churches have towers, not spires as cited.
1.10.4	Is BDC satisfied that G2 of the REAC [AS-009] is sufficient to ensure the minimisation of the effects of lighting?	BDC raises no objections in respect of this matter.
1.10.8	Given that the bridges would be prominent features of the Proposed Development, should there be a requirement within the dDCO for their detailed design, in consultation with BDC and / or subject to design review by Highway England's Strategic Design Panel?	BDC would welcome a requirement for the detailed design of the bridges to be in consultation with BDC and/or subject to design review by Highway England's Strategic Design Panel.
1.12.2	ES Chapter 11: Noise and Vibration [APP-049], paragraph 11.5.1. states that most construction would take place during weekdays between 0700-1900 hours and on Saturdays between 0700-1300 hours. Paragraph 11.9.2 sets out that any work outside these hours would be subject to a noise and vibration assessment, agreed with the LPA and mitigated where necessary. How would this be achieved and secured?	BDC suggest that S61 of the Control of Pollution Act 1974 be used (Prior consent for work on construction sites). This was the method used satisfactorily on the Broadland Northway (Northern Distributer Road).

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1.12.3	Table 11-11 of ES Chapter 11: Noise and Vibration [APP-049] specifies permanent noise barriers. Please provide further justification on the adequacy of noise barrier No 4, noting that a concern in respect of its effectiveness has been raised in a RR [RR-019].	BDC supports the concerns relating to the noise barrier and sound insulation of the property at this location. LT6 Data Summary appears to be missing from Document APP-106 page 16.
1.12.5	ES Chapter 11: Noise and Vibration [APP-049], paragraph 11.9.8, highlights the importance of communication with the public during construction to assist with lessening potential effects of noise. How would this be achieved and where is this secured?	BDC experience suggests that this is an extremely important point.
1.13.1	Can NCC and BDC comment on the assessment of Population and Human Health and its conclusions?	<p>In 2018 the World Health Organisation published health based Environmental Noise Guidelines for road traffic noise for the whole day (53 dB Lden) and for night time (45 dB Lnight). BDC believes it would be helpful if an assessment could be carried out to determine the effect of the applicant's proposal by comparing noise levels from the existing road with the proposed completed road using the noise units above.</p> <p>BDC note the Moderate Adverse impact on users of Burlingham FP3 due to journey length and journey time increasing. Consideration should be given to whether this could be mitigated through the provision of a crossing at this point of the scheme. Further information provided in Local Impact Report.</p>
1.13.7	ES Chapter 11: Noise and Vibration [APP-049] identifies significant adverse long-term effects on some residential receptors along the B1140 (High Road)	Please see response to 1.13.1 regarding noise levels

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	and Yarmouth Road which would not be mitigated. In light of this, please explain further the conclusions in Table 12-9 of ES Chapter 12: Population and Human Health [APP-050] that long-term operational effects of noise on human health, due to mitigation, would be neutral?	
1.14.1	Are the parties satisfied with the Applicant's Transport Assessment [APP-122]? Please provide reasons for any disagreement with any aspect of it.	BDC have no comments on the adequacy of the applicants Transport Assessment and defer to the views of Norfolk County Council has Highway Authority on this issue.
1.14.2	Are the parties satisfied with the Applicant's revised outline Traffic Management Plan [AS-011] (which includes details of construction traffic routing)? Please provide reasons for any concerns with any aspect of it.	BDC have no comments on the revised outline Traffic Management Plan and defer to the views of the Norfolk County Council has Highway Authority on this issue.
1.15.10	RR [RR-053] raises a concern around potential for increased flood risk to Waterlow Cottage as a result of the Proposed Development. Please provide a response to this concern.	We would endorse the comments from the resident and suggest that the applicant makes personal contact with Mr Trawford to explain the significant drainage proposals here including details of its design performance to hopefully demonstrate that it will operate satisfactorily without a positive outfall and not increase the water table and cause issues at the properties at Waterlow. The soakaway scheme does seem to be close to the eastern boundary of the houses.