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

Applicant's comment on Written Representations by Broads Authority

Planning Act 2008

Infrastructure Planning

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

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Introduction

This document provides the Applicant's responses in respect of selected issues raised by The Broads Authority in their Written Representation to the Examining Authority dated 30 June 2014. The Written Representation covers many issues. Some of these have been addressed elsewhere (including the Applicant's comments on Relevant Representations, and the Applicant's comments on other Written Representations). Therefore a limited selection of issues raised have been extracted and comments provided.

The points have been responded to where possible in the order they were raised. Each issue, or in some cases a summary of it, is shown in italics.

Applicant's comment on Written Representations

Representation

- 1.1. Whilst the provision of 216.7ha of habitat mitigation is welcomed, the application does not document how this amount and type of mitigation has been arrived at or indicate that any assessment has been made of the value of the habitats or the number of biodiversity units required to compensate for the direct loss, or that the mitigation proposed is sufficient or adequate. In the absence of this assessment it is not therefore possible to be confident that the level of mitigation proposed is appropriate; the basic figures suggest that there is a deficit.*

Applicant's comment

- 1.1.1. It is noted that within the Local Impact Report (LIR) conclusions paragraph 16.5 "However, the submission documents show that these matters (non beneficial impacts) have been carefully considered and provisions for appropriately mitigating against them have been proposed to the satisfaction of the authorities". The Broads Authority is one of the signatory authorities and has expressed support for the NDR at paragraph 16.6.
- 1.1.2. As stated in the ES, the habitat mitigation has been designed by landscape architects in conjunction with those ecologists undertaking the survey and assessment work for the proposed Scheme. The need to address habitat loss, and more specifically severance and fragmentation, has been the primary driver in designing habitat layouts. The need to provide new and replacement foraging and commuting routes has been the key consideration in this respect, and their inclusion has been fundamental in the assessment of impacts, not only on lost habitats but on many protected species too.

- 1.1.3. This need, and the need for the landscaping to become part of the wider landscape, into which it should establish and bed in, has meant that using native species is key. As most protected (and other) species need shelter from disturbance and predation, as well as a food source and features along which to move throughout the landscape, a combination of woodland and shrub planting has been used. These features will serve the various bat species ubiquitous throughout the area of the proposed Scheme, breeding and overwintering birds, badgers, etc. Extensive areas of grassland are also included, often coinciding with drainage lagoons and verges.
- 1.1.4. The extent of habitat creation is due at least in part to the considerable size of the footprint of the proposed Scheme beyond the carriageway itself. The spatial extent of earth bunds, cuttings, slopes, verges, drainage lagoons, etc. provided extensive areas in which to design suitable landscaping. Further, where additional landscaping/screening or habitat mitigation is required, the scheme footprint has also included this.
- 1.1.5. As part of the 216.7 hectares of habitat created, the total number of replacement trees, compared to the number lost to the proposed Scheme, is at a ratio of around 5.5:1.
- 1.1.6. The table below, replicated from the nature Conservation chapter of the ES, details the areas/lengths of habitats to be created.

Habitat Type	Area / length
Broadleaved Woodland	61.2 ha
Scrub	5.2 ha
Grassland (total)	120.9 ha
Grassland (in infiltration lagoons)	22 ha
Lagoons	7.4 ha
Hedgerows	9093 m

1.1.7. The assessment of impacts due to habitat loss, and consequent effects on protected species, has taken into account the value of existing habitats; this is an inherent, unavoidable part of the assessment process. However, quantification of biodiversity units is not, so this has not been carried out. It is important to note that the assessment process, including the mechanisms for quantifying the conservation values (i.e. the sensitivity) of protected species and habitats, the magnitude of predicted impacts, and hence the overall effects, was detailed in the Scoping Report (February 2013). This methodology was accepted by Natural England, the statutory body for Nature Conservation in England. The assessment process aligns with that in the Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment.

Representation

1.2. *The application details (and mitigates) only that habitat which is lost directly and takes no account of residual habitat loss and species impacts caused by severance of foraging areas, or the diminution of residual or adjacent habitat quality as a consequence of the development, for example by the road environment providing suboptimal habitats for species. Because the proposed mitigation is primarily within the development area it will be subject to these limitations. Whilst these indirect impacts are difficult to calculate, even within the draft metric, an additional allowance might be made to compensate.*

Applicant's comment

- 1.2.1. It is felt that the ES does provide adequate assessment of indirect effects as described above; these have been considered when assessing both construction and operation phase impacts on designated sites, habitats and species. For example, the indirect impacts associated with construction noise, and the corresponding disturbance on the setting of sites, or the impacts on potential breeding success of birds in adjacent habitats, again due to indirect disturbance from vehicle noise, headlights, the presence of people etc.
- 1.2.2. By considering, and mitigating for severance/fragmentation, the proposed measures (landscaping, bat gantries, green bridges, dark corridors on bridges etc.) do consider impacts on adjacent habitats and protected species. It is acknowledged that severance/fragmentation issues are the most important part of the inevitable habitat loss. However, it is felt that additional allowance for habitats as proposed by the Broads Authority, which would by default be some distance from the footprint of the proposed Scheme, would be unlikely to address the issues of severance any more than the landscaping, habitat creation and other mitigation measures already proposed.

1.2.3. It terms of the extent of mitigation planting, 61.2 hectares of woodland and scrub planting is proposed, compared to 17.5 hectares of woodland and parkland being lost. 120.9 hectares of replacement grassland is proposed, to mitigate for the loss of 61.8 hectares of existing grassland. These areas, along the footprint of the proposed Scheme will serve, once established, to buffer and minimise the potential impact on existing adjacent habitats. The disturbance due to the proposed Scheme will inevitably mean that conditions for some species of flora and fauna become sub-optimal; this has been minimised as far as is possible throughout the scheme design process, and has been considered as part of the assessment process in the Nature conservation chapter of the ES.

Representation

1.3. *Habitats which would be lost form part of the wider green corridor running to the north of Norwich and between the river valleys. This wider area of green infrastructure is of value as an ecological asset and the loss of parts of it would have an impact disproportionate to their size, as a consequence of the impact of fragmentation and the severance of the corridor. This is of particular concern in relation to those species which move between the Broads and the wider hinterlands.*

Applicant's comment

1.3.1. The landscaping/habitat creation has been formulated with direct reference to the Greater Norwich Development Partnership's (GNDP's) Green Infrastructure Strategy and Delivery Plan, as well as the specific requirements of our suites of ecological surveys. In addition, we have liaised with ecologists on the Beyond Green development, for c3,500 houses beyond the current edge of the city, to ensure that our proposals for maintaining corridors of movement for protected species, along Green Infrastructure corridors, are included and developed with their plans.

- 1.3.2. The issues associated with potential severance of Green Infrastructure corridors have been an inherent part of the design and assessment processes, and as such mitigation measures have been geared to addressing this. The impact assessment process in the ES has included the direct and indirect impacts of severance and fragmentation by default; these basic ecological functions are inherently included in the process of identifying and quantifying impacts, and as such have been accounted for in the assessment of overall effects. This can be evidenced in the initial overall effects on most valued ecological receptors being higher during construction and opening year, than at the design year fifteen years hence, by which time habitats will have established and become viable.

Representation

- 1.4. *Overall the Broads Authority does not consider that it has been demonstrated that the mitigation which is provided as part of the scheme is either sufficient or adequate to compensate for the habitat which would be lost both directly and indirectly as a result of the construction of the NDR.*

Applicant's comment

- 1.4.1. NCC is confident that the measures within the proposed Scheme are sufficient to mitigate for the impacts on designated sites, habitats and species. Once established, the landscaping/habitat creation, in conjunction with other features such as bat gantries, green bridges and an underpass will serve to mitigate as far as possible the severance and fragmentation that, unmitigated, the proposed Scheme may cause.
- 1.4.2. Feedback from Natural England on the mitigation proposals, including those to address the impacts of severance on protected species, has generally been good. The SOGC and Relevant Representations have included statements indicating that they welcome the proposed mitigation measures described for the addressed protected species.