

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 9

9.37 Applicant's Response to the Secretary of State's 2nd Request for Comments

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(c)

Planning Act 2008

August 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A47/A11 Thickthorn Junction
Development Consent Order 202[x]

**9.36 APPLICANT'S RESPONSE TO THE SECRETARY OF STATE'S
2nd REQUEST FOR COMMENTS**

Rule Number:	8(1)(c)
Planning Inspectorate Scheme Reference	TR010037
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CONTENTS

1	Introduction	1
2	Key Abbreviations.....	1
3	Applicant's Responses to the Secretary of State's Request for Comments	2

1 INTRODUCTION

- 1.1.1 The Development Consent Order (DCO) application for the A47/A11 Thickthorn scheme was submitted on 31 March 2021 and accepted for examination on 28 April 2021.
- 1.1.2 The examination closed on 23 March 2022 and the Examining Authority submitted their recommendations to the Secretary of State on 20 June 2022.
- 1.1.3 This document sets out Highways England's (the Applicant's) response to the Secretary of State's 2nd Request for Comments issued on 19 August 2022.

2 KEY ABBREVIATIONS

- 2.1.1 The following abbreviations may be used in the Applicant's responses:

- dDCO = draft Development Consent Order
- DMRB = Design Manual for Roads and Bridges
- EIA = Environmental Impact Assessment
- ES = Environmental Statement
- ExA = Examining Authority
- NPSNN = National Policy Statement for National Networks 2014
- the Scheme = the A47/A11 Thickthorn Junction

3 APPLICANT'S RESPONSES TO THE SECRETARY OF STATE'S 2ND REQUEST FOR COMMENTS

No.	Question To	SoS Question	Response
1	Big Sky Developments Limited, South Norfolk District Council	<p>1. Proposed delivery of public open space</p> <p>The Secretary of State understands that an application has been submitted by Big Sky Developments Limited to South Norfolk District Council which seeks to vary the proposed delivery of public open space as part of the Cringleford residential development. The Secretary of State requests that the parties provide an update on the status of that application, together with an update on the proposal to vary the associated section 106 Agreement.</p>	
2	The Applicant, Network Rail	<p>2. Protective Provisions</p> <p>The Secretary of State notes that at the end of the examination Protective Provisions had not been agreed between the Applicant and Network Rail. Can both parties update the Secretary of State on the current position and confirm whether agreement has been reached</p>	The form of protective provisions is almost agreed with Network Rail, subject to a few final points. It is expected that agreement will be reached shortly and the Applicant will be able to provide an update on progress by 14 September.

No.	Question To	SoS Question	Response
3	Interested Parties	<p>3. The Applicant's response to Secretary of State's consultation letter dated 26 July 2022</p> <p>The Secretary of State invites comments from Interested Parties on the Applicant's response to Question 1 (climate change) to the Secretary of State's consultation letter of 26 July 2022</p>	
	The Applicant	<p>Statements of Common Ground ("SoCGs")</p>	<p>Further to the Applicant's response to Secretary of State's first request for comments, the Statement of Common Ground with Natural England has now been signed by both parties and is submitted together with this document.</p> <p>Hornsea Project Three Offshore Wind Farm – the parties continue to liaise and are putting arrangements in place to ensure the respective construction Traffic Management Plans are properly coordinated as our prospective construction programmes develop. There are no other outstanding issues between the parties. The Applicant will provide an update on progress by 14 September.</p>

A47/A11 Thickthorn Junction

Scheme Number: TR010037

Volume 8

8.3 Statement of Common Ground with Highways England and Natural England

The Infrastructure Planning (Examination Procedure) Rules 2010
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November 2021

Infrastructure Planning

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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A47/A11 Thickthorn Junction
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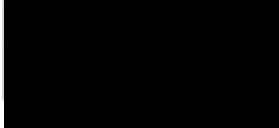
**STATEMENT OF COMMON GROUND –
NATURAL ENGLAND**


Regulation Number:	8(1)(c)
Planning Inspectorate Scheme Reference	TR010037
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Author:	A47/A11 Thickthorn Junction Project Team, Highways England

Version	Date	Status of Version
Rev. 0	November 2021	Deadline 3

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England.

Signed..... 
Chris Griffin
Programme Director
on behalf of Highways England
Date: 22nd August 2022

Signed...  ...
Jack Haynes
Senior Adviser, Norfolk and Suffolk area team
on behalf of Natural England
Date: 22nd August 2022

CONTENTS

1.	INTRODUCTION.....	1
1.1.	Purpose of this document.....	1
1.2.	Parties to this Statement of Common Ground.....	1
1.3.	Terminology	1
2.	RECORD OF ENGAGEMENT	2
3.	Summary of Natural England Issues.....	6
4.1.	Issues related to the Environmental Statement (ES).....	6
4.2.	Issues related to HABITATS REGULATIONS ASSESSMENT, CASE FOR THE SCHEME, CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	14

1. INTRODUCTION

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A47/A11 Thickthorn Junction ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3. The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) Highways England as the Applicant and (2) Natural England.
- 1.2.2. Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Natural England, including in respect of the Application, to be conferred upon or assumed by Highways England.

1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2. It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

2. RECORD OF ENGAGEMENT

- 2.1.1. A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in table 2.1.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
11/04/2018	Email	Request for advice. Charged advice request form, preferred route announcement leaflet and proposed site boundary drawing emailed to Natural England from Sweco.
2018	Scoping Opinion (PINS comments)	<ul style="list-style-type: none"> <u>Ecology</u>: The Applicant should liaise with NE to ensure the assessment appropriately addresses the collision risk to barn owls. <u>Air quality</u>: The Inspectorate recommends that the relevant ecological receptors for the assessment are agreed with Natural England (NE) and SNDC.
11/02/20	Meeting minutes/ notes	<p>Meeting at Natural England Offices with Natural England, Environment Agency, Highways England, Galliford Try and Sweco on 11/02/2020. The following points were discussed:</p> <ul style="list-style-type: none"> Attenuation ponds need to be far away enough from River to ensure no fluvial mixing, and be the appropriate size Be mindful of increases to surface water to ensure attenuation pond is sized appropriately Statutory sites, County Wildlife Sites and priority habitats to be shown on one plan. Bats are flying to feed, south of the A47 from Norwich Western Link road. <ul style="list-style-type: none"> Sweco to ask Norfolk County Council for survey records on barbastelle A47 scheme wide requirement to consider biodiversity net gain (in particular considering bats for Tuddenham) <ul style="list-style-type: none"> The fragmented landscape between A1067 and A47 presents an opportunity for biodiversity net gain and to ensure no further habitat severance occurs.

		<ul style="list-style-type: none"> ○ Meeting to be set up to discuss biodiversity net gain • Discussion on blue/green infrastructure to be held <ul style="list-style-type: none"> ○ Recreation a big issue on sites in Norfolk • The review of chapters / reports for EA and NE would be under the discretionary advice service and depends on the workload and people available to advice.
11/02/2020	Email	Email from Galliford Try to follow up after meeting at Natural England offices. Contact details list for attendees attached.
11/11/2020	Email	Email to request date to receive comments on Habitat Regulations Assessment.
12/11/2020	Email	Response from Natural England to say response/ comments are currently being internally reviewed.
25/11/2020	Email	<p>Response from Natural England with comments (PDF) attached. Agreement that there are no likely significant effects on the Broads SAC and Broadland SPA and Ramsar, provided the proposed avoidance and mitigation measures in the report are adhered to. The following measures have been advised during construction and operation and will need to be secured via planning conditions:</p> <p>Measures to secure during construction:</p> <p>Air Quality:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality. <p>Road drainage and water environment:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent pollution from dust and pollution of water. - The utilisation of best practice measures for pollution prevention and water management as set out in CIRIA guidelines, Environment Agency groundwater protection and groundwater protection guidelines. - The incorporation of a temporary surface water drainage strategy into the environmental management plan to prevent increased flood risk to people and property elsewhere. As well as to manage

		<p>pollution risks most commonly associated with increased sediment loading.</p> <ul style="list-style-type: none"> - The implementation of a temporary surface water drainage strategy for the duration of the construction phase of the project. <p>Noise and vibration:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent noise and vibration, such as, temporary noise barriers, and noise monitoring. <p>Lighting</p> <ul style="list-style-type: none"> - Construction to predominantly take place in the daylight and night lighting will only be used in areas which have previously been cleared of vegetation. - No use of night lighting during construction on Cantley stream to reduce impacts to otters using the stream. - Given the potential risk to Otters, a European Protected Species and interest feature of the Broads SAC, associated with the realignment of Cantley stream we advise that you may need to consider whether this element of the work will need licensing, further information regarding this is provided within Annex 1. We support the proposed approach that the realignment of Cantley Stream will occur with the new channel being constructed and allowed to mature to suitable condition prior its disconnection from the existing stream. <p>Measures to secure in during operation:</p> <ul style="list-style-type: none"> - The measures detailed in the drainage strategies and the drainage designs. - The letter also includes reminder that Natural England supports the use of Biodiversity Net Gain approach to development and the calculations should ideally be based on the Defra biodiversity net gain metric 2.0.
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- 2.1.2. It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Natural England in relation to the issues addressed in this SoCG.

3. Summary of Natural England Issues

Ref No.	Issue	Status	Date Agreed
1	(Assessment) Biodiversity Net gain and habitat severance	Agreed	
2	(Consultation) Biodiversity Net gain and habitat severance	Agreed	
3	Bat Surveys	Agreed	
4	Construction Mitigation Measures	Agreed	
5	Noise and Vibration	Agreed	
6	Lighting	Agreed	
7	Attenuation Ponds	Agreed	
8	Statutory Sites	Agreed	
9	Biodiversity Net Gain (Development)	Agreed	
10	Air Quality	Agreed	
11	Design mitigation – Biodiversity Net Gain	Agreed	
12	Design Mitigation – Surface Water	Agreed	
13	Design Mitigation – Drainage	Agreed	
14	HRA – Road Drainage and the Water Environment	Agreed	
15	Attenuation Ponds	Agreed	
16	HRA – Surface Water	Agreed	
17	HRA – Attenuation Ponds	Agreed	
18	EMP – Air Quality	Agreed	
19	HRA – Noise and Vibration	Agreed	
20	HRA – Road Drainage and the water environment	Agreed	
21	HRA - Lighting	Agreed	

4. ISSUES

4.1. Issues related to the Environmental Statement (ES)

Ref No.	ES Chapter	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
1	Chapter 8: Biodiversity	8.4.17	Assessment methodology	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance.	Consultation was undertaken with Natural England and the Environment Agency to consider biodiversity net gain. A discussion on how the fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance took place. Opportunities for net gain are located in the 'design, mitigation and enhancement measures' section of the ES.	Agreed
2		Table 8-10	Consultation Design, mitigation and enhancement measures	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for	Net gain or loss of each habitat type provided. Breakdown of habitat loss (ha) for permanent and temporary works, and reinstatement or enhancement (ha) provided for each habitat	Agreed

A47/A11 Thickthorn Junction
Statement of Common Ground – Natural England

				biodiversity net gain and to mitigate habitat severance.	type. The methodology for this included in Appendix 8.12: DMRB Biodiversity Evaluation Assessment.	
3		8.4.19	Assessment methodology	Surveys for the Norwich Western Link Road identified that bats are flying to feed, to the south of the A47.	<p>A bat survey data exchange between this Scheme and the proposed Norwich Western Link Road (NWL) was recommended in the meeting with NCC and Natural England held in February 2020.</p> <p>NCC and the WSP ecologist for the NWL scheme have been consulted regularly on a monthly basis regarding barbastelle bats <i>Barbastella barbastellus</i> and the wider mitigation proposals for bats by the Proposed Scheme. In addition, bat mitigation implemented as part of the completed northern distributor road and the associated monitoring data was discussed. Data was exchanged on the locations of barbastelle bats, survey techniques and mitigation. Data was</p>	Agreed

					also exchanged for GCN, reptiles, birds, fungi and invertebrates. The meetings are ongoing.	
4		Table 8-9 Ecological design and mitigation measures (construction)	Design, mitigation and enhancement measures	The utilisation of best practice construction mitigation measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality.	Mitigation measures for ecological receptors have been outlined in table 8-9 in the biodiversity ES chapter. Where there is potential for an ecological receptor to experience likely significant effects, air quality will be monitored throughout construction.	Agreed
5		Table 8-9 Ecological design and mitigation measures (construction)	Design, mitigation and enhancement measures	HRA comments: Noise and vibration: - The utilisation of best practice construction mitigation measures to prevent noise and vibration, such as, temporary noise barriers, and noise monitoring.	Disturbance from noise will be mitigated by temporary noise barriers, quieter plant, leaving a buffer zone around sensitive receptors and reducing time on noisy activities. Real-time noise monitoring shall be provided on sites where there are sensitive ecological receptors. Vibration will be reduced with early warning, pre-condition surveys, short work durations, and vibration monitoring.	Agreed

6		Table 8-9 Ecological design and mitigation measures (construction)	Design, mitigation and enhancement measures	<p>HRA comments: Lighting</p> <ul style="list-style-type: none"> - Construction to predominantly take place in the daylight and night lighting will only be used in areas which have previously been cleared of vegetation. - No use of night lighting during construction on Cantley stream to reduce impacts to otters using the stream. - Given the potential risk to Otters, a European Protected Species and interest feature of the Broads SAC, associated with the realignment of Cantley stream we advise that you may need to consider whether this element of the work will need licensing, further information regarding this is provided within Annex 1. We support the proposed approach that that the realignment of Cantley Stream will occur with the new channel being constructed and allowed 	<p>The Applicant notes Natural England's comments. Mitigation to deal with the impacts of lighting is listed in table 3-1 (REAC) of the Environmental Management Plan (EMP) (APP-128).</p>	Agreed
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				to mature to suitable condition prior its disconnection from the existing stream.		
7		Table 8-10	Design, mitigation and enhancement measures	Attenuation ponds need to be far away enough from River to ensure no fluvial mixing and be the appropriate size.	- This has been taken into account into the development of the scheme. Please refer to the Consultation Report (APP-023)	Agreed
8		Figure		Statutory sites, County Wildlife Sites and priority habitats to be shown on one plan.	Figure showing Statutory sites, County Wildlife Sites and priority habitats.	Agreed
9	Appendix 8.2: DMRB Biodiversity Evaluation Assessment Methodology	1- 1.4		HRA comments: Natural England supports the use of Biodiversity Net Gain approach to development and the calculations should ideally be based on the Defra biodiversity net gain metric 2.0.	Highways England is committed to no net loss in Biodiversity.	Agreed
10	Chapter 5: Air quality	5.9.1	Design, mitigation and enhancement measures	HRA comments: Air quality: - The utilisation of best practice construction mitigation	Construction dust assessment concluded no significant effects for ecological receptors. Best practice measures are recommended to monitor	Agreed

				measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality.	effectiveness of proposed mitigation measures in the EMP (APP-128):	
11	Chapter 7: Landscape and visual effects	7.9.3	Design, mitigation and enhancement measures	Opportunities for biodiversity net gain to be considered and habitat severance to be mitigated. The fragmented landscape presents an opportunity for biodiversity net gain and to mitigate habitat severance.	Chapter 7 states that the environmental masterplan (APP-123) sets out proposed mitigation for enhancement of habitats and biodiversity. -	Agreed
12	Chapter 14: Road Drainage and the Water Environment	13.9.30	Design, mitigation and enhancement measures	Be mindful of increases to surface water to ensure attenuation pond is sized appropriately.	This has been taken into account into the development of the scheme. Please refer to the Consultation Report (APP-023)	Agreed
13		13.9.3	Design, mitigation and enhancement measures	HRA comments: Road drainage and water environment: - The utilisation of best practice construction mitigation	During construction, best practice methods for pollution prevention and water management would be implemented as part of the overall Environment	Agreed

A47/A11 Thickthorn Junction
Statement of Common Ground – Natural England

				<p>measures to prevent pollution from dust and pollution of water.</p> <ul style="list-style-type: none"> - The utilisation of best practice measures for pollution prevention and water management as set out in CIRIA guidelines, Environment Agency groundwater protection and groundwater protection guidelines. 	Management Plan (EMP). (APP-128)	
14				<p>HRA comments: Road drainage and water environment</p> <ul style="list-style-type: none"> - The implementation of a temporary surface water drainage strategy for the duration of the construction phase of the project. 	A temporary surface water drainage strategy will be developed and incorporated into the EMP (APP-128)	Agreed

15	Appendix 14.2: Drainage design			Attenuation ponds need to be far away enough from River to ensure no fluvial mixing and be the appropriate size.	This has been taken into account into the development of the scheme. Please refer to the Consultation Report (APP-023)	Agreed
	<p>Relevant chapters could include:</p> <ul style="list-style-type: none"> • Chapter 3: Description of the scheme • Chapter 4: Main alternatives • Chapter 5: Consultation • Chapter 6: Approach to the EIA • Chapter 7: Traffic and transport • Chapter 8: Air quality • Chapter 9: Cultural heritage • Chapter 10: Landscape • Chapter 11: Nature conservation • Chapter 12: Geology and soils • Chapter 13: Materials • Chapter 14: Noise and vibration • Chapter 15: Effects on all travellers • Chapter 16: Community and private assets • Chapter 17: Road drainage and the water environment <p>Chapter 18: Cumulative effects and impact interactions</p>					

4.2. Issues related to HABITATS REGULATIONS ASSESSMENT, ENVIRONMENTAL MANAGEMENT PLAN

Ref No.	Section	Paragraph Reference	Sub-section	Natural England Comment	Highways England Response	Status
16	Habitat Regulations Assessment	4.1.52	Test of likely significance	Be mindful of increases to surface water to ensure attenuation pond is sized appropriately.	The proposed increase in areas of hard standing and alteration of ground elevations due to re-profiling could result in an increase in peak flow. Any increase in surface water runoff shall be attenuated using oversized pipes and attenuation ponds. The drainage has been designed to 1 in 100 year plus 20% climate change allowance and sensitivity tested to 40% climate change sensitivity for pluvial flooding. This would ensure there is no increase in surface water runoff peak flow rate resulting from the Proposed Scheme.	Agreed
17	Habitat Regulations Assessment	Appendix B. Potential effects		Attenuation ponds need to be far away enough from River to ensure no fluvial mixing and be the appropriate size.	Attenuation ponds will be constructed north of the A11 and to the south of the Proposed Scheme, west of the A47.	Agreed

18	Environmental Management Plan	Table 3-1	Record of Environmental Actions and Commitments	<p>HRA comments:</p> <p>Air quality:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures and the acquisition of appropriate permissions to ensure there are no lasting impacts to air quality. 	The construction noise and dust management plan will incorporate best practice measures. This be prepared and submitted for approval pursuant the requirement for dDCO (REP2-002).	Agreed
19				<p>HRA comments:</p> <p>Noise and vibration:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent noise and vibration, such as, temporary noise barriers, and noise monitoring. 	Best practice measures to be employed during the works are described in Table 3-1 within the EMP. This includes temporary noise barriers, quieter plant, time restrictions, noise monitoring etc.	Agreed
20				<p>HRA comments:</p> <p>Road drainage and water environment:</p> <ul style="list-style-type: none"> - The utilisation of best practice construction mitigation measures to prevent pollution from dust and pollution of water. 	Best practice measures to be employed during the works are described in Table 3-1 within the EMP (APP-128). Pollution prevention and water management would be implemented by the Principal Contractor.	Agreed

A47/A11 Thickthorn Junction
Statement of Common Ground – Natural England

				<ul style="list-style-type: none"> - The utilisation of best practice measures for pollution prevention and water management as set out in CIRIA guidelines, Environment Agency groundwater protection and groundwater protection guidelines. - The incorporation of a temporary surface water drainage strategy into the environmental management plan to prevent increased flood risk to people and property elsewhere. As well - as, to manage pollution risks most commonly associated with increased sediment loading. - The implementation of a temporary surface water drainage strategy for the duration of the construction phase of the project. 		
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21				<p>HRA comments:</p> <p>Lighting</p> <ul style="list-style-type: none"> - Construction to predominantly take place in the daylight and night lighting will only be used in areas which have previously been cleared of vegetation. - No use of night lighting during construction on Cantley stream to reduce impacts to otters using the stream. - Given the potential risk to Otters, a European Protected Species and interest feature of the Broads SAC, associated with the realignment of Cantley stream we advise that you may need to consider whether this element of the work will need licensing, further information regarding this is provided within Annex 1. We support the proposed approach that that the realignment of Cantley Stream will occur with the new channel being constructed and allowed to mature to suitable 	<p>The Applicant notes Natural England's comments. Mitigation to deal with the impacts of lighting is listed in table 3-1 (REAC) of the Environmental Management Plan (EMP) (APP-128).</p>	Agreed
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A47/A11 Thickthorn Junction
Statement of Common Ground – Natural England



				condition prior its disconnection from the existing stream.		
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