



Natural Environment Team - Ecology

To: Planning Services

Ref: FUL/2024/0022

Date: 19<sup>th</sup> August 2024

## CONSULTATION RESPONSE

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Reference: FUL/2024/0022

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

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

**Relevant planning policies (also see Appendix 1 below)**

**Development Plan Policy**

**Neighbourhood Plan**

**Legislation**

Wildlife and Countryside Act 1981

NERC Act 2006

Conservation of Habitats and Species Regulations 2017

Protection of Badgers Act 1992

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

**Other materials planning considerations**

**National Planning Policy Framework (2023)**

**National Planning Policy Guidance (NPPG)**

**Norfolk County Council Environmental Policy (2019)**

**Assessment**

Most of the surveys are 2 years or older and whilst these are within the lifespan recommended for CIEEM (CIEEM, 2019) most of the species surveyed are mobile species or are habitats that can change in a shorter timescale. It is therefore recommended that these surveys are updated to better reflect the baseline conditions on site. Notably:

- Aquatic Ecology Surveys (2022)
- River Habitat Field Surveys (2021),
- Fungi (2021), Lichen (2021),
- Macrophytes (2022),
- Fish (2022),
- Great Crested Newts (2021),
- Wintering Birds (2021),
- Breeding Birds (2021),
- Barn Owl (2021),
- Bats: Roost, activity, Vantage Point Surveys, and Static Monitoring (2022)
- Badger (2022),
- Otter (2021),
- Water Vole (2022),
- Reptiles (2020),
- Desmoulin's Snails (2021),
- Whiteclaw Crayfish (2019),
- Terrestrial Invertebrates (2021),
- and Aquatic Macroinvertebrates (2022).

If there is any delay (extending into 2025) before the approval of this application, it may be necessary to update the habitat surveys also.

**County Wildlife Sites**

As highlighted in the Landscape response direct impacts on CWS such as habitat loss to Primrose Grove need further mitigation. More detail is required to compensate for these impacts.

**Ancient Woodland**

It should be noted that Natural England published a change to the Ancient Woodland inventory on 31/07/2024.

*"To Whom it May Concern,*

*Ancient Woodland at North Wood, NR8 6, Broadland, England, Norfolk,  
TG 1323 1508.*

*Natural England have been asked to consider adding North Wood (TG13231508) to the Ancient Woodland Inventory. After careful consideration of all the available evidence Natural England have concluded that this site can be supported as ancient woodland and as such it will be added to the Ancient Woodland Inventory at the next opportunity. The Ancient Woodland Inventory shows the location and extent of all ancient woodland in England.*

*Image shows the boundary of new ancient woodland (TG13231508 - North Wood) in red.*



”

This area now is directly adjacent to the red line boundary of the proposed scheme. Whilst this change did happen after the submission date of the application, impacts on this area should be considered moving forward. (please refer to response 20240807 for further information on trees)

#### Badger

Some of the sets during the initial surveys were not found in subsequent resurvey years.

#### Bats

*11.2.8 Due to the high level of protection afforded to bats and their habitat, mitigation is governed by a strict licensing procedure administered by Natural England.*

*Licensing is subject to three tests, as defined under the Habitats Regulations, these must be applied before granting permission for activities affecting bats.*

*For permission to be granted the following criteria must be satisfied:*

- The proposal is necessary for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary*

*importance for the environment;*

1. Local road vs national importance population, not in Local Plan so not needed to unlock housing and development, not NSIP.

• *'There is no satisfactory alternative;'* and

2. Reasonable alternative assessment very light on ecological considerations.

• *The proposals 'will not be detrimental to the maintenance of the population of the concerned at a favourable conservation status in their natural range*

3. Favourable status – It is not clear that the proposed mitigation can deliver favourable status. This would require much more information to demonstrate that test can be passed.. Expert advice has been sought by the applicant which is not reflected in the reports. The Green bridge design is a minimum width design, because of impact on woodland. This is a result of constraining mitigation within a tight redline boundary. Impact on Ancient Woodland that is a characteristic habitat of bat species is very hard to mitigate in anything other than the long term. This is constrained by the mitigation being within the red line boundary. The wider context outside of the redline boundary has not been considered when referring to barbastelle flightlines.. Barbastelle are found in in area so there is adequate information and knowledge to design a wider scale mitigation approach over a longer period.

## Lighting

A Lighting Plan (this is referenced as Document Reference 2.09.01 within the Lighting Scheme (Document Reference 4.07.00) but is labelled on the document list within Norwich Western Link - Norwich Western Link (oc2.uk) as 2.09.00) provides a lux contour map of the lighting proposed. This extends to cover a section near the A47 junction and includes contours to 0.1lux. No baseline lighting survey has been provided, or justification that this has been scoped out. **Further information is required.**

The Lighting Scheme refers the reader to review the Lighting Plan at paragraphs 1.1, 1.2, 1.4, 1.5 and 1.8; and Environmental Statement – Chapter 11 – Bat Chapter (Document Reference 3.11.00) at 1.6. It would be useful to have all the information of relevance to the Lighting Scheme presented within the Lighting Scheme document.

The 2019 radio-tracking survey found that there was a barbastelle home range which was found to overlap with the area proposed to be illuminated. In 2022, there was a barbastelle peripheral foraging area noted to be north of the area proposed to be illuminated in August 2021. No flight lines are provided as the movements across the southern area. The A47 junction lighting as illustrated in the Lighting Plan is within 300m of a confirmed brown long eared bat roost. Whilst the text within the Lighting Scheme states that the lighting is being installed not in an area identified of importance for commuting

and foraging bats, the survey effort to date does not support this statement. Radio tracking surveys were undertaken in 2021 (June) for brown long-eared bats, but no vantage point surveys were carried out within the area to be illuminated. No flight lines are provided as to how the bats are moving between the roosts (note that the 2021 radio tracking information does not include the roosts presented for this species in the ES Chapter 11: Bats: Appendix 11.10 Figures Document Reference 3.11.10). Further information is required on how all bat species (not just brown long-eared bats) are currently using this area, as a baseline, with a subsequent assessment on how the proposed lighting may impact upon them.

The Lighting Scheme states, in paragraph 1.10.1, that the signage lighting at junctions is not considered to be of a level to significantly disturb sensitive ecological features. No information is provided as to the details of this lighting, such as any lux contour plan, placement in relation to recorded bat flight lines or roosts, and specifications. **This information is required.**

There is reference to vehicle headlights causing impacts within the Lighting Scheme, within paragraph 1.7.2. Mitigation is outlined for only above underpasses and along green bridges. Further measures are not provided for the length of the route to prevent light spill onto retained and created habitats, or a rationale provided as to why they have not been considered. Further mitigation measures would be considered appropriate, including providing solid screening extensions to underpass parapets.

Paragraph 1.9.4 outlines that lighting will be “in accordance with best practice” but no reference is provided for the best practice approach. It is anticipated that any lighting should comply with the Bat Conservation Trust and Institute of Lighting Professionals GN 08/23 Bats and Artificial Lighting in the UK (2023), and where deviations occur, for these to be fully rationalised. Currently, the lighting columns include luminaires of 3000K, and no information is provided as to why 2700K luminaires have not been considered. Further information is required to fully outline how the lighting design is compliant (or where it is not) with the Bat Conservation Trust and Institute of Lighting Professionals GN 08/23 Bats and Artificial Lighting in the UK (2023) guidance.

The locations proposed for bat monitoring do not include any within the illuminated section. Lighting compliance monitoring would be considered appropriate, along with potential remedial measures, however this is not specified. **This information is required** within the monitoring plan for both lighting and bat monitoring.

The lighting proposed as part of the A47 junction along with signage lighting should also be considered within a landscape setting, from the surrounds, in order to provide an assessment of the lighting as an attractant for invertebrates and other species on passage or migration; and any trophic implications assessed. **This information should be used within the assessment.**

## Surveys

Survey work has been carried out in relation to bats, in 2019, 2021 and 2022. Whilst these surveys include a variety of techniques and methodologies and provide information regarding bat use of the area at those times, they are now considered out of date. **Additional surveys to provide an up-to-date assessment of bat assemblages across the scheme area, flight lines and any seasonal variations would be considered appropriate.** These would be required to be in line with current best practice survey guidance, with any deviations fully rationalised.

There is a limitation (e.g. paragraph 2.7.3 in Appendix 11.5: 2022 Summer Bat Report Document Reference 3.11.05) which refers to the limited field of view of thermal imaging cameras used. Whilst bats were frequently recorded by bat detectors, but not observed by surveyors or recorded by the cameras, the report assumes that these bats were not using the linear feature or habitat subject to the surveys. It is not clear if the limitations of the thermal imaging camera were considered (e.g. focal distances) in this assessment. This statement also does not consider what the frequently recorded bats that were recorded but that remained unsighted, were doing in the vicinity of the habitat or linear feature under survey. **Further information is therefore required**, or a more precautionary inclusion of this data incorporated into the assessment.

Furthermore, there were several recording errors and surveys abandoned, it is not clear how these omissions were assessed (in a precautionary manner). In particular, VP11 and 12 had failures of recording in August 2022. These two locations are situated along the A1067, with one other, VP10 approximately 200m to the north-west of VP11; and approximately 620m north-west of VP12. The next nearest VP, VP1, is located approximately 900m to the south-west, but this was not surveyed at the same time as VP10, 11 or 12. Whilst the limitation provided states that other surveyor locations provided good coverage of the area, and that the limitation does not affect the value of the dataset, it is not clear how the results have been assessed (in a precautionary manner). Further information is therefore required to provide detail on this matter. Similarly, VP12 in August 2022 had surveyors only located to the north of the A1067. In combination with a bat detector recording failure, there was limited data collected. Provision of more detailed information on how the failure in combination with the lack of a surveyor at the southern survey point at VP12 is required, to understand how the assessment considered these deviations from the methodology proposed. Further consideration of the limitations may mean that the statement that there were no “important” bat crossing locations at VP10, VP11, or VP12 requires amendment, and **additional mitigation measures should be provided.**

Appendix 11.5: 2022 Summer Bat Report Sub Appendix A: Vantage Point Surveys Document Reference 3.11.05a includes each VP location as a polygon shape on the plans provided. VP10 however is not illustrated upon Figure 11.6 within the ES Chapter 11: Bats: Appendix 11.10 Figures Document Reference 3.11.10. It would be useful if all documents could have a consistency check to ensure that all plans provide the same information. Furthermore, the plans within ES Chapter 11: Bats: Appendix 11.10 Figures

Document Reference 3.11.10 are generally unclear, with legend text and annotations illegible, and polygons/points marked upon plans also are not clear. These plans should be provided in a clear way to allow a full review.

The plans provided to show vantage point locations are variable in their shape, however it is not clear why this is the case, especially in light of the narrow field of view of the thermal cameras used (as stated within the limitations). No information however is provided on the actual field of view or specifications of the thermal cameras, for example, if the standard lens was used, or if additional lenses were used to capture a wider field of view than the standard model allows.

The survey rationale for the 2022 vantage point surveys was based on prior survey effort (radio tracking), and so only four vantage point locations (VP9 to VP12) were included in 2022. The 2020/2021 surveys covered VP1 to VP8, with VP6 to VP8 surveyed in 2020, VP1, VP3 and VP5 in 2020 and 2021, and VP2 and VP4 mainly in 2020, with one May survey in 2021. This means that the information is up to four years old. As such this is considered out of date.

There is incomplete weather information provided for the vantage point surveys in 2020/2021, with several surveys not including if there was any precipitation, or the wind speed. Several of the timings also start significantly after sunset. The methodology outlined (e.g. in paragraph 2.2.4, in Appendix 11.5: 2022 Summer Bat Report Document Reference: 3.11.05) that vantage point surveys “began 15 minutes after sunset and continued for 2 hours 45 minutes in total”. No rationale is provided for the timing, and why it is considered to begin the surveys after sunset rather than before or at sunset, other than for VP5 where previous barbastelle activity timing was taken into account. The timing of these surveys could have missed species using the survey area, particularly if roosts were present locally. **This lack of data may mean that the assessment does not adequately consider bat species using the survey locations.**

The structure surveys carried out in 2021 (as reported within ES Chapter 11: Bats - Appendix 3b Structure Roosting Bats Document Reference: 3.11.03b, and Environmental Statement Chapter 11: Bats Appendix 3: 2021 Bat Roost Survey Report Document Reference: 3.11.03) included dusk emergence and dawn re-entry surveys; and hibernation surveys. More recent surveys have not been presented, and the 2021 surveys are considered out of date, as noted within section 2.0 of Document Reference: 3.11.03) which states that the report is considered valid for up to 18 months.

It is not clear from the legend of Figure B1 (within Document Reference: 3.11.03b) but it is assumed that those structures overlaid with red polygons were confirmed as roosts (dusk emergence/dawn re-entry). Figure B2 outlines the locations and status of hibernation surveys. It appears that different structures have been scoped in for different surveys, but no rationale provided for why structures that were subjected to dusk emergence or dawn re-entry surveys did not also have an assessment or survey for hibernation suitability. Status of roosts for all roost types is required to be considered.

Detailed survey methodology (including surveyor and night vision aid placement) and climatic information for surveys carried out on structures is not currently available. **This information should be made available.**

#### Tree surveys

Appendix 3a: Trees Roosting Bats Document Reference: 3.11.03a provides a table of results, for “follow-up presence/absence surveys” of trees in 2019, 2020 and 2021. The table also includes “2021 hibernation surveys.” There is no climatic information provided, or a narrative around whether or not the temperatures at the dates of the hibernation surveys would support hibernation, or any detail on why hibernation roosts are likely absent. This information is required in order to make a full assessment of the implications of woodland and tree loss on hibernating bats, and the proposed mitigation and compensation to be provided. **As noted above, the surveys are considered out of date and should be updated.**

The survey effort for the presence/absence surveys were carried out across two survey seasons, with limited full season of survey visits undertaken within a single survey season.

In several cases, roosts are assumed to be present, but limited information regarding the assumption made is provided, and how any precautionary approach applied. **Further information is required.**

Whilst it is noted that a series of trees were scoped out for further survey (in liaison with Natural England), the rationale for this is required to be provided. A reason for why there are some trees surveyed outside of the survey buffers would also be useful to include.

#### Swarming/mating

No assessment or survey has been undertaken in respect of mating or swarming sites. Additional surveys or a reason for why these have not been undertaken or are considered inappropriate should be provided. Without this information, it is not possible to ascertain if the nature of, or sufficient mitigation and compensation measures are proposed.

#### Radio tracking

There has been considerable radio tracking survey effort in the local area. In relation to the proposed scheme, there has been a bias towards sites in the north of the scheme. In addition, the survey work reported upon is up to 3 years old. As such, **updated surveys are required** to provide a robust baseline. This requirement is supported by the changes noted between the 2019 and 2021 radio tracking reports with changes in species’ core and peripheral areas illustrated.

#### Future baseline

The future baseline section within the Environmental Statement – Chapter 11: Bats Document Reference: 3.11.00 provides some information relating to potential future baseline of bat species populations. Additional information in respect of the impacts of, for example, climate change upon the habitats



supportive of the bat species assemblage, present within the Red Line Boundary and at a local level, would be useful to include to afford a fuller assessment of future baseline.

#### Mitigation and compensation

The mitigation and compensation measures outlined within the submissions attempt to provide some landscape connectivity, though it is noted that construction and operational effects on bats (including barbastelle) remain negatively significant until vegetation has established. **As such, there are areas which require additional consideration, information and provision prior to being acceptable.**

The proposals shown within the Landscape Ecological Key Plan include four green bridges (The Broadway, Foxburrow Plantation, Morton and Nursery Woodland), one underpass (Ringland Lane) and one culverted bat underpass (TUD Tributary Culvert). The key for this plan does not include all mapped polygons and is therefore not a clear representation of the proposals. This should be rectified.

Appendix 6c Green Bridge and Underpass Associated Landscape Design Document Reference: 3.11.06c provides a broad overview of Ringland Lane Bridge, and Broadway and Foxburrow Green Bridges. Morton and Nursery Woodland Green Bridges, and the culverted bat underpass are not included within this document, and both Broadway and Foxburrow Green Bridges are illustrated by the same image. This appendix should include separate landscape designs for all structures. It is also not clear at what point in time the visualisations are provided for – it is assumed that these are showing when vegetation has matured, however further visualisations showing the integration of connectivity features at several points during operation, up to maturity should be provided, given the length of time that this will take.

Of concern within the landscape design visualised for Ringland Lane Bridge is that there is insufficient funnelling of bats towards the safe crossing underpass. It is possible that with the current design, bats (particularly those which utilise woodland edge, or remain close to canopy/vegetation, or other clutter, such as Natterer's bat or brown long-eared bat) could follow a route along a hedgerow or tree line and cross the live carriageway within the collision risk zone.

Similarly, for The Broadway and Foxburrow Plantation Green Bridges, there are unplanted areas which could allow bats following the woodland edge to progress towards and across the carriageway at the collision risk zone. It is not clear if, should visualisations be made available for the other green bridges, the same risk would apply.

In proximity to the green bridges, there are access routes through planted areas. It is not clear what the anticipated use of these routes are, for example the frequency and type of traffic, and if alternative routes have been considered, or if their presence will affect bat movements. Similarly, there is

access provision across the Broadway and Foxburrow Plantation bridges, diminishing the habitats available to bats to use.

Within Appendix 6b Design of Green Bridges and Underpasses Document Reference: 3.11.06b, there are timber post and rail fences demarking the boundary between the hedgerow and the access route across the bridge. Whilst the anticipated type of use is not outlined in the context of the impacts on bat mitigation, it is not clear how accessible the new planting will be to users of the access route, and if alternative barriers have been considered to reduce the risk of vandalism, littering or other unauthorised access.

The Ancient Woodland Retaining Wall RW1 General Arrangement Sheet shows that there will be pedestrian access alongside the ancient woodland. There is a pedestrian guardrail along the carriageway and the path, however there is no barrier to access, along the ancient woodland edge. It is not clear how or if any gradual degradation of woodland condition through pedestrian access (along with associated dog access and littering) has been considered, and if there will be any impacts on bats as a result of this.

Within the Environmental Statement – Chapter 11: Bats Appendix 11.6: Outline Bat Mitigation Strategy Document Reference: 3.11.06, there is reference to planting of “instant” hedgerows to help create instant connectivity, with adjacent whips provided also. There is no available plan of Temporary Flight Lines (TFLs) provided, and it is not clear if there will be an overlap of TFLs along new planting, whereby the TFL may negatively impact upon the newly planted features. A plan therefore of proposed TFLs with landscaping measures would be of value. Currently the Environmental Statement – Chapter 11: Bats Appendix 11.6: Outline Bat Mitigation Strategy Document Reference: 3.11.06 states that TFLs are a construction phase measure (e.g. paragraph 2.4.29). The TFLs are however anticipated to be required to be kept in situ for a considerable period until the planted measures are fully functional, post construction. A plan of how the TFLs will be monitored for integrity post construction, and remedial measures, should be provided.

Given the extent of the woodland to be removed, and the length of time for the plantings to reach maturity and fulfil the same habitat resource as those lost, further information is required on how bat species and populations will be impacted over this time period. Currently there is insufficient information on these impacts and mitigation specifically relating to this concern.

The Essential Environmental Mitigation Plan submitted provides a table outlining the offsite ecological mitigation types and total areas/lengths. “Woodland and scrub creation” is proposed to amount to 16.35 hectares. The Appendix 11.6: Outline Bat Mitigation Strategy Document Reference: 3.11.06 at paragraph 3.3.9 states that “the current woodland area creation target is 30.03ha.” The Landscape Ecological Plan (Sheets 1-5 and Key) do not provide a breakdown of areas, but the annotations include arrows pointing to dark green areas (not in the legend) as planting to create woodland. The Essential Environmental Mitigation Plan does include “offsite” measures in the table, however, some of the measures included on the plan are within the red

line boundary. All these plans should clearly show the proposals with consistency between documents. **Further information is required** as to the locations of the woodland to be created. This should be differentiated from scrub creation.

A large proportion of the landscape proposals for ecological mitigation relating to bats is focussed towards the northern part of the scheme. Further measures would be expected to be provided to the southern part of the scheme, particularly in light of the surveys undertaken to date and their limitations, observed Myotis and brown long-eared bat movements in this area, as well as the likely cumulative impact as assessed within the paragraph 11.12.34 of the Environmental Statement – Chapter 11: Bats Document Reference: 3.11.00.

Paragraph 3.1.5 provides information that an assessment of potential effects of noise upon bats will be made within 50m of piling activities, and this will be done as part of the BNMMP to inform the EPSML. Whilst it is noted that piling is particularly noisy, it would be useful to clarify other sources of noise and vibration during construction, and any impacts on bats in additional detail. Further detail on operational noise impacts (particularly as paragraph 11.9.73 within Environmental Statement – Chapter 11: Bats Document Reference: 3.11.00 states that “vehicle noise has been shown to reduce foraging efficiency for some species” and that “the effects are short range, and any deterrence effect may help to reduce collision risk.” Vehicular noise produced during operation is not an acceptable method of mitigating collision risk. In the context of this paragraph, further information is required relating how the habitat creation (woodland specifically) measures proposed along the route will be considered successful as measures to support bats, and why additional measures are not provided further from the range of noise effects.

#### Monitoring

Paragraph 11.13.1 in the Environmental Statement – Chapter 11: Bats Document Reference: 3.11.00 states that the monitoring surveys required will establish whether mitigation and compensation measures are effective in maintaining the bat species present, including woodland specialists, at a favourable conservation status (FCS), and in 11.2.8, that the three tests must be satisfied. **Further information (as outlined in this response) is required in order to understand if it is possible to maintain species’ FCS, in order to satisfy one of the three tests.**

Environmental Statement – Chapter 11: Bats Appendix 11.7: Outline Bat monitoring strategy Document Reference: 3.11.07 states at paragraph 2.1.4 that “Monitoring methods and requirements should be reviewed periodically by the BAG and the Named Ecologist in light of future research findings, and amended where appropriate, subject to agreement with Natural England.” The wording “reviewed periodically” is open to interpretation and should be defined.

As aforementioned, monitoring of lighting during operation should be also included in the monitoring plans, with reference to Objective 4. This Objective

would also require the monitoring of bats, and an analysis of bat assemblage data with environmental and climatic variables. This analysis would be required otherwise it would not be possible to ascertain the objective has been met.

Similarly, Objective 5 requires bat monitoring information as well as habitat monitoring. A spatial modelling analysis could be appropriate in this instance. Objective 5's successful indicator should include bat specific indicators. It would not be possible to "ensure" that the effects of habitat change within the Red Line Boundary are beneficial to bat populations within the Site Boundary in the longer term, but a relationship between them could be inferred. The use of two boundaries within the objective seems to be confusing and should consider all habitat changes.

In terms of the monitoring period, it would be valuable to consider what might be appropriate once vegetation has matured, or is significantly more established than the final monitoring period at year 10 post construction. This could complement the BNG monitoring plan over 30 years.

Table 6-2 includes remedial measures to address changes in bat behaviour. It would be useful to include measures for monitoring of bat flightlines that become established over the monitoring period, to build in flexibility to respond to movement changes.

Objective 1 includes moving bat boxes (if appropriate). Given the roost switching behaviours of many bat species, moving boxes may result in a local loss of resource, and significant survey effort would be required to ascertain that the box is not being used at some point in the year. Retaining boxes in situ and adding additional boxes would be more acceptable.

Objective 1 also includes extending the area to be trapped (using acoustic lures) as a remedial measure to provide assurance that the distribution and breeding success status of bat populations within the Red Line Boundary is stable (or improved) compared to pre-construction. The measures proposed should be sufficient to meet the objective within the Red Line Boundary without widening the trapping area. Further rationale for this approach is therefore required.

Objective 1 also has some reviews of data to ascertain success. A review of data is not considered a remedial measure, but the step necessary to inform the remedial measure. Further information on the resultant remediations is therefore required.

#### Biodiversity Net Gain

Discrepancies between BNG report and submitted metric tool.

The BNG report states that Irreplaceable and Very High Distinctiveness Habitats should not be in the metric. Guidance states that they should be in the metric but not given a value. These habitats are present in the metric.

It is important to note that this onsite BNG is expected to be classified as being 'significant' onsite BNG; it will therefore be required to be legally secured for a minimum 30-year period via a section 106 agreement or similar. UK Habs Surveys undertaken within the last 3 years (with updates undertaken outside of the survey season in November 2022). Should the application not be granted assent until 2025, walkover surveys are recommended to make sure the baseline conditions are the same as those included in the report. Within these surveys the remaining 4.2 Ha of indirectly surveyed land should be part of this survey effort.

In addition, the applicant will be required to submit a detailed Habitat Monitoring and Management Plan for approval prior to commencement of any development.

### HRA

Detailed comments provided on 3 iterations which have not been acted on.

- Impact on peaty soils not adequately considered – functionality of floodplain, impact of replacement substrate, leaching of lock up nutrients in removed soil.
- Temporary working platform impact not clear.

Much **more information needed** to be able to conclude there will be no adverse effect.

SSSI features that are not part of SAC have not been considered. Information must be provided including any impact and proposed mitigation needed on these features.

### Reasonable Alternatives

In the options appraisal Ecological features were considered and known roosts have been avoided as a filter from other routes

*"1.1.6 As stated within Table 8.2 of the OSR,"* This table cannot be found.

What can be found is a RAB assessment 3.04.03 - Environmental Statement - Chapter 4 - Reasonable Alternatives Considered - Appendix 3 - Review of OSR Conclusions in light of 2022.pdf which still highlights that Option C revised has Moderate Adverse Likely Impacts across all factors other than pond loss.

3.04.00 - Environmental Statement - Chapter 4 - Reasonable Alternatives Considered.pdf states *"4.8.6 As per Table 8.2 of the OSR, Options C and both variants of Option D were assessed to be the better performing, being identified as having a 'large adverse' impact on biodiversity and ecological features, compared to Option B and Option A, which were assessed to have a 'very large adverse' impact on biodiversity and ecological features."*

#### *"Bats*

*1.9.3 Option A was assessed to have a 'very large adverse' impact on biodiversity and ecological features in the OSR. This conclusion was in part underpinned by potential impacts upon bat species, including barbastelle, associated with nearby woodland habitat at Royal Norwich Golf Club and Roarr! Dinosaur Park. The baseline surveys undertaken to inform the project since the OSR have reaffirmed the presence of barbastelle maternity colonies associated with these woodlands and nearby habitats that would be directly impacted by Option A if progressed. The evidence available continues to show that Option*

*A would have very large adverse impacts upon biodiversity and ecological features.*

*Biodiversity*

*1.9.4 Option A was assessed to have a 'very large adverse' impact on biodiversity and ecological features in the OSR. This conclusion was in part underpinned*

*by potential impacts upon bat species, including barbastelle as outlined above. For other biodiversity features, Option A scored well with comparatively lesser impacts to the River Wensum SAC/SSSI, ancient woodland, Habitats of Principal Importance, County Wildlife Sites, and hedgerows.*

*1.9.5 No further evidence has been collected that would lead to a refinement of the OSR conclusions”.*

**EIA**

The initial EIA and the 3.05.03 - Environmental Statement - Chapter 5 - Approach to EIA - Appendix 3 - EIA Scoping Report Addendum 2022 has noted little change in survey scope, however this has changed in the intervening time and various receptors have been brought into the scope in line with comments from consultees.

**Legislative requirements**

The applicant should be confident that Natural England will grant the European Protected Species Mitigation (EPSML) and Badger licenses.

**Mitigation / compensation**

**Otter**

5.9.1 “..However, it could be reduced to 100 m depending on the nature of the works, topography, and natural screening. This would require judgement from a SQE.” Is there a reference for this guidance?

(Norwich Western Link: Environmental Statement: Chapter 10: Biodiversity: Appendix 10.32: Ecological Mitigation Strategy)

**Other considerations**

Some of the embedded amps and images have undergone too many layers of compression and are not readable.

**Summary:**

Further information is required to make a decision on the application.

**Recommendation:** Lack of information

Information must be supplied in the following areas.

Surveys:

- River Habitat Field Surveys
- Fungi (2021), Lichen
- Macrophytes
- Fish
- GCN
- Wintering Birds

- Breeding Birds
- Barn Owl
- Bats: Roost, Activity, Roost, Vantage Point Surveys, and Static Monitoring
- Badger
- Otter
- Water Vole
- Reptiles
- Desmoulin's Snails
- Whiteclaw Crayfish
- Terrestrial Invertebrates
- and Aquatic Macroinvertebrates

If there is any delay (extending into 2025) before the approval of this application, it may be necessary to update the habitat surveys also.

Reassessment of impacts on ancient woodland due to the new boundary implemented by NE.

BNG reports and BNG metric to be updated for consistency.

Habitat Regulation Assessment to be updated with more information (see above)

Bats

Baseline lighting survey is required.

Greater detail regarding lighting and bats. (see above).

Greater detail is needed in the various Bat reports (see above).

Information is required about lighting around signage at junctions.

Swarming/ mating surveys required.

Information on future baseline.

Further consideration, information, and provision for bat mitigation required.

Greater detail needed and redesign of Green bridges and underpass.

Greater details to be submitted in reports:

- Essential Environmental Mitigation Plan
- Environmental Statement Chapter 11: Bats Appendix 3: 2021 Bat Roost Survey Report Document Reference: 3.11.03
- Environmental Statement – Chapter 11: Bats Appendix 11.6: Outline Bat Mitigation Strategy Document Reference: 3.11.06
- Environmental Statement – Chapter 11: Bats Document Reference: 3.11.00
- Environmental Statement – Chapter 11: Bats Appendix 11.7: Outline Bat monitoring strategy Document Reference: 3.11.07
- Appendix 6c Green Bridge and Underpass Associated Landscape Design Document Reference: 3.11.06c
- ES Chapter 11: Bats: Appendix 11.10 Figures Document Reference 3.11.10

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;



- Policy TS3: 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

Advice Note: On the Lifespan of Ecological reports & Surveys 2019