

Date: 19 August 2024
Our ref: 477933
Your ref: FUL/2024/0022



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Dear Sir/Madam

Planning consultation: 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.: Highways Team Norfolk County Council

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

Thank you for your consultation on the above dated 12 June 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development and nature's recovery.

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION

Natural England objects to this proposal.

As submitted we consider it will:

- have a significant adverse effect on the nationally important population¹ of barbastelle bats that live in and around the woodlands and other habitats within, and surrounding, the red line boundary of the planning application. It is highly unlikely that an adequate level of mitigation or compensation measures can be implemented successfully, as the predicted impacts are so significant in the short, medium and longer term. It is therefore unlikely that a European Protected Species mitigation licence would be granted.

¹ By a 'population', we mean a group of individuals of the same species that live in a geographic area at the same time and are (potentially) interbreeding (i.e. sharing a common gene pool).

Natural England's further advice on bats is set out below (section 1).

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

In addition to the objection outlined above, the application, as submitted, could have potentially significant effects on:

- River Wensum Special Area of Conservation (SAC)
- River Wensum Site of Special Scientific Interest (SSSI)
- Norfolk Valley Fens SAC
- Potter and Scarning Fens, East Dereham SSSI; and
- Alderford Common SSSI

Natural England requires further information to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Habitats Regulations Assessment (HRA):
 - Additional detail and evidence to support conclusions within the HRA, including proper consideration of designated features.
 - Further consideration of impacts of air quality and soil removal from the floodplain of the River Wensum SAC.
- Air quality:
 - Further consideration of the impact of atmospheric nitrogen oxides (NO_x) and ammonia (NH₃) on interest features of designated sites.
 - Further consideration of the impact of construction traffic.
 - Updated air quality assessment using correct critical levels and loads and clear consideration of ecological receptors in designated sites.
- Soils:
 - Further consideration of the impact of the removal of peaty soils from the flood plain of the River Wensum.
 - Additional information on how soils will be stored, handled and disposed of during and after construction.

Without this information, Natural England may also need to object to the proposal due to impacts on some of these designated sites, (in addition to the objection regarding barbastelle bats above).

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites and advice on other issues is set out below (section 2 and 3).

The advice in this letter is based on the information provided by the applicant within the planning application. It should be noted that Natural England has been engaged with the applicant, at the pre-application stage, through our Discretionary Advice Service for advice on protected sites, including the Habitats Regulations Assessment, and protected species issues. During this process we consistently raised many of the issues outlined below.

Note all references to chapters in this letter refer to those found in the Environmental Statement.

Note all references to 'your authority' refer to Norfolk County Council acting as the local planning authority, with responsibility for determining this planning application. Similarly, all references to 'the applicant' refer to Norfolk County Council acting as the developer.

The advice in this letter is set out as follows:

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1. Objection Due to Impacts on Barbastelle Bats

1.1 Legal Protection, Licensing and Favourable Conservation Status

- 1.1.1. Barbastelle bats are recorded as vulnerable on Great Britain's Red List for Mammals. The Red List categorises how close a species is to being in danger of becoming extinct. The species is listed on Annex II and Annex IV of the Habitats Directive and, so is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and is on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The species is therefore afforded some of the highest legal protection possible in England.
- 1.1.2. A mitigation licence is required where work (including development) will have impacts on European protected species that would otherwise be illegal. When assessing an application for a licence, the legislation requires that three statutory 'licensing tests' are assessed by Natural England. All three of these tests must be met before Natural England can grant a licence. The advice in this letter refers mainly to the 'Favourable Conservation Status' test i.e. will the proposed works negatively impact on the maintenance of the population of the species at a favourable conservation status in their natural range? A licence cannot be granted if it has a detrimental effect on the conservation status or attainment of favourable conservation status for a species.
- 1.1.3. The two other tests that need to be considered are the 'No Satisfactory Alternative' test, and 'Purpose' test. These two tests broadly relate to the proposals having no other reasonable alternative solution that would have less impact on the species; and that the project is being undertaken for a purpose set out in the legislation.
- 1.1.4. Natural England's view is that the current conservation status of barbastelle bats is unfavourable. (For further information see: [Edition 1 Definition of favourable conservation status for barbastelle bat - RP2974 \(naturalengland.org.uk\)](#)).
- 1.1.5. As the local planning authority, Norfolk County Council must be satisfied that where a licence is needed it is likely to be granted by Natural England, before granting planning permission. (See: [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](#)).

1.2. Assessment of Proposal on Barbastelle Bats

- 1.2.1. The ES identifies (in Table 11-40 of Chapter 11: Bats) that significant negative effects at the County/District scale are predicted for barbastelle bats even with the additional mitigation measures that are proposed. These impacts are predicted to extend into the medium term and will occur during construction and into operation. Some of the operational impacts are predicted to be permanent (injury and mortality).
- 1.2.2. Norfolk is of particular importance for the species. In light of the data provided in the ES the area would meet the SSSI Guidelines threshold for consideration for designation for barbastelle bats i.e. it holds a nationally important population of this species. (For further information on the SSSI Guidelines see: <https://data.incc.gov.uk/data/dc370754-e136-4fc3-82f1-1435ea1892a0/sssi-guidelines-16-mammals-2022-v1-1.pdf>).
- 1.2.3. Based on the evidence that Natural England has reviewed in Chapter 11 of the Environmental Statement (ES), we consider that the barbastelle bats that will be affected by this scheme are a feature of national importance.
- 1.2.4. Given the national importance of the area for bats, it is the view of Natural England that some of the negative impacts are likely to have been underestimated. The impacts are also likely to be compounded by recent and imminent cumulative developments in the local

area affecting the same population of barbastelle bats. These include the Broadland Northway and proposed development as allocated within the Greater Norwich Local Plan.

1.2.5. Due to the difficulties with providing effective mitigation and compensation to ensure the scheme does not impact the viability/breeding success of barbastelle bats in the short to medium term, Natural England cannot conclude that favourable conservation status of this barbastelle bat population will be maintained. **It is unlikely that a bat mitigation licence could therefore be lawfully granted. Natural England does not consider that there is scope in this submission for amendments to the location and/or design of the proposal that could avoid or mitigate the environmental harm described above.** Further detail on our concerns is provided below.

1.2.6. The focus of the advice in this letter is on barbastelle bats given their rarity and status, but please note that there are also outstanding concerns regarding the impacts on other bat species likely to be impacted by the proposed scheme. Nine additional bat species have been found in the area comprising: common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, noctule, Leisler's, serotine, brown long-eared, Natterer's and Daubenton's. The bat assemblage at the site would be assessed as being of at least national importance. However, it is anticipated that concerns about these other species of bats could be addressed at the licensing stage.

1.3. Impacts to Barbastelle Bats

1.3.1. There are elements of the scheme where the impacts are not yet fully understood or defined, for example around the collision risk. Although some of the impacts are not fully understood, those impacts that are understood show that significant adverse impacts are likely to arise on the barbastelle bat population.

1.3.2. There will be changes in how maternity roosts are used, and potential permanent loss of these roosts, due to disturbance (both in the construction and operational phases) in Rose Carr and Primrose Grove woodlands. This is due to their proximity to the scheme. Barbastelle bats, along with other bat species, have a low reproduction rate, producing only single young in a year, not all of which will survive to then breed. Direct loss of maternity roosts or changes in conditions which lead to these roosts becoming unsuitable, would therefore be likely to have a significant negative impact on the local population.

1.3.3. Core and peripheral foraging and commuting habitats will also be directly and indirectly impacted during construction and into operation for the maternity colonies² in the area, leading to reduced habitat availability. In turn, the amount of invertebrate food available will be reduced, together with the ability of barbastelle bats to move safely across and between suitable habitats. Reductions in food resource and commuting ability will lead to local population decline.

1.3.4. Barbastelle bats are also at risk of direct collision with vehicles along sections of the scheme due to their habit of crossing unlit roads and flying at a low level. Even very small levels of increased mortality can have significant effects on this vulnerable population.

1.4. Proposed Mitigation and Compensation Measures

1.4.1. The applicant has proposed a series of green bridges and underpasses to mitigate the impacts of severance and collision within Chapter 11: Bats: Appendix 6 - Outline Bat Mitigation Strategy. However, it is noted that some of these are dual purpose and will also be used by traffic and pedestrians. The ES also acknowledges that some of the mitigation

² See Annex A for the definition of a 'colony'

measures will not be fully effective at the start of operation and that landscape features will take time to mature. There is also currently a lack of evidence to suggest that these proposed features will be effective mitigation measures.

- 1.4.2. In addition to the green bridges, some habitat creation and enhancements are proposed in areas adjacent to the two main affected colonies. However, this additional habitat will take several decades to provide benefits (for roosting, foraging and commuting) for the species. Maternity colonies of barbastelle bats are predominantly associated with ancient woodlands within England. Such habitats can take multiple centuries to offer the unique habitats required to be of ecological benefit for the species.
- 1.4.3. For those impacts that have not been avoided or mitigated out, sufficient, targeted compensation would need to be provided within the red line boundary of the planning application. Given the loss of vegetation, disturbance, and potential for severance in what are likely to be key foraging and commuting areas for the impacted colonies, the applicant has not demonstrated that the proposed package of measures would be sufficient to maintain the favourable conservation status of this barbastelle bat population (refer to 1.1.4 above).
- 1.4.4. In particular, Natural England is concerned about the quality and quantity of, and the timescales for, compensation provision within the red line boundary, and the ability of the mitigation and compensation measures to prevent a detrimental impact from collision mortality. It is also acknowledged within the ES that compensatory habitats will not reach target condition for a medium-term period of time (which has not been defined within the documents provided). Although some measures (such as some aspects of woodland enhancement, bat box creation and tree veteranisation) could have a more immediate positive impact, other measures such as new planting to create suitable long-term roosting and foraging habitat will not be effective for many years.
- 1.4.5. There is indication that areas outside of the red line boundary could be secured for new habitat compensation. However, these have yet to be safeguarded, are not part of the planning application, and it is not clear how these areas would link and be connected to the existing colonies' home ranges and prevent the significant impacts to the population in the short to medium/long term. Regardless, these areas of habitat compensation would also fall short of sustaining the barbastelle bat population in the short to medium term, for the reasons described above.
- 1.4.6. Based on the information and evidence that Natural England has assessed to date, we do not consider that it is possible to effectively mitigate/compensate the impacts of the proposed scheme on this barbastelle bat population, which is of national importance.

2. Additional Information Required for Designated Sites

2.1. Habitats Regulations Assessment

2.1.1. River Wensum SAC and Norfolk Valley Fens SAC - Unable to Agree No Adverse Effect on Integrity

- 2.1.1.1. Natural England notes that the Habitats Regulations Assessment (HRA) has been produced by the applicant, and not by your authority, (acting as the decision maker and competent authority). As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.
- 2.1.1.2. Natural England notes that Norfolk County Council is the competent authority and should undertake an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) (referred to as 'the Habitats Regulations' from this point forwards). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.
- 2.1.1.3. The appropriate assessment concludes that your authority (acting in its capacity as the local planning authority and competent authority) is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.
- 2.1.1.4. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, **Natural England's advice is that the assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.** We advise that your authority should not grant planning permission at this stage.
- 2.1.1.5. We advise that the following additional work on the assessment, as described below, is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken.

2.1.2. *Overview of HRA*

- 2.1.2.1. It is difficult to follow and understand how some of the conclusions have been arrived at within the assessment (including in Table 8-1 and Table 8-2). This is due to a combination of how information is presented within the HRA, and the requirement to search through other separate application documents and plans for the relevant information referred to within the HRA. In many instances, the precise relevant sections of these separate documents have not been clearly identified within the HRA.
- 2.1.2.2. We note that various outline management plans or strategies have been submitted where the principal contractor will provide more detailed versions post-permission, with these secured via planning conditions. In particular, we note that the Outline Construction Environmental Management Plan (OCEMP) (Chapter 3: Description of the Scheme: Appendix 1: Outline Construction Environmental Management Plan) has been referenced as mitigation throughout the HRA and the ES.
- 2.1.2.3. However, we advise that sufficient level of detail needs to be provided within these outline plans, including the OCEMP and those listed in 2.1.2.4, at this stage for your authority to be able to have confidence and certainty that the proposed mitigation measures will avoid harming the special features of the River Wensum SAC (and River Wensum SSSI) either directly or indirectly, and whether temporarily or permanently.

2.1.2.4. Please note that Natural England has not provided detailed comments on the OCEMP at this stage nor on other documents referenced within it, which include the Ecological Mitigation Strategy (Chapter 10: Biodiversity: Description of the Scheme: Appendix 10.32: Ecological Mitigation Strategy) and the Landscaping Plans Design Plans (which are titled 'Landscape Ecological Key Plan' on the planning web site and listed under the heading '2.0 Plans and Drawings' (document ref: 2.07.00)). This is due to the documents not containing sufficient detail or certainty regarding mitigating the impacts on the designated sites.

2.1.2.5. Although it is for Norfolk County Council, as competent authority, to decide whether it agrees with the findings of the HRA, Natural England highlights below some of the areas where we have outstanding concerns.

2.1.3. *Understanding of SAC features*

2.1.3.1. One of the designated features of the River Wensum SAC can be described as rivers ranging from lowland (plain) to mountain (montane) levels containing submerged or floating vegetation communities which include different species of water-crowfoots and star-worts. (this feature is listed as: 'water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation'). Whilst the vegetation is a key component of the River Wensum SAC, the feature comprises of the entire water course. As such any impacts on how the wider river works, including its floodplain, need to be considered when assessing likely significant effects on the river's designated features.

2.1.4. *Soils*

2.1.4.1. The proposal will entail the permanent removal of large volumes of peaty soils in the flood plain which are not proposed to be reinstated. Given the location of these soils on a floodplain, the primary role of these soils is allowing water to flow through the floodplain and drain into the River Wensum. Therefore, the hydrological functioning of these soils needs to be protected. From the HRA and ES it is unclear how this has been fully assessed and considered against the designated features of the SAC. Further details about soil are provided in the Soils sections (2.2 and 3.1) below.

2.1.5. *Air Quality*

2.1.5.1. Natural England considers that there is insufficient consideration within the air quality assessment in the ES of how air quality impacts arising from the proposal, at construction and operational stages, will impact designated sites. Further details are provided in the Air Quality section (2.3) below.

2.1.6. *Temporary Works Platform*

2.1.6.1. A 'Temporary Works Platform' (TWP) is to be constructed to facilitate the building of the proposed viaduct across the floodplain. However, it is difficult to understand potential impacts when details about the TWP, its construction and operation are unclear and dispersed amongst various application documents.

2.1.6.2. In Chapter 3: Description of Scheme: Appendix 2: Plans, the diagram of the TWP shows a number of features which are not identified in the key, making the diagram hard to understand. It would be helpful if details (which may be indicative at this stage) were included and clearly referenced in the key, e.g. the indicative haul routes, works areas, material or machinery storage areas, the routes for hoses for piling support fluid etc. Similarly, in Chapter 12: Road Drainage and the Water Environment: Sub Appendix 2k the diagram labelled Figure 8: Temporary works platform general, appears to be of a technical nature, meaning it is hard to

understand. In addition, the text becomes more blurred as the diagram is enlarged on screen, making it difficult to read.

2.1.6.3. An annotated plan showing a cross section of the TWP where it crosses the River Wensum viewed from both upstream and downstream would assist in understanding how it may affect the designated sites. Without more comprehensive information it is not possible to comment further at this stage.

2.1.6.4. It is unclear how the conclusion that the TWP will have negligible effects on the hydrology of the river and its floodplain, both during and after construction, has been reached. The stated limitations of the modelling, the TWP not being represented in the model and the different properties of the fill to the removed material suggest this needs further consideration before being able to reach a decision.

2.1.7. Road Drainage and the Water Environment

2.1.7.1. With regards to the hydrological impacts, including sediment and chemical runoff, of the proposed works on the River Wensum and its floodplain, Natural England defers to the technical expertise of the Environment Agency. However, given the information provided, it is difficult to fully understand what the impacts of the construction and operational phases of the road will be on the existing surface water drainage network and the consequential impacts on the River Wensum.

2.1.7.2. We also advise that your authority considers whether the application documents sufficiently consider the impacts on the lateral flow of water between the river and the floodplain, as well as the flow of water across the floodplain. This is key to the ecological operation of the River Wensum SAC and River Wensum SSSI, but also the other non-statutory designated sites including county wildlife sites. There may also be further negative impacts to wider biodiversity within the floodplain.

2.1.8. River Wensum SSSI

2.1.8.1. In addition to the concerns outlined above for the River Wensum SAC, any potential impacts to interest features for which the River Wensum SSSI has been designated should be considered. Please note that some of the SSSI interest features are different from the SAC features.

2.2. Soil Advice

2.2.1. Natural England welcome the consideration in the ES of wider soil function including water storage, water quality and carbon storage.

2.2.2. However, Natural England advises that the ES and associated chapters, appendices and plans do not contain sufficient detail to demonstrate that soils (both mineral and organic) will be managed sustainably and re-used appropriately. We recommend that further information to address the concerns and issues detailed below, and in section 3.1, is provided (and contained in one document) by the applicant.

2.2.3. Peaty Soils

2.2.3.1. Natural England welcome the detailed soil survey of the floodplain to identify the presence and extent of the peat soils. The survey identified organic loam over loamy peat/peaty loam, however peat depth and soil properties varied across the area.

2.2.3.2. Concern remains around the proposed removal and disposal of the organic-rich peaty soils, and the replacement with a 'geotechnically suitable granular material', including the

need for de-watering, as mentioned in Table 13-25, Chapter 13: Geology and Soils. Further comments are provided under heading 3.1.6 Soil Management Plan below.

2.2.3.3. Natural England is concerned about the potential hydrological and hydrogeological impact this could have within the floodplain of the River Wensum, both during construction with the removal of soil and de-watering activities, and when operational. **There is insufficient consideration of this within the HRA.**

2.3. Air Quality

2.3.1. Natural England has reviewed the air quality information provided by the applicant in Chapter 6: Air Quality and Chapter 10: Biodiversity and the HRA. Based on the information provided, **Natural England does not concur with the conclusions made.**

2.3.2. The HRA has scoped out air quality as not having a likely significant effect on a number of sites due to investigations into where specific interest features are located. This should not be considered at the screening stage. Screening is a broad, high-level tool to consider whether further assessment is required under the Appropriate Assessment. As the screening thresholds have been exceeded on designated sites, potential impacts need to be considered within the Appropriate Assessment rather than screened out at an earlier stage.

2.3.3. To help your authority in considering the air quality impacts of traffic through the HRA, we refer you to [NEA001 Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations](#).

2.3.4. Chapter 6: Air Quality identifies that impacts of emissions from road traffic on ecological receptors within sensitive habitats has been scoped into the air quality assessment. However, it is unclear how and whether this has been addressed within the assessment of effects on designated sites. The screening threshold of 200 heavy duty vehicles (HDVs) is exceeded so Natural England would advise that air quality impacts from construction traffic is fully assessed.

2.3.5. Comments on individual statutory designated sites are below.

2.3.6. *Sweetbriar Meadows SSSI*

2.3.6.1. We note and welcome that there will be no adverse air quality impact to Sweetbriar Meadows SSSI as the site is expected to have a beneficial effect due to air quality impacts being reduced as a result of road traffic re-routing.

2.3.7. *River Wensum SAC and River Wensum SSSI*

2.3.7.1. Natural England note and accept that the site is likely to be phosphorous limited and therefore agree with the conclusion that nitrogen (N) deposition is unlikely to have a significant effect on the water features of the site. However, this reasoning is not relevant to atmospheric nitrogen oxides (NO_x) and ammonia (NH₃). Further consideration needs to be given to designated features which are sensitive to nitrogen and/or ammonia within both the SAC and SSSI.

2.3.7.2. Further consideration is also required within the HRA as the River Wensum SAC has a "restore" objective for air quality. Natural England's advice is that a significant effect could occur if the process contribution (emissions as a result of the development) is above 1% of the critical level. The submitted documents show that the process contribution is up to 260% of the critical level for ammonia at some of the ecological receptors (ECO28 and ECO29) in some scenarios. Therefore, Natural England consider there is potential for significant impacts.

2.3.8. *Norfolk Valley Fens SAC and Potter & Scarning Fens, East Dereham SSSI*

2.3.8.1. Table A1 *Critical Loads and Levels for full list of Sites obtained from APIS database* in Chapter 10: Biodiversity: Sub Appendix 34A –Relevant Information – Part 5 of 5 identifies that the lower critical load used for nitrogen deposition is 10kgN/ha/yr. However, according to the Air Pollution Information System (APIS), the site-specific nitrogen deposition critical load is 5 to 15kgN/ha/yr. Therefore, the lower figure of 5kgN/ha/yr should be used as a precautionary approach, as is standard practice in air quality assessments. We advise that further assessment of impact is needed using the correct critical load.

2.3.8.2. Chapter 10: Air Quality refers to woodland having a buffering effect for the designated site. However, in some cases this woodland is not a designated feature of the site, and there is insufficient evidence that the woodland will remain intact or that its effectiveness as a buffer will remain unchanged by site management.

2.3.8.3. Additionally, it is unclear how much of the designated site features will still be impacted by the increases of air quality impacts above 1% of the relevant critical load/level. The citation for Potter and Scarning Fens, East Dereham SSSI identifies that the site is likely to be highly sensitive to air quality impacts. Therefore, a clear assessment of any residual impacts to designated site features outside of the woodland is required.

2.3.9. *Alderford Common SSSI*

2.3.9.1 The same comments above (2.3.8.2) apply with regard to buffering effects of woodland. There is currently no clarity as to whether site management plans include woodland removal in order to restore the designated site features, and therefore the risk of impact to designated features is unclear.

2.3.10. Mitigation and Additional Information Required

2.3.10.1. We note that an Outline Air Quality Compensation Strategy has been proposed (listed under the heading '6 Air Quality Compensation Strategy' below the ES documents on the planning website (Doc ref 6.01.00)). However, this document does not reference SACs or SSSIs.

2.3.10.2. At present no mitigation at all has been proposed for air quality impacts on any of the SSSIs or SACs listed above, as the applicant has concluded that there will be no adverse impact on any of the sites mentioned. **Natural England does not concur with these conclusions based on the information that has been submitted.** It is for you, as the competent authority, to determine whether any measures proposed will be considered mitigation or compensation, and therefore whether they can be considered at the appropriate assessment stage.

2.3.10.3. In order for Natural England to use our time in the most effective way possible and to return thorough advice in a timely manner to you as the Local Planning Authority, it would be helpful for all parties if further information was presented as follows:

- a) One document relating to SSSIs and European sites noting the Critical Loads/Critical Levels used, with an assessment of impacts addressing all of our comments above. This should include an amended assessment of Norfolk Valley Fens SAC and component SSSI using the correct critical load.
- b) An assessment of air quality impacts from construction on all relevant SACs and SSSIs – although we would recommend this is a clear addendum for clarity.
- c) An amendment to the HRA which considers the findings of the revised assessments, as described in the two bullet points above

- d) A filtered copy of Chapter 6: Air Quality: Appendix 6.7: Operational Phase Ecological Receptor Results – Parts 1 to 6 report for SSSIs and SACs only – identifying which designated site each receptor relates to.

3. Other Advice

3.1. Best and Most Versatile Soil (BMV)

3.1.1. Based on the information provided within Chapter 13: Geology and Soils, the proposed development will result in a permanent loss of land, including large amounts of BMV land (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

3.1.2. However, there are still parts of the route that have not been subject to a detailed ALC survey. We welcome the proposal in Table 13-24 to undertake a Soil Resource Survey across land not currently subject to a detailed ALC survey. Natural England advises that this should include the determination of the ALC grade to inform restoration criteria.

3.1.3. In the absence of these additional surveys, it is impossible to provide an accurate baseline and demonstrate the likely potential impacts. Therefore, Natural England advises that the **project is unable to show how it avoids impacts to BMV agricultural land, or how suitable mitigation to safeguard the soil resources has been designed.**

3.1.4. Whilst there is no mitigation against the permanent loss of agricultural land due to permanent development, appropriate mitigation to prevent the potential loss of BMV land, including the restoration of disturbed land to the baseline ALC Grade should be set out by the applicant. This would require a detailed ALC survey of land not already surveyed to inform appropriate restoration.

3.1.5. It is recognised that a large proportion of the agricultural land affected by the development will experience temporary land loss or disturbance and will be restored to the baseline ALC grade. In order to both retain the long-term potential of this land and to safeguard all soil resources it is important that the soil is able to retain as many of its important functions and services (ecosystem services) as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration of how adverse impacts on soils and their functions can be avoided or minimised.

3.1.6. *Soil Management Plan*

3.1.6.1. We welcome the preparation of a soil management plan (SMP) and reference to the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Natural England advises that this should include areas of permanent and temporary land take. Restoration plans presenting the detailed ALC grades should be produced to inform restoration and allow confirmation that the current baseline across the Site has been restored.

3.1.6.2. The SMP should include an aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site. A specialist land drainage consultancy should be engaged to undertake the preparation of preliminary pre- and postconstruction agricultural land drainage plan that will be agreed with the landowners.

3.1.6.3. We welcome the provision that the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

3.1.6.4. There is currently insufficient detail on the re-use of soils across the site. For the area of permanent development, the SMP should demonstrate the sustainable, beneficial soil re-use

of potential surplus soil resources. The results of the detailed ALC survey that has been undertaken should be used to inform site-specific soil plans, which identifies the stockpile locations and sizes based on the soil types to minimise adverse effects. This should include a soil balance, to identify the potential soil surplus/deficit for each soil type, and potential opportunities for soil re-use.

3.1.6.5. As set out in the Defra Construction Code, a Soil Resource Plan should feed into a Materials Management Strategy (MMS) which describes how the applicants intend to manage excavated materials.

3.1.6.6. Paragraph 5.1.2 (p26) of the Chapter 13: Geology and Soils: Sub Appendix 3.1A: Outline Soil Management Plan states “*If any excavated materials are unsuitable for reuse, such as contaminated soils or hazardous materials (not soils i.e., anthropogenic material) this will be removed off-site and disposed of in accordance with an agreed Materials Management Plan (MMP).*” This appears to be at odds with Chapter 14: Materials and Waste, in particular, table 14-13 and paragraph 14.5.15 which indicate that almost 70,000 tonnes of soils with a high organic content will be removed from the floodplain, and disposed of as potentially hazardous waste in landfill.

3.1.6.7. Natural England is concerned about this removal, and handling, of large amounts of soil. We are further concerned that this would be incorrectly classed as hazardous waste. Soil is a vulnerable and essentially non-renewable resource. Peaty soils help in the storage of water in the floodplain and having a high organic content, they can store considerable amounts of carbon dioxide. It is unclear that the impacts of the permanent removal of this volume of peaty soil, on the effectiveness of the hydrological working of the floodplain and consequently the River Wensum, have been fully considered.

3.1.6.8. Un-contaminated soils are described as non-hazardous and do not pose a threat to human health. Due to the safe nature of non-hazardous soils, they should be reused on site, or other development sites rather than being sent to landfill. The additional mitigation and residual effects presented in Table 13-25 of Chapter 13: Geology and Soils makes the assumption that soil will be re-used across the proposed scheme, despite numerous references to the potential for surplus soils to be disposed off-site and in land fill. **Details about what will happen to all excavated soil needs to be clearly and comprehensively provided.**

3.2. Biodiversity duty

3.2.1. The surveys and results presented in Chapter 10: Biodiversity show that the area both within the red line boundary, and surrounding it, has high biodiversity value. Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/42/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty) for further information.

3.3. Local Sites and Priority Habitats

3.3.1. The advice provided in this letter has focussed on impacts to barbastelle bats and nationally and internationally designated sites. Natural England notes that local sites and priority habitats will also be impacted. We advise that you consult with the relevant organisations for further advice on these issues.

3.4. Ancient woodland, ancient and veteran trees

3.4.1. The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the National Planning Policy

Framework. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

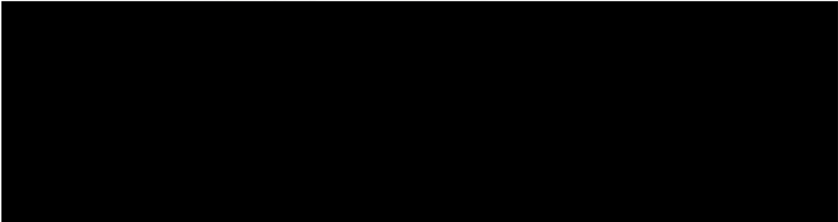
3.4.2. Natural England informed your authority that North Wood (TG13231508) had been added, recently, to the Ancient Woodland Inventory (see: [Ancient Woodland Inventory](#)) via an email sent to nwlplanning@norfolk.gov.uk on 31 July 2024. We advise you to consider this woodland in line with the advice provided in 3.4.1 above.

3.5. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

3.6. Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

Yours faithfully



Deputy Director, Norfolk and Suffolk Area Team

Annex A – Natural England General Advice

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](#) for further guidance.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. We refer you to [Appropriate assessment - GOV.UK \(www.gov.uk\)](#) for more information. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](#) or as standard or bespoke consultation responses.

Protected Species (for specific advice on barbastelle bats, please see the body of the letter)

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](#) (standing advice) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](#) for more information.

Colony definition: In the context of this letter a colony is defined as: "a discrete group of bats that forms a social unit during a specific period that is either limited to a specific site, such as a cave or tree cavity or that shares several adjacent roosts between which regular exchanges occur. Colony type varies seasonally based on life history changes i.e. maternity, hibernation etc." (Reference: Kunz, T/H., and Parsons, S (eds) 2009. Ecological and Behavioural Methods for the study of Bats. 2nd Edition. John Hopkins University Press).

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](#) for a list of priority habitats and species in England.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](#) for more information and Natural England's [Open Mosaic Habitat](#)

[\(Draft\) - data.gov.uk](#) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.ukwww.gov.uk\)](#). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK](#) HYPERLINK "www.gov.uk" HYPERLINK "www.gov.uk" [www.gov.uk](#) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](#) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](#) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.ukwww.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Best and most versatile agricultural land and soils (for specific advice see body of letter)

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.ukwww.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be

handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](https://naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](https://naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](https://naturalengland.org.uk) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.ukwww.gov.uk\)](https://www.gov.uk).