

Department for Transport
By e-mail to Planning Inspectorate:

A47NorthTuddenhamtoEaston@planninginspectorate.gov.uk

1 Leys Lane
Hockering
DEREHAM
Norfolk
NR20 3JE

Tel: [REDACTED]
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F.A.O. Kevin O'Hanlon, Senior Planning Manager

Dear Mr O'Hanlon,

A47 North Tuddenham to Easton dualling scheme TR 010038 - Comments on responses to SoS's third round of consultation

Further to my e-mail to Ms Dominey of 8 July, I offer more information regarding ecological and other issues, mainly in response to the SoS's 3rd round of consultation, inviting comments on the responses to the SoS's second round of consultation 27 June.

There has been very little time to read and absorb the large amount of information contained in those responses from other parties, including the many references they give to previously-submitted documents within the Examination Library. Please can I request that further time is given to respond to the issues raised by those responses?

I Natural England has replied to the SoS's request of 1 June (first round of consultation). I note that:

- a) Regarding bats:
 - i) The letter from NE dated 12 July shows that they are not able to tick a single 'satisfactory' box of the eight required in the licence application form before a LONI (Letters of No Impediment) can be issued.
 - ii) There is still no system which has been judged as successful at mitigating for loss of bats due to having to cross a busy, wide road. Bats have been recorded crossing the A47, including Barbastelles near Sandy Lane, and so it is inevitable that their populations will suffer. Bat bridges have been proved to be ineffective. It is surely the responsibility of the applicant to offer another mitigation method, and to demonstrate its effectivity before the DCO is approved.
- b) Regarding Great Crested Newts:
 - i) It has not been explained why the District Level Licensing system has been used, rather than the LONI system, and the differences between them.
 - ii) Surely NE must explain how they can be sure that there would be "nothing . . . which would prevent the issue of IACPC. . . in the absence of the required further information"; and surely it should be stated clearly what that further information is, before a DCO is approved.

II Regarding the Applicant's response to comments in relation to the first round of consultation,

a) Traffic modelling

- i) It is noted that in Annex A of REP4-015, (Applicant's written record of oral submissions at ISH2) the applicant has invoked a scenario DN (Do Nothing) and used

this to compare with other scenarios where schemes have been built. Can the Applicant explain why this scenario has not been used in other traffic modelling and carbon emission assessment?

Elsewhere the Applicant has indicated that looking at a scenario where NO schemes are put in place is not relevant, but clearly for Annex A of REP4-015, the Applicant judges it to be useful. This is inconsistent.

- ii) Regarding different **base models** being used by NCC and the applicant, the explanation (which has been seen in previous submissions) appears to make no sense; how can the models be independent of one another, and yet be aligned? How can they use different base year models, development timelines, and how can they predict different effects on the surrounding local network if they are aligned? They are surely then not consistent. The applicant has kept this whole methodology very opaque, and resisted requests, via the Local Liaison Group, to resolve and understand these difficulties.
- iii) **Independent assessment.** It gives no comfort, and is no answer, to learn that the Applicant has consulted with their own transport planning group, and Norfolk County Council, to validate modelling. Inconsistency against NCC's own modelling is one of the concerns. Methods and figures have not been made transparent to the public. Transparency is a requirement of the DfT's document 'The Transport Business Cases', and this application does not conform with this requirement.
- iv) In summary, the queries I have raised have not been satisfactorily answered. Until those have been resolved, the SoS would be in breach of regulations and guidelines were this DCO to be approved.

b) Ecological

- i) The applicant quotes botanical survey report APP-096 as referring to species having been found 'in-river'. This is not the same as specifically surveying the river habitat itself, which is what an aquatic macrophyte survey would do. I cannot find a single habitat unit within APP-096 which is the river itself; the units are all land-based. The Tud should have been recognised as a chalk river, a special habitat, and so a specific aquatic survey carried out.
- ii) A Citizen Science group investigating the River Tud more recently than the Applicant's survey states:

We've found that the Tud is characteristic of a Sub-type 1 chalk river and that it hosts an important range of specialised chalk-stream floral and faunal communities. These include:

water-crowfoots (*Ranunculus penicillatus* sub-sp. *pseudofluitans* var. *pseudofluitans*),

water star-worts (*Callitriche stagnalis*, *Callitriche obtusangula* and *Callitriche platycarpa*) and

the stoneworts (*Chara vulgaris*, *Chara globularis* and *Chara hirsute*).

These findings indicate that, according to the JNCC's categorisation, the Tud is a 'priority stonewort habitat', specifically Annex I habitat type 3260 'water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation'. The River Wensum has this same classification, and this is the primary reason for its SAC status; it is classified as a Grade A/B example of this priority habitat type, i.e. an outstanding to

excellent example, 'significantly above the threshold for SSSI/ASSI notification'.

(Additionally, there have been local sightings of the 'globally threatened' white-clawed crayfish in the Tud, which is also known to inhabit the adjoining River Wensum (and is another reason for the Wensum's conservation status).)

The chalk stream communities that occur at frequent intervals along the mid-reaches of the River Tud clearly demonstrate the characteristics of the NVC (national Vegetation Classification) community A17. At least four such communities exist along the length of the River Tud, but none has been identified in the EIA nor in the botanical surveys submitted by the Applicant.

III Other matters

- a) As mentioned in my e-mail of 8 July, this route is unnecessarily-near to the River Tud; the original option 2 in the first consultation published was further from the river, and would have carried less potential for damage to the river. The preferred option was advertised as being option 2, which was originally described as 'dualling the existing A47', but in fact the new road would certainly NOT be dualling the existing A47, but creating a completely new road a considerable way from the old one for a significant part of its length. This change was given little prominence in the 2020 consultation, and the questionnaire did not ask for views as regarding this change from the originally-offered Option 2.
- b) Neither the original consultation document of March 2017, nor that of February 2020 makes any mention that the project would be an 'EIA development'. This is required by the EIA regs SI 572 Section 47(1).

IV Conclusion

I do not believe that the queries I have raised on various topics have been answered adequately, and I ask the Secretary of State again to delay a decision on this scheme, so that the problems it will cause can be further evaluated. The need for such a large, expensive scheme can then be re-examined against lower-cost alternatives which could achieve an acceptable improvement in the transport infrastructure, but with much less financial and environmental impact.

Thank you.

Yours faithfully,

Richard Hawker

