
The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order

Correspondence from Natural England and Environment Agency

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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1.0 Letter of No Impediment – Great Crested Newts

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Date: 22 October 2014
Our ref: 2014-3866-EPS
(NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT)



Mr J Barnard
Norfolk County Council

jon.barnard@norfolk.gov.uk

Sent by e-mail only

Dear Mr Barnard

Customer Services
Wildlife Licensing
Natural England
First Floor
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DRAFT EPS MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION

LEGISLATION: CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

NSIP: NORWICH NORTHERN DISTRIBUTOR ROAD, NORWICH, NORFOLK

PROTECTED SPECIES: Great Crested Newt (*Triturus cristatus*)

Thank you for your subsequent draft great crested newt mitigation licence application in association with the above site, which was received in this office on the 8th September 2014 and I apologise for the delay in issuing our response. This application relates to a Nationally Significant Infrastructure Project which Natural England agreed to review to help ensure the proposals meet protected species licensing requirements. As you will be aware, no final licensing decisions can be made, or any licence issued, unless the development obtains all necessary consents in order to proceed, with any conditions relevant to wildlife discharged. Accordingly we cannot issue a licence unless the Secretary of State grants the Development Consent Order (DCO) in relation to these proposals.

Following our re-assessment of the resubmitted documents, I can now confirm that, on the basis of the species information and proposals provided, Natural England is satisfied in principle in relation to the mitigation proposals but please see the advice below concerning the further action that will be required should the licence application be formally submitted.

General advice and next steps

Should the DCO be granted and you are in a position to formally submit your great crested newt licence application, please be mindful that we will only issue a licence within 12 weeks of the first licensable activities.

Please note that two issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. These have been previously discussed and agreed with yourself and your consultant ecologist on the 17th October 2014 in order for us to be able to issue this 'letter of no impediment'. Please ensure that this advice is followed should the licence application be formally submitted:

1. **E3.1b:** Please ensure that the maximum depth of the 4 ponds being created is provided. Currently an area of 250m² has been stated per pond but no details of the maximum depth have been provided.

- E3.2 & Figures E3.1:** A total of 7 hibernacula and 7 refugia are being created across the three sites. The symbol used on the Figures is the same for refugia and hibernacula so it is unclear how many of each there will be at each site. Please ensure that it is clear that 'Dog Lane' will have 2 refugia and 2 hibernacula; 'Quaker Farm' will have one of each; and Rackheath' will have 4 of each created.

If other minor changes to the application are subsequently necessary, e.g. regarding updated surveys, amendments to the timetable, then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. Please be aware that if changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence

I hope that the information detailed within this letter has been helpful. However, should you have any queries then please do not hesitate to contact me or Kathryn Murray.

Yours sincerely


John Gordon
EPS Mitigation Licensing Group-Coordinator
Tel: 0300 060 1442
E-mail: John.Gordon@naturalengland.org.uk

Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'NSIP 2014-3866-EPS NORWICH NORTHERN DISTRIBUTOR ROAD — GREAT CRESTED NEWT FORMAL APPLICATION) for the attention of Kathryn Murray and John Gordon'.

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

Changes to Documents –Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

Favourable Conservation Status.

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. This document forms part of the licence; please do not send the amended sections in isolation. For NSIP schemes if you are sending us a copy by email or on CD, please also send us at least one paper copy of all figures and maps which greatly assists the assessment process.

2.0 Letter of No Impediment – Bats

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Date: 20 November 2014
Our ref: 2014-4474-EPS
(NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT)



Mr J Barnard
Norfolk County Council

jon.barnard@norfolk.gov.uk

Sent by e-mail only

Dear Mr Barnard

Customer Services
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First Floor
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E eps.mitigation@naturalengland.org.uk

DRAFT EPS MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION

LEGISLATION: CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

NSIP: NORWICH NORTHERN DISTRIBUTOR ROAD, NORWICH, NORFOLK

PROTECTED SPECIES: Brown Long Eared Bat (*Plecotus auritus*), Common Pipistrelle Bat (*Pipistrellus pipistrellus*); Soprano Pipistrelle bat (*Pipistrellus pygmaeus*) Natterer's Bat (*Myotis nattereri*); Noctule Bat (*Nyctalus noctula*)

Thank you for your subsequent draft bat mitigation licence application in association with the above site, which was received in this office on the 11th November 2014. This application relates to a Nationally Significant Infrastructure Project which Natural England agreed to review to help ensure the proposals meet protected species licensing requirements. As you will be aware, no final licensing decisions can be made, or any licence issued, unless the development obtains all necessary consents in order to proceed, with any conditions relevant to wildlife discharged. Accordingly we cannot issue a licence unless the Secretary of State grants the Development Consent Order (DCO) in relation to these proposals.

Following our re-assessment of the resubmitted documents, I can now confirm that, on the basis of the species information and proposals provided, Natural England is satisfied in principle in relation to the mitigation proposals but please see the advice below concerning the further action that will be required should the licence application be formally submitted.

General advice and next steps

Should the DCO be granted and you are in a position to formally submit your bat licence application, please be mindful that we will only issue a licence within 12 weeks of the first licensable activities.

Please note that three issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted:

1. The inclusion of 'Capture and 'Damage or Destroy a roost' on the licence application form will be required for the formal submission. This is due to possible action being taken during the soft felling of trees or the supervised demolition of buildings. It is stated that bats will be temporarily captured and moved to a safe location.

2. The inclusion of Soprano Pipistrelle on the licence will need to be requested in the formal application form as they have been identified in roost T157 which is to be destroyed.
3. Eight digit grid references will need to be provided for the location of the new bat houses in the method statement.

If other minor changes to the application are subsequently necessary, e.g. regarding updated surveys or amendments to the timetable then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. Please be aware that if changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/images/wml-q36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope that the information detailed within this letter has been helpful. However, should you have any queries then please do not hesitate to contact me or Kathryn Murray.

Yours sincerely

A black rectangular redaction box covering the signature of John Gordon.

John Gordon
EPS Mitigation Licensing Group-Coordinator
Tel: 0300 060 1442
E-mail: John.Gordon@naturalengland.org.uk

Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'NSIP 2014-4474-EPS NORWICH NORTHERN DISTRIBUTOR ROAD — BAT FORMAL APPLICATION) for the attention of Kathryn Murray and John Gordon'.

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

Changes to Documents –Method Statement.

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3.0 Letter from Environment Agency Comments on post hearing documents including DCO

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Via email:
NorwichNDR@infrastructure.gsi.gov.uk

Our ref: AE/2014/118404/01-L01
Your ref: TR010015

Registration ID: 10026013

Date: 31 October 2014

Dear Sir/Madam

**COMMENTS ON POST- HEARING DOCUMENTS INCLUDING THE
APPLICANT'S DRAFT DEVELOPMENT CONSENT ORDER (DCO)
NORWICH NORTHERN DISTRIBUTOR ROAD (NDR)**

NDR Mitigation Table (Doc Ref: NCC/EX/81)

We note and welcome the submission of this document. Regarding the measures detailed in respect of the 'Construction Phase', we are satisfied with those included to protect the water environment. These are detailed under 'Nature Conservation', 'Geology and Soils', 'Materials' and 'Road Drainage and the Water Environment' sections. Where unsuspected contamination and piling through contaminated land are considered on pages 25 and 26, we would suggest that these issues would be addressed under Requirement 7 as well as Requirement 18.

Regarding the 'Operational Phase', the section on 'Nature Conservation', at page 47 highlights the design measures that will ensure that drainage will not have an adverse impact on watercourses and designated sites. We have previously highlighted that further consideration should also be given to the opportunities to enhance the proposed drainage features to further encourage biodiversity. This issue remains outstanding.

The section on 'Road Drainage and the Water Environment' from page 63 details the proposed approach to managing surface water run-off. This includes reference to the use of, in some locations, unlined swales and a two-tiered treatment train. We had previously raised concerns about the acceptability of this approach.

On the 23 September 2014 we received further information on this issue from Mott MacDonald on behalf of the Applicant. This included an updated Groundwater Risk Assessment and information on the hydro-geological setting of the route. Following a review of this information, we subsequently confirmed in our response to Mott MacDonald (dated 15 October 2014), that based on the submitted information we were satisfied that the proposed

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Email: enquiries@environment-agency.gov.uk

Website: www.environment-agency.gov.uk

drainage system as designed would appear acceptable in terms of affording protection to groundwater resources.

We accepted the overall conclusions of the risk assessment and the proposed schedule for lining of swales, although we have requested further clarification on the approach proposed for catchment CA2A. Paragraph C.5.7 of the submitted ES FRA Addendum (ref NCC/EX/43) states: "Drainage structures within catchment CA2 consist of impermeable kerbs and gullies serving the northern carriageway and a bitumen channel in the central reserve serving the southern carriageway". This is also stated in paragraph 4.2.3 of the draft HRA Addendum (NCC/EX/83). However, the submitted drawing MMD-233906-DT-0815, along with drawings R1C093-R1-5064 Rev A and R1C093-R1-5065 Rev A appear to show drainage via swales at this location. It should be confirmed whether swales are indeed to be used and if so that they will be lined?

We also stated that that we would consider the proposals for a two-tier drainage system using kerbs and gullies at the identified locations acceptable in terms of protection of groundwater quality. We highlighted that gullies should be maintained at appropriate frequency in order to prevent sediment accumulation / remobilisation into the lined ponds.

Subsequently, subject to being satisfied on the above issue in relation to catchment CA2, we are able to withdraw our previous objections on these issues.

We are satisfied with the remaining Operational Phase mitigation measures contained under 'Road Drainage and the Water Environment'. We note the inclusion on page 71 of maintenance requirements, and welcome the reference to the Mitigation Measures Action Plan (MMAP) on page 72. The MMAP is required under Requirement 25 to ensure the prevention of sediment ingress to the Wensum SAC, and is currently being drafted.

With regards to the proposed monitoring and 'Road Drainage and the Water Environment', we note and welcome the inclusion on page 78 of the intention to monitor the drainage performance of all lagoons. As highlighted in our response to Q7.2 in the Examining Authority's second written questions (our letter dated 8 September 2014, Ref AE/2014/117942/02-L01), further work is necessary to ensure that lagoon 5 will drain effectively.

We note the reference to monitoring water quality and groundwater levels at The Springs CWS prior to and during construction. Our response to the Examining Authority's second written questions (Q7.2), included confirmation that our position remains that such monitoring should continue post-construction.

Finally, as above, we welcome the reference to the Mitigation Measures Action Plan in the monitoring section.

Updated CEMP (Doc Ref: NCC/EX/82)

The construction phase mitigation included appears satisfactory, and reflects that included in the relevant sections of the NDR Mitigation Table. We note and welcome the further reference to managing unsuspected contamination at page 29.

We note that the Outline Site Waste Management Plan included at Appendix A of this document remains the version from November 2013. As such, the advisory comments in our Relevant Representation, and the approach agreed in the Statement of Common Ground between us and the Applicant, remain valid. The Applicant is advised to discuss issues of waste management with us at the earliest opportunity to ensure that the requirements of the Environmental Permitting Regulations are complied with.

Draft Development Consent Order (DCO) (Doc Ref: NCC/EX/76)

The revised draft DCO includes at Article 17 Discharge of Water, an appropriately updated legislation reference, as requested by us.

We have reviewed the Outline drainage works plans and Drainage and surface water plans (Updated plans, doc ref NCC/EX/73 pt5) as listed under Requirement 4: Development to be carried out in accordance with plans. Whilst these have mostly been updated to reflect our discussions with the Applicant, plan R1C093-R1-5080 Rev A, showing lagoon 18, requires an amendment. It currently does not show the two filter drains proposed to be added ahead of lagoon 18 in paragraph E.3.8 of the submitted ES FRA Addendum (ref NCC/EX/43) and shown on drawing R1C093-R1-4908A in Appendix D1 of that document. The filter drains are required to safeguard water quality.

Additionally, as mentioned above in respect of the NDR Mitigation table, drawing R1C093-R1-5064 Rev A shows a swale draining to lagoon 1. Clarification is required on the proposed method of drainage for this catchment.

We welcome the specific reference to 'groundwater quality' in Requirement 7: Contamination. We also support the proposed changes to Requirement 25. The scope of this Requirement has been expanded to include the A1067 at Attlebridge and Lenwade, and the Environment Agency added as a specific consultee. As stated in our response to Q7.2 in the Examining Authority's second written questions (letter dated 8 September 2014, Ref AE/2014/117942/02-L01), we are satisfied that this proposed Requirement will be capable of securing appropriate measures to ensure that the Wensum SAC is not adversely affected by increased silt input.

Draft Habitats Regulation Assessment (HRA) Addendum (Doc ref: NCC/EX/83)

This draft has been updated to reflect the ongoing discussions between the Applicant, Natural England and us to address the increased risk of sediment

ingress to the River Wensum SAC resulting from increased traffic movements on routes leading to the NDR.

The draft outlines proposed mitigation measures, references the proposed Requirement 25 and includes detail on the scope of the Mitigation Measures Action Plan (MMAP) required to discharge Requirement 25. The MMAP is currently being drafted and is subject to continuing discussions between the parties. Mitigation may include physical improvements to drainage from Weston Hall Road and the A1067. The document includes most of the discussed measures, although we have also highlighted the benefits of removing a specific drop-board structure from 'Ditch 2a' which is not included within this draft.

As previously highlighted, Requirement 25 provides a mechanism in the form of the MMAP which is capable of securing measures to ensure no adverse effect on the integrity of the Wensum SAC.

Report on the Implications for European Sites (RIES)

We consider this document to be a broadly accurate description of the situation concerning impacts on European sites. We do however have a couple of minor points to highlight. We would suggest that in Section 2.10, the first line should read: "no *adverse* effect upon integrity". In Section 4.4, Requirement 25 of the draft DCO (AD-129) includes drainage from the A1067 as well as Weston Hall Road.

As mentioned above, a draft MMAP is being prepared to satisfy Requirement 25. We are aware that Natural England have been sent a draft copy of this document. Based on the discussions that have been held to date between all parties, it is our view that subject to the finalisation and implementation of the MMAP in accordance with Requirement 25, there will be no adverse effect on the integrity of the River Wensum SAC.

We trust these comments are useful. Please contact me if you wish to discuss any aspect of this response further.

Yours faithfully



MR MARTIN BARRELL
Sustainable Places - Planning Specialist

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Direct e-mail martin.barrell@environment-agency.gov.uk

4.0 Letter from Natural England Comments on ExA report on the Implications for European Sites

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Date: 3 November 2014
Our ref: C7353/134957
Your ref: TR010015



Mr Nicholas Coombes
National Infrastructure Directorate
The Planning Inspectorate
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BY EMAIL ONLY

Dear Mr Coombes

PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 (AS AMENDED)

APPLICATION BY NORFOLK COUNTY COUNCIL FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE NORWICH NORTHERN DISTRIBUTOR ROAD

EXAMINING AUTHORITY'S REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES

In its letter of 10 October 2014, the Examining Authority invited comments on its *Report on the Implications for European Sites (RIES)* which was published on the authority's web site on the same date. Natural England's response to this report, and the supporting documents, is provided below in this letter.

Natural England is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006 ("NERC" Act). Natural England is the statutory adviser to Government on nature conservation in England (including out to 12 nautical miles from the English coast) and promotes the conservation of England's wildlife and natural features.

Report on the Implications for European Sites (RIES)

Natural England considers the RIES has correctly identified all the information and evidence available for the Examining Authority's to undertake its own HRA for the Norwich Northern Distributor Road (NDR). However, it is noted that the RIES anticipated the development of the Draft Mitigation Measures Action Plan (A1067 and Weston Hall Road) (MMA) (paragraphs 4.7 and 4.8), which has now been circulated to Natural England and the Environment Agency for comments. Natural England has also provided comments on the draft MMA in this letter (please see below).

In light of the mitigation measures contained in the MMA, Natural England advises that potential sediment ingress as a result of the proposed NDR will not adversely affect the integrity of the River Wensum Special Area of Conservation (SAC).

Draft Habitats Regulations Assessment Addendum

Since the applicant's original Habitats Regulations Assessment (HRA) was submitted as part of the application package in January 2014, detailed discussions and communications have been held between the applicant, the Environment Agency and Natural England.

With the production of the draft MMAP, which sets out how the applicant will mitigate sediment ingress issues, Natural England is able to concur that there will be no adverse effect on the integrity of the River Wensum SAC, and agree the findings of the applicant's draft *Habitats Regulations Assessment Addendum*, dated 9 October 2014 (your ref AD-137).

For clarity and completeness it should be stated explicitly in the draft HRA Addendum, under *Summary* on page 29, that it is now possible to conclude that there will be no adverse effect on the integrity of the River Wensum SAC, as a result of the MMAP.

Please note that the site meeting between the applicant and the Environment Agency took place on 16 **September** 2014 and not on 16 July 2014, as stated erroneously on pages 10, 27 and 28 of the draft HRA.

Draft Mitigation Measures Action Plan (A1067 and Weston Hall Road)

Much progress has been made on addressing the increased risk of sediment ingress on the River Wensum Special Area of Conservation (SAC) due to greater traffic movement.

Natural England is satisfied with the draft MMAP, dated October 2014. In light of the mitigation measures contained in the MMAP, Natural England advises that potential sediment ingress as a result of the proposed NDR will not adversely affect the integrity of the River Wensum Special Area of Conservation (SAC).

There are a few minor points of clarity in the draft MMAP that we will liaise with the applicant separately.

Breydon Water, The Broads and Broadland – Habitats Regulations Assessment

Natural England concurs with the findings of the applicant's submitted report *Breydon Water, The Broads and Broadland – Habitats Regulations Assessment*, dated 9 October 2014, (your ref AD-137) that the NDR will have no likely significant effect on these European and international sites.

Revised Draft Development Consent Order

Natural England is satisfied with, and supports, the proposed changes to Requirements 5 and 25 in the *Revised Draft Development Consent Order*, dated 9 October 2014 (your ref AD-129).

NDR Mitigation Table

With regard to the *NDR Mitigation Table*, dated 9 October 2014, (your ref AD-135), Natural England is satisfied that the document is comprehensive and draws together the various required mitigation measures.

I would be happy to comment further should the need arise but if in the meantime you have any queries, please contact Louise Oliver, the case officer for this application, on 0300 060 1981 or via louise.oliver@naturalengland.org.uk.

Yours sincerely

Nick Tribe
Senior Adviser - Sustainable Development
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cc Jon Barnard, NCC
Jackie Fookes, Mott MacDonald
Martin Barrell, Environment Agency
Louise Oliver, Natural England