



The countryside charity
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Working locally and nationally to promote, protect and enhance a beautiful and thriving countryside for everyone's benefit.

To: nwplanning@norfolk.gov.uk

Your ref: FUL/2024/0022

15 August 2024

Norwich Western Link – planning application reference FUL/2024/0022

Dear Madam/Sir,

I write on behalf of CPRE Norfolk, the Countryside Charity to lodge its formal objection to the above planning application for the Norwich Western Link road (NWL.)

Barbastelle bats

Thorough independent surveys carried out under the aegis of the Norfolk Wildlife Trust (NWT) show the full extent of what is likely to be the largest breeding population of the barbastelle bat, which is one of our rarest bat species. The presence of several maternity woodlands has been confirmed in several locations on and close to the proposed route of the NWL. CPRE Norfolk fully endorses the findings and reports of the NWT in regard to this issue. 'The NWL would destroy some of the breeding woodlands and sever the connectivity between the remainder of the woodland breeding sites, isolating the colonies from each other, as well as placing the bats at risk of collision with the traffic on the NWL as they attempt to move across the landscape for feeding. This risks the long-term complete loss of the super-colony, which could be catastrophic for the future of the species in the U.K.' (www.norfolkwildlifetrust.org.uk/NWL).

Advice from Natural England is also of vital importance, given that they would need to issue an appropriate license before work in areas where there are habitats for barbastelle bats on the NWL could commence. Earlier this year a Natural England report concluded that 'barbastelle bats are not in favourable conservation status, and therefore developments which are likely to damage the habitats which barbastelle bats rely on, particularly where significant populations are surviving, are unlikely to be licensed' (www.norfolkwildlifetrust.org.uk/news). Insufficient data has been provided by the applicant to be able to demonstrate that such a license could be granted and therefore the application should be refused permission.

Habitats and Biodiversity

The decision-makers should pay close attention to NPPF paragraph 186, regarding the principles to be applied when determining planning applications. This states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect in it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;



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- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

Given the loss of biodiversity due to the scheme, not least the loss of ancient and veteran trees, as well as to barbastelle bats and the habitats on which they depend, this application should be refused planning permission according to a) above. These losses cannot and would not be compensated for through any Biodiversity Net Gain calculations or offsetting schemes. The selected route was chosen ahead of other options, without those options being adequately assessed for their full impacts on biodiversity and habitats, as well as for other areas of relevance.

Under b) above, this application will lead to adverse impacts on Sites of Special Scientific Interest (SSSI) and should therefore be refused planning permission. We note that the planning statement claims that 'no significant effects are reported in the ES (Document reference 3.10.00) in relation to SSSIs during the construction or operational stage (6.2.14.) However, this will not be the case, as direct harms to the River Wensum SSSI will be caused by driving piles for the viaduct into the river valley, as well as due to run-off from the roadway.

It is also important to take notice of the fact that no five-year on analysis of the various habitat restoration, tree-planting and biodiversity schemes for the Northern Distributor Road or Broadland Northway have been carried out or published. Given the proximity and connectivity of this scheme to the one applied for, particularly for the A1067 to A140 section, it is very important that this is done. This work is essential to understand what lessons need to be understood from this previous, linked project, before determination of this new section (the NWL) should be undertaken.

Ancient Woodland

Inadequate, inaccurate and incomplete surveys of all the woodland on and surrounding the proposed route means that not all ancient and veteran trees in the area have been recorded in the applicant's surveys and reports. Probably most significantly, Natural England has recently designated North Wood as ancient woodland. It is of concern that this was not picked up and recorded as such in the application documentation. The fact that North Wood is now on Natural England's ancient woodland inventory should mean that the application is refused permission. This is largely due to paragraph 186 c) of the NPPF quoted above and copied here:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

It should be noted that paragraph 186 c) includes footnote 67 which clarifies the "wholly exceptional reasons" as follows:

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.



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This application does not cover a type of infrastructure as outlined in footnote 67, and even if it was included as a qualifying infrastructure project for this footnote the public benefit would not clearly outweigh the loss or destruction of habitat in this case. This is largely, but not exclusively, due to the other options for the route, and indeed the option for no NWL at all, but with other traffic calming and public transport options instead being reasonable options. Moreover, there is no suitable compensation strategy in place for loss of this irreplaceable habitat, particularly as this habitat at North Wood is not recognised in the application documentation. The ancient woodland of North Wood must be assessed as part of the application, which has not been carried out as the only ancient woodland which has been recognised is Primrose Grove and Mouse Wood. By not recognising North Wood as irreplaceable ancient woodland in the application documentation, the application has not followed government planning guidance on the natural environment (biodiversity, geodiversity and ecosystems.) Here, the evidence of this ancient woodland has not been taken into account when identifying and mapping the local ecological networks, as required by this guidance, given that areas of irreplaceable natural habitat is one of the exemplars.

This guidance goes on to ask what questions are important in applying policy to avoid, mitigate or compensate for significant harm to biodiversity, with reference to applying the 'mitigation hierarchy' at paragraph 186 of the NPPF. One question asks 'can significant harm to wildlife species and habitats be avoided; for example by locating on an alternative site with less harmful impacts?' It is very clear that alternative options exist for the NWL or for no NWL at all, and that therefore the possibility of avoidance of causing significant harm to North Wood (and the other two areas of ancient woodland) has not been pursued. In the case of North Wood, this is because its existence as ancient woodland has not been recognised by the planning application.

This means that the application should be refused permission under NPPF 186 c) as the construction of a road on this route when others (or none) are available does not constitute the necessary 'wholly exceptional reasons.'

Cultural Heritage

CPRE Norfolk questions the overall assessment within the Environmental Statement chapter 8, that the project will cause less than substantial harm to designated heritage assets according to definitions within the NPPF, whilst acknowledging that the bar for this level of harm is a high one. This is largely due to the statement in the Alignment Refinement Appraisal Report, 2022, which states:

Option 1 to 4 bring the road into the immediate setting of the Grade II listed Barn 50m northwest of Low Farmhouse, increasing overall impact to the asset, potentially resulting in substantial harm in National Planning Policy Framework (NPPF) terms and major adverse effect. (7.1.1.)

It is impossible to see how this assessment has changed to what has been submitted with the planning application, where the assessment is now for 'Moderate Adverse (significant)' harm (table 8-22, Environmental Statement.) Therefore, we expect that additional work is carried out and made available to justify this change in the predicted level of harm before the application can be determined.

In particular it is disappointing to see the harm to the settings of both the Grade I listed church of St. Peter, Ringland, and the Grade II listed barn 50m north-west of Low Farm House, which will result if the application is approved. The opportunity to enjoy, appreciate and interpret these heritage assets will be diminished by the development if permitted. Likewise for the non-designated heritage assets, in particular the harms to their significance which will result to Honingham Park and Attlebridge World War Two Airfield and their settings. However, with the exception of



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the harms to Low Farm Barn and its setting as explained above, we accept that the level of harm to the designated heritage assets resulting from the project will be 'less than substantial' in terms of the NPPF.

It is not clear that the applicant demonstrates that the development will make a positive contribution to local character and distinctiveness as stated as being desirable in NPPF 203 c), or that other elements of NPPF paragraph 203 are met as fully as they could be. We would expect this opportunity to be explored before permission could be granted. For example, efforts could be made to link the work of the artist Alfred Munnings to sites in the area of the project, as well as other on-site interpretation, trails etc. to create further heritage benefits.

Lighting

CPRE Norfolk is strongly opposed to this planning application being given permission as is made clear by this letter of objection. However, if despite this and many other objections the application is permitted, we support the plans as submitted for there to be no lighting of the road, roundabouts and footpaths. Not lighting these areas on other recent road projects has not, we understand, led to an increase in accidents, with daylight and dark hours' incidents being comparable. Therefore, we see no need for lighting when there would be no clear public/safety benefit, when compared to the harms to the rural dark skies and tranquillity which any lighting would result in.

Design – 'environmental barrier'

We have major concerns about the design of the 'environmental barrier', which is a 1.2m high structure proposed to run for the length of the Wensum viaduct on the outer edge of both carriageways. This will be too low to reduce noise from higher vehicles effectively, as well as being too low to prevent (salt) spray from larger vehicles in particular crossing the barrier and falling into the Wensum and/or its flood plain. This would lead to further harms to the water-quality, with knock-on effects on habitats and wildlife, which have not been acknowledged or quantified in the application documents, notably the Environmental Statement. The only way to solve this would be for a higher barrier to be in place. However, that would lead to unacceptable visual impacts for the viaduct as it crosses the currently unspoiled and valued Wensum valley at this point.

Conclusion

In short, this planning application should be refused planning permission for the reasons given above. Furthermore, if the planning application is not withdrawn, we hope that Norfolk County Council recognises the need for a public inquiry for this planning application, given the national (and indeed international) importance of the proposed scheme, and that it refers it of its own accord to the Secretary of State.

Yours faithfully,

 (Planning Campaigns Consultant, CPRE Norfolk)