



Natural Environment Team - Arboriculture

To: Planning Services

Ref: FUL/2024/0022

Date: 19th August 2024

CONSULTATION RESPONSE

Reference: FUL/2024/0022

Location: Land between the A1270 Broadland Northway near Ringland and the A47 near Honingham

Applicant: Highways Team Norfolk County Council

Proposal: Development of approximately 6km of the Norwich Western Link Road connecting the A1067 (Fakenham Road) with the new A47 North Tuddenham to Easton scheme (being developed by National Highways), including the construction of a new roundabout junction with the A1067 Fakenham Road, improvements to the A1067 Fakenham Road and the roundabout junction with the A1270 Broadland Northway. Structures include a new viaduct carrying the Norwich Western Link over the River Wensum, a new underpass at Ringland Lane, the provision of a green bridge carrying the Broadway over the Norwich Western Link, three further green bridges, wildlife crossings, and culverting of a tributary to the River Tud. Related works include the stopping up, diversion, improvement and provision of side roads, new walking cycling and horse-riding provision, the stopping up, replacement and provision of new private means of access, and ancillary landscaping, ecological mitigation, surface water drainage system, flood compensation, bunds, other environmental mitigation, diversion and protection of apparatus and temporary works to facilitate construction, and the change of use of the premises known as Low Farm as offices (class E), and other ancillary works.

Recommendation Lack of information / Holding Objection

Legislation

Hedgerow Regulations 1997

Other materials planning considerations

National Planning Policy Framework (2023)

National Planning Policy Guidance (NPPG)

Norfolk County Council Environmental Policy (2019)

British Standard BS5837:2012 "Trees in relation to design, demolition and construction: Recommendations"

Assessment

Overview:

The proposed route of the Western Link Road passes through an area of countryside comprising open fields, woodlands, hedgerows, hedgerow trees and isolated trees.

The Arboricultural Impact Assessment (ES – Chapter 10 – Biodiversity – Appendix 35) highlights that 377 arboricultural features were included in the report (including individuals, tree groups, hedgerows and woodlands).

Ancient Woodlands, Ancient Trees and Veteran Trees

- It is acknowledged that the route has gone through changes to reduce the impact to veteran and other high quality trees, and also to ancient woodland areas.
- 51 ancient and veteran arboricultural features were identified within the survey, with seven proposed to be removed.
- Ancient Tree Inventory (ATI) notes that a further 50+ ancient or veteran trees may be within survey area (but not necessarily affected by proposals).
- ATI is a useful tool, but relies on data volunteered to the Woodland Trust, so can be incomplete or, occasionally, unreliable. However, there is a large discrepancy between the two figures that should be checked.
- Survey work was carried out in 2019, 2020 and 2022, so data is at least 2 years old, and potentially 5.
- A new section of Ancient Woodland, called North Wood, has been identified to the north of Primrose Grove. A section of this woodland lies within the red line boundary of the site, and therefore needs to be assessed against the proposals.
- To the north of Primrose Grove, a retaining wall has been detailed (2.06.09 Ancient Woodland Retaining Wall RW1 General Arrangement Sheet 1) in an effort to preserve the required buffer zone between the proposals and the ancient woodland. However, there is no analysis of this within the AIA, and no details of the protection of the buffer zone.

Tree Losses

- Seven ancient and veteran trees to be lost (according to those identified within the survey)
- Potentially more according to ATI
- A category – 25 trees, six tree groups and two woodlands
- B category - 37 trees, 31 tree groups, 10 hedgerows and seven woodlands
- C category – 22 “arboricultural features”

Hedgerows

- The Hedgerow Report 2021 (ES – Chapter 10 – Biodiversity – Appendix 10) is a detailed summary of hedgerows present on site.

- The details of the loss of hedgerows are provided within the AIA. There are no details of the mitigation proposals in relation to the hedgerows.

Tree Protection

- General tree protection recommendations have been provided in the Outline Arboricultural Method Statement (ES – Chapter 3 – Description of Scheme – Sub Appendix 1D)
- This document does not include specific tree protection details relating to which trees require protection and how they will be protected.

Mitigation / compensation

The NPPF (para 186 (c)) states that any application “resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Further information relating to the mitigation is required. The AIA refers to the replacement of the RPA of removed tree at various ratios according to whether the removed tree is ancient or veteran, A category, B category or C category. There is no explanation as to whether the replacement of the RPA of these trees refers to the planting of individual trees or the planting of new woodlands. Without further information, it is not possible to state that a suitable compensation strategy is in place.

Further compensation has been set out in the form of woodland enhancement. Within the documents provided, there is mention of removal of conifer and poplar from the woodlands, and the reintroduction of coppicing. However, there is little detail as to the extent of the works that will be carried out.

Other considerations

As outlined above, the recent designation of a section of North Wood, to the north of Primrose Grove, as Ancient Woodland will require further assessment to ascertain whether the required buffer zone, as outlined within the NPPF, can be provided.

Summary:

Whilst the documents provided with the application form a comprehensive summary of the trees, hedgerows and woodlands that are present on site, an update of the information is required to ensure that all tree data is up to date, and additional ancient woodland and ancient and veteran trees are fully accounted for.

Further detail is required in relation to the protection of retained trees and ancient woodland buffer zones across the site, and clarification of the mitigation strategy so that a clear assessment can be made as to whether suitable levels of compensation for loss of irreplaceable habitats has been achieved.

Recommendation: Holding objection / Lack of information

With the information currently supplied with the application, I cannot be certain for the full impact on ancient woodland and ancient and veteran trees on site. In association with this, I am not certain that the mitigation is sufficient, or that tree protection can be properly provided across the site during the construction phase of the works.

In order to fully assess the application, I would like to see the following:

- Update of Arboricultural Impact Assessment to ensure:
 - All tree survey data up to date
 - Assessment of impact on the newly classified ancient woodland
 - Reconciliation of ancient and veteran trees with the Ancient Tree Inventory
- Provision of Arboricultural Method Statement as per BS5837:
 - Provision of a Tree Removal Plan or similar is recommended to clarify which trees are being retained and which removed.
 - To include details of tree protection around individual trees and protection of the buffer zones around ancient woodland
- Clarified mitigation:
 - Clarification of trees being lost, and how many are replanted
 - Clarification of how “replacement of RPA” of lost trees relates to tree numbers and woodland areas planted.
 - Clarification of mitigation in relation to removed hedgerows
 - Details of what woodland enhancement will encompass

Case Officer:		Date:	
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Appendix 1 – Relevant Development Policy and Other Policy and Advice that is a Material Consideration

DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies and DPD 2010-2026 (2011), the Greater Norwich Local Plan (Adopted March 2024), the Broadland District Council Development Management Development Plan Document (Adopted August 2015), Breckland Local Plan (Adopted September 2023) are of relevance to this application:

NM&WDF: Core Strategy and Minerals and Waste Development Management Policies and Development Plan Document 2010-2026 (2011)

- Policy CS16: Safeguarding mineral and waste sites and mineral resources; and
- Policy CS17: Use of secondary and recycled aggregates.

NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017)

- Policy SD1: The Presumption in Favour of Sustainable Development.

Greater Norwich Local Plan (GNLP) (Adopted March 2024)

The Greater Norwich Local Plan (GNLP) has been found to be sound by an Independent Inspector and was adopted in March 2024 as part of the development plan for Broadland District Council, Norwich City Council and South Norfolk District Council, subject to the inclusion of the main modifications recommended by an Independent Inspector. It replaces the former Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014). The following policies are relevant to the application:

- Policy 1: The Sustainable Growth Strategy
- Policy 2: Sustainable Communities.
- Policy 3: Environmental Protection and Enhancement; and
- Policy 4: Strategic Infrastructure; and
- Policy 6: The Economy.

Broadland District Council Development Management Development Plan Document (Adopted August 2015)

- Policy GC1: Presumption in favour of sustainable development.
- Policy GC2: Location of new development;
- Policy GC4: Design;
- Policy EN1: Biodiversity and habitats;
- Policy EN2: Landscape;
- Policy EN3: Green Infrastructure;
- Policy EN4: Pollution;
- Policy H4: Change of use of a dwelling
- Policy TS2: Travel Plans and Transport Assessments;
- PolicyTS3: Highway safety;
- Policy TS4: Parking guidelines;
- Policy TS 6: Public safety zones;
- Policy CSU5: Surface water drainage;

In addition, the Broadland District Council Development Management Development Plan Document Policies Map shows a number of areas that are identified as a “Locally Defined Area of Biodiversity Importance e.g. County Wildlife Site/Local Nature Reserves/RIGS” that located adjacent to the alignment of the NWL. There is also an area of Ancient Woodland (Primrose Grove), which comprises Ancient Replanted Woodland identified on the Policies map located approximately 1km north-west of Ringland.

Broadland Neighbourhood Plans

There is no Neighbourhood Plans for the Parishes in Broadland District that would be affected by the proposed alignment of the Norwich Western Link.

Breckland Local Plan (Adopted September 2023)

- Policy GEN 01: Sustainable Development in Breckland;
- Policy GEN 02: Promoting High Quality Design;
- Policy GEN 05: Settlement Boundaries;
- Policy TR 01: Sustainable Transport Network;
- Policy TR 02: Transport Requirements;
- Policy ENV 01: Green Infrastructure;
- Policy ENV 02: Biodiversity Protection and Enhancement;
- Policy ENV 05 Protection and Enhancement of the Landscape;
- Policy ENV 06 Trees, Hedgerows and Development;
- Policy ENV 07 Designated Heritage Assets;
- Policy ENV 08 Non-Designated Heritage Assets;
- Policy ENV 09: Flood Risk & Surface water Drainage;
- Policy COM 01: Design;
- Policy COM 02 Healthy Lifestyles; and
- Policy COM 03 Protection of Amenity
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Breckland Neighbourhood Plans

There is no Neighbourhood Plans for the Parishes in Breckland District that would be affected by the proposed alignment of the Norwich Western Link.

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (December 2023)

The latest iteration of the National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government’s planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a material consideration capable of carrying significant weight. Paragraph 11 sets out the presumption in favour of sustainable development and Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Norfolk Minerals and Waste Local Plan: Pre-Submission Publication

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to those policies and the degree of consistency between them and the NPPF.

The production of a new Norfolk Minerals and Waste Local Plan is currently on-going. The Pre-Submission Publication draft of the Plan ('the emerging NM&WLP') was published for a period of representations between September and December 2022. The Pre-Submission document was submitted to the Secretary of State in December 2023, for public examination by a Planning Inspector. The examination hearings took place on 2 and 3 July 2024. At this stage only limited weight can be attributed to the policies in the emerging plan, although Policies MW2, MW3, MW5, MP6 and MP8 do not have any objections to them and can therefore be given greater weight. Draft policies relevant to this application only include policy in mineral safeguarding comprising Policy MP11: Mineral Safeguarding Areas and Mineral Consultation Areas.

Supplementary Planning Documents

Supplementary Planning Documents (SPDs) are intended to build upon and provide more detailed advice or guidance on policies in an adopted local plan. They do not form part of the development plan, but are a material consideration in decision-making. Relevant SPDs adopted by Broadland District Council and Breckland District Council including the following:

Broadland District Council

- Landscape Character Assessment (LCA) SPD (2013)
- Place Shaping Guide (2012)

Broadland District Council have also published, Place Shaping Guide (2012) that provides advice on how new development can be undertaken in a sustainable, well-designed and cost effective way that contributes to the economic, environmental and social health of Broadland.

Breckland District Council

Breckland District Council have produced the following two Supplementary Planning Documents:

- Breckland Design Guide (2024); and
- Breckland Landscape and Settlement Character Assessment