

The Great Norwich Local Plan, Regulation 19 Pre-Submission Draft Plan

Submission on behalf of Stop the Western Link

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1. This response is submitted on behalf of the Stop the Wensum Link campaign (SWL). SWL comprises ecologists, scientists, lawyers, academics and environmentalists. SWL is supported by concerned individuals, who consider there is no need for the proposed Norwich Western Link (NWL) infrastructure project, and who argue it should be suspended.
2. SWL strongly objects to the inclusion of the NWL within the GNLP (Plan). Interestingly, the Plan purports to exclude the NWL when it is manifestly obvious the intention is to include it (see below). SWL finds this pretence to be wholly objectionable.

Misleading “status” of NWL in an unsound plan

3. **The draft plan is confused** on the status of the NWL.

GNLP Reg 19, 138 refers to the Plan’s vision for a Greater Norwich transport system at the Plan end-date of 2038, stating:

“By 2038 our transport system will be enhanced by a combination of infrastructure improvements and new technologies. This will (our emphasis) include ... the Norwich Western link ...”

This clearly infers the GNLP is based on premise that the NWL is a foregone conclusion. This assumption as will be seen is totally unsound.

Paragraph 240 states:

“As it develops the GNLP will reflect progress towards delivery of the NWL”.

Paragraph 243 states:

“Strategic transport improvements in policy 4 include ... the Norwich Western Link Road”.

4. However confusingly, paragraph 237 implies that details of transport strategy are delegated by the GNLP to Norfolk County Council’s fourth local transport plan (LTP4) and the Transport for Norwich Strategy (TfN), and that the GNLP does not need to address such “low-level concerns”. Policy 4 then attempts to abnegate any responsibility for detailed transport planning by stating:

“Transport infrastructure will be brought forward to support the development aims of this plan ... This will be achieved by ... Implementation of the Transport for Norwich Strategy including ... delivery of the Norwich Western Link road.”

5. This approach of building the NWL into the GNLP as key infrastructure without engaging with the detailed planning issues of such a major piece of infrastructure is not only confusing but is also **unsound** when assessed on all four of the key factors of soundness as given at NPPF 35. Exclusion of the NWL from consideration in the plan renders the plan *ineffective* or *positively prepared* in demonstrating it is addressing climate change, the protection of habitats (under Habitats Regulations) and European Protected Species in any meaningful way. It is also unsound in excluding local plan testing of this piece of major infrastructure against *consistency with national policy* on these issues.

Assessment of soundness and legal compliance

6. Before the NWL can form part of the GNLP it needs to be clear that meets the NPPF 35 criteria and is capable of delivery within the Plan period.
7. In terms of NPPF 35 soundness of the Reg 19 draft Plan, the NWL would need to be viewed as sound with regard the following tests:
 - i. Alignment with national policy on climate change and international obligations under the Paris Agreement, especially under strategic policy Policy 4.
 - ii. Whether there is adverse effect on the integrity of sites protected under the Habitats Regulations Directive, especially under strategic policy Policy 4.
 - iii. Land allocation for the NWL construction.
7. The Plan does not in relation to the NWL address any of the above, although there was consultation on land allocation which is the strategically most superficial. The decision not to address these tests had no rational basis and was made entirely on the ground of expediency (see Appendix A).

Climate Change

8. Below demonstrates the basis on which the NWL is expected to increase transport carbon emissions, and is not *consistent with national policy*.
9. Abnegating consideration of the NWL in the Plan is counter to:
 - i. national government planning guidance on Climate Change which states ***there are many opportunities to integrate climate change mitigation and adaptation objectives into the Local Plan***

and gives “*reducing the need to travel and providing for sustainable transport*” as an example¹.

- ii. NPPF 148 which states “**the planning system should ... shape places in ways that contribute to radical reductions in greenhouse gas emissions**”
- iii. Section 19(1A) of the Planning and Compulsory Purchase Act 2004² which states “**Development plan documents must (taken as a whole) include policies designed to secure** (our emphasis) **that the development and use of land in the local planning authority's area contribute to** the mitigation of, and adaptation to, climate change.”

- 10. The NWL poses issues of soundness in relation to the strategic policies contained within the Plan. Particularly whether the NWL is *justified* as part of the transport strategy in Policy 4 and *consistent with national policy*, and *positively prepared* with achieving sustainable development. The Plan’s authors have not considered the climatic and environmental impacts of the NWL in the Reg 19 document, and therefore are ***unsound*** on *justification*.
- 11. The additional carbon emissions implied by the implementation of an NWL are significant. At the time of writing, the most recent estimates from Norfolk County Council³ are summarised below:

¹ Reference ID: 6-003-20140612 at <https://www.gov.uk/guidance/climate-change#how-can-local-planning-authorities-identify-appropriate-mitigation-measures-in-plan-making>

² <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

³ Norwich Western Link, Option Selection Report, July 2019, Data taken from “**Table 5.29 - Greenhouse Gases: CO₂e emissions for the six options**”

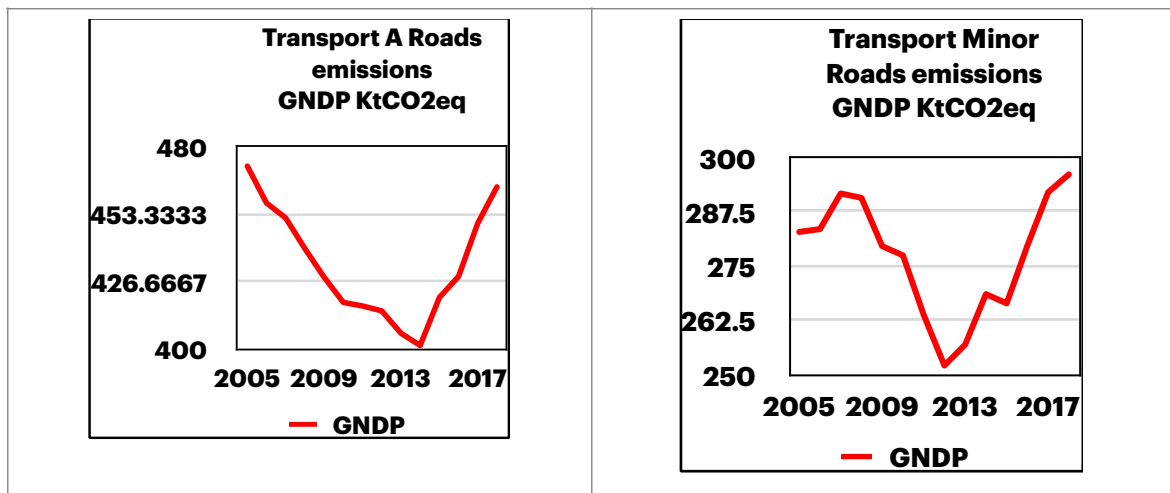
	Without scheme	Option C
2025 km/yr	5950805	5707558
2040 km/yr	6788116	6853722
2025 tCO2/yr	293996	282008
2040 tCO2/yr	333008	336907
tCO2 2040/2025	13.27%	19.47%
km 2040/2025	14.07%	20.08%

11. Taken from the July 2019, Options Selection Report, the above table shows that without the NWL, NCC models show vehicle kilometres per year increasing by 14% between 2025 to 2040.
12. Taking Option C, NWL, traffic increases by 20% km/yr over the same 15 years period which approximately aligns to the plan period to 2038. **By 2040CO2 emissions increase by 19.5%.** This must be tested against the latest Climate Change Committee target requiring **a 70% reduction in surface transport emissions by 2035**⁴, and also the even steeper reductions of the science based carbon budget forming part of the UK's obligations under the Paris agreement⁵.
13. The 19.5% transport carbon emissions increase (over the NWL study area) should be framed against the systemic failure to reduce road transport emission across the Plan area. Analysis of the government

⁴ Climate Change Committee, "The Sixth Carbon Budget, The UK's path to Net Zero", <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf>, page 96 "The Balanced Net Zero Pathway for surface transport".

⁵ See the consultation response from Dr Andrew Boswell of Climate Emergency Planning and Policy (CEEP) for more detail on science based carbon budgets.

statistics⁶ shows that, across this area, A-road carbon emissions were 22.3% of total emissions in 2018 (464 KtCO₂ in 2018 against 472 KtCO₂ in 2005, that is essentially no reduction) whilst minor road emissions were 14.2% of total emissions in 2018 (296 KtCO₂ in 2018 against 282 KtCO₂ in 2005, a 5% increase). Emissions in both sectors have increased in recent years as shown below.



14. It is clear from these graphs that the Plan fails to reduce emissions in the JCS – the climate policy in that plan has already proved to be ineffective. The de-facto, “done deal”, inclusion of the NWL will extend that *ineffectiveness* to deal with transport emissions into the Plan.
15. At a time of climate emergency, and against both hugely challenging national targets of net-zero, and scientifically based carbon budgets to meet international obligations under the Paris agreement⁷, the inclusion of the NWL can only be viewed as grossly **unsound**.

⁶ UK local authority and regional carbon dioxide emissions national statistics: 2005 to 2018, <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-to-2018> – see CEEP response for further details of the analysis

⁷ See the consultation response from Dr Andrew Boswell of Climate Emergency Planning and Policy for more detail on science-based carbon budgets.

Pre-determination of planning decisions

16. Further, it is wholly unsound to include an infrastructure project where there is no certainty over its ability to meet planning requirements and where there does not exist evidence to how it can be delivered within the Plan period. The plan already predetermines the NWL as built infrastructure during the plan time-frame as above at paragraphs 138, 240 and 243.
17. Regulation 19, 245⁸ states ***“The GNLP authorities will support the transport infrastructure improvements provided that their promoters and the relevant competent authority are able to demonstrate that they would not conflict with other policies of the plan and where there would be no adverse effect on the integrity of sites protected under the Habitats Regulations Directive.”***
18. It is wholly unsound to presume as the Plan does that the NWL can be effectively delivered as a piece of key infrastructure in the Plan when the NWL is planned to be built across a SAC and a cSAC (see below). There are serious, and long established, planning barriers to the NWL on its current route option which the Reg 19 document does not seek to address, and which are addressed below.

Land-allocation for NWL not considered

19. It is also noted that, in July 2020, the GNLP stated they intended to consult on land allocation for the NWL at the next consultation, then considered to be a Reg 18D consultation rather than the current Reg 19 consultation.
20. In September 2020, it was noted that *“conflicting legal advice had been received regarding the inclusion or not of the Western Link in the Plan”*. The recommended approach, and the one adopted by GNLP to

⁸ And we note that recommendations at 7.2.2 and 7.2.3 of the “Habitats Regulations Assessment of Greater Norwich Regulation 19 Draft Plan”, Dec 2020, and the GNLP response at 2 in “GNLP authorities’ Response to draft HRA (Dec 2020) recommendations for Reg 19 GNLP” document.

go to the current Reg 19 consultation, was given at the November 4th 2020 GNDP meeting as to no longer consider the land allocation for the NWL due to the “accelerated timetable”. We give the relevant sections from agendas and minutes in Appendix A.

21. Whilst land allocation is subsidiary to greater strategic issues such as meeting national climate change targets and protecting European designated sites and European Protected Species, the Plan is **unsound** in *effectiveness* in not attempting to test land allocation for the NWL.

The ecological destructiveness of the NWL

22. It is abundantly clear that the NWL, if constructed, would cut through and devastate one of the most beautiful and untouched areas in Norfolk.
23. It is proposed the road would cross the River Wensum, a designated Special Area of Conservation (SAC) and Special Site of Scientific Interest (SSSI), and would also pass through a large area occupied by the Barbastelle Bat (European Protected Species). This area has all of the hallmarks of a SAC and would attract candidate SAC (cSAC) status⁹. If constructed the road would result in irreversible damage to the River Wensum. It would also inevitably result in the death, or injury or disturbance of the rare and highly protected Barbastelle Bat, violating the IUCN Red List¹⁰ which is a critical indicator of the health of the world’s biodiversity.
24. The River Wensum rises some distance to the north-west of Norwich at South Raynham and flows roughly south-east to its confluence with the River Yare in Norwich. In April 2005 most of the Wensum (effectively from its source as far as Hellesdon Mill on the western outskirts of

⁹ Paragraph 176 (a) National Planning Policy Framework 2019

¹⁰ <https://www.iucnredlist.org/> “The IUCN Red List is a critical indicator of the health of the world’s biodiversity. Far more than a list of species and their status, it is a powerful tool to inform and catalyze action for biodiversity conservation and policy change, critical to protecting the natural resources we need to survive. It provides information about range, population size, habitat and ecology, use and/or trade, threats, and conservation actions that will help inform necessary conservation decisions.”

Norwich) was designated as a Special Area of Conservation (“SAC”) under the Habitats Directive. For the most part the SAC is confined to the watercourse or river channel itself but in places some riparian land is also part of the designation. The Wensum is the only river designated as a SAC in the East of England. For comparison it would compare with a Grade 1 Listed Building of similar importance to Norwich Cathedral.

25. The Barbastelle Bat appears on the Red List produced by the International Union for the Conservation of Nature (IUCN). The conservation status of this species of bat as recorded by the Bat Conservation Trust makes it clear the presence of these bats represents a very exceptional find and one of great conservation value. The Wildlife and Countryside 1981 Act states it is an offence to ‘intentionally’ or ‘recklessly’ damage or destroy any structure or place which a bat uses for shelter or protection’. It is also an offence to intentionally disturb a bat whilst it is occupying such a structure or place and/or obstruct the access or entrance to such a place. However, if there is evidence that a place has been used by a bat, it is protected regardless of whether it is currently occupied or not.
26. The Bat Conservation Trust has recently made a rare position statement¹¹, specifically on the barbastelle bats found on the proposed route of the NWL which concludes *"the available evidence suggests that the impacts of the proposed NDR Western Link on this nationally significant barbastelle population cannot be adequately mitigated or compensated for ..."*.
27. The ecologists, scientists and conservation experts all come to one conclusion. Constructing this road would have a significant and irreversible impact on the integrity of the SAC and in the case of the cSAC the long-term Barbastelle Bat population numbers. They also conclude that no level of mitigation will be able to reduce to zero the

¹¹ <https://www.bats.org.uk/our-work/biodiversity-policy-advocacy/position-statements-1/bcts-position-statement-on-the-proposed-norwich-distributor-road-western-link>

impact. They further conclude that there are no effective compensatory measures that would safeguard the overall coherence of this part of the National Site Network (formally known as Natura 2000 network).

Planning barriers to NWL

28. This was recognised by Norfolk County Council in 2005¹² : **‘On 19 September 2005, Norfolk County Council’s Cabinet considered the consultation responses and agreed an adopted route for the NDR. This excluded a link between A47 to the West and the A1067. The main reason for the exclusion of a link across the Wensum Valley was due to its status as a SAC, protected due to its international importance in biodiversity conservation.’**
29. Despite recent claims made suggesting a crossing is now possible it should not be overlooked that when a crossing was previously considered by the Environment Agency it was pretty emphatic in its conclusion that it **“would be very difficult or impossible to design and put in place mitigation measures that adequately addressed the impacts of a road scheme on ecology and nature conservation.”**¹³
30. No amount of mitigation, nor compensatory measures would prevent damage to the integrity of the SAC and cSAC. It is our submission that the areas concerned should be ‘ring fenced’ and protected from all forms of potentially damaging development.
31. The GNLP Reg 19 is unsound, and not effective, as it predetermines the NWL as significant and delivered infrastructure at the plan end-date of 2038 without engaging in the very serious issues of planning system barriers.

¹² Norwich Western Link Project Technical Report | June 2016

¹³ Technical Report June 2016 Produced for Norfolk County Council by Mouchel

Sustainable transport should be the foundation of Policy 4

32. The economic/congestion reduction goals of the proposed NWL development could be equally if not better served through promoting cycling and walking; reducing car usage; and providing good and reliable access to public transport.
33. This would be consistent with NPPF 102 which states that **“transport issues should be considered from the earliest stages of plan-making”** and **“opportunities to promote walking, cycling and public transport use are identified and pursued”** and **“the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account”**, and NPPF 103 which states **“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”**
34. Encouraging a reduction in car dependency is a key component of promoting sustainable transport usage in new developments. This could be achieved through:
 - i. Provision of better facilities to enable people to work from home (improved broadband access) or from the immediate area (local resource centres, technology hubs etc).
 - ii. Provision and promotion of sustainable transport options for those travelling to school, universities and health centres.
 - iii. Encouraging a change in travel behaviour from the outset by implementing personal/work travel planning, reducing the cost of transport (vouchers) or providing free use of car clubs and/or public transport in the town’s initial stages.

- iv. Promotion of cycling/walking initiatives such as: bike/walk clubs; Bikeability training; bike/walk buddies; walking buses – a group of schoolchildren chaperoned by two adults (a ‘driver’ leads and a ‘conductor’ follows).
35. It has been found through research that on average, every £1 spent on initiatives like the above **‘could bring about £10 of benefit in reduced congestion alone, more in the most congested conditions, and with further potential gains from environmental improvements and other effects, provided that the tendency of induced traffic to erode such benefits is controlled’**¹⁴.

Conclusion

36. The misleading pretence is objectionable. The NWL is clearly included in the Plan whilst pretending not to be.
37. The Plan is unsound at several levels in including the NWL in this misleading way and attempting to delegate the NWL to other governance and planning realms. This undermines the soundness of its own policies, especially Policy 4 on Strategic Infrastructure. Policy 4 has not been tested against national policy of climate change, and scientific carbon budgets for compliance with the UK’s obligations under the Paris agreement.
38. Further, the delivery of the NWL under Policy 4 is predetermined in the Plan against very strong evidence of very significant barriers in the planning system to the NWL.
39. Before transport infrastructure in Policy 4 is put into place there needs to greater consideration given to how, through strategic planning, it will be possible to influence travel behaviour of the community to

¹⁴ Cairns S, Sloman L, Newson C, Anable J, Kirkbride A & Goodwin P (2004) ‘Smarter Choices – Changing the Way We Travel’

which is to proposed to serve. This should be now, in the GNLP, at “the earliest stages of plan-making” (NPPF 102).

40. It is crucial for developers to be required to demonstrate a full and complete understanding of origin and destination data so as to predict travel behaviour and trip generation. This should ensure that, from inception to maturity, appropriate sustainable travel choices can be considered not only in relation to current plans but beyond (NPPF 102 and 103).
41. Opportunities must be seized within the planning process to make cycling, walking and public transport the modes of choice. These modes must be made more convenient for the majority of journeys than car usage, in order to promote genuine modal shift. They should be supported by the necessary traffic management measures.
42. The NWL is not part of such a sustainable transport policy. It should be clearly removed from GNLP.

END

Appendix A: Recent GNDP Board meetings and minutes re: NWL

A. July 10th 2020, agenda note¹⁵ on “Draft Greater Norwich Local Plan revised timetable”.

“In particular, a further focussed consultation would allow the GNDP to reflect the considerable progress that has been made in relation to the Norwich Western Link scheme and consult on the possibility of including a specific allocation for the use of the land for it within the GNLP. Not only would such an allocation reflect good practice through the integration of transport and land use planning, it also has the potential to strengthen the robustness of both the GNLP and the scheme. Any allocation would need to be supported by a considerable evidence base such as a wider package of transport planning measures to be included in the Transport for Norwich Strategy (TfN) and consideration of reasonable alternatives.”

B. July 10th 2020, minutes on “Draft Greater Norwich Local Plan revised timetable” on discussion of revised timetable note¹⁶.

¹⁵ <https://www.gnlp.org.uk/sites/gnlp/files/meeting-papers/amended-200710-AG-GNDP-Board.pdf>, page 70, section 2.3

¹⁶ <https://www.gnlp.org.uk/sites/gnlp/files/meeting-minutes/200710-MINS-GNDP.pdf>, page 3

“This work would be undertaken by consultants as well as through a six week focused consultation that could include progress made with the Norwich Western Link scheme”.

C. September 30th 2020, agenda item¹⁷ on “Options for progressing plan-making in Greater Norwich”
“This in turn allowed for consultation on the possible allocation of the preferred route of the Norwich Western Link road to be included within the scope of the forthcoming consultation. It was considered this would assist its delivery and allow people to have a say on this issue, aiding transparency.”

D. September 30th 2020, minutes¹⁸

“A Member suggested that it should be made clear that the housing numbers in the Plan could increase significantly and there were a number of risks that were material to the decisions that the Board would be making, which could lead to the Plan being found unsound at the Reg.19 stage. He went on to say that the Reg.18 had not been sufficiently assessed and there were a whole range of studies that had not been carried out to allow the Plan to progress to the Reg.19 stage; these included work on the Western Link.”

“Conflicting legal advice had been received regarding the inclusion or not of the Western Link in the Plan. He emphasised that the Board’s role was not to look at the fine detail of the consultation, but to steer it at a strategic level.”

E. November 4th 2020, agenda item on “Progress on the Greater Norwich Local Plan” under “Not allocating land for the Norwich Western Link”¹⁹

*“The previous intention had been to consult on whether land should be allocated for the Norwich Western Link (NWL). **Consideration of this will no longer be possible as the accelerated timetable means that this issue cannot be consulted on.** However, it is common practice for local plans not to make a specific allocation for transport infrastructure. It is worth noting that the scheme is progressing well on its path to a planning application. As in the draft Regulation 18 version of the GNLP, the NWL will continue to be supported through policy 4 on infrastructure, to be progressed as one of the proposals of the Transport for Norwich Strategy.”*

¹⁷ <https://www.gnlp.org.uk/sites/gnlp/files/meeting-papers/200930-AG-GNDP-Board.pdf>, section 3, page 10

¹⁸ <https://www.gnlp.org.uk/sites/gnlp/files/meeting-minutes/200930-MINS-GNDP-Board.pdf>, page 6

¹⁹ <https://www.greaternorwichgrowth.org.uk/dmsdocument/2670>, page 13. NB: This meeting is not listed under a new webpage of GNDP meeting at <https://www.gnlp.org.uk/gndp-board> although it clearly existed and the meeting is minuted.