

**Response to Action Points**

**Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019**

(TR010027-000798-DCO4 Action Points 23 October V2)

Action	Party	Deadline
<p>16     <b>Response from Mr O'Reilly</b></p> <p>Mr O'Reilly to respond to the aims and objectives of the mitigating measures proposed. The response can be by D8 or D9 to provide a reasonable opportunity to consider the implications of the proposals.</p>	Mr O'Reilly	D8 or D9
<p><b>POR Comments:</b></p> <p>I can confirm a letter from Chris Harris (Highways England) was attached to an email received from Lydia Barnstable (AECOM) on 25<sup>th</sup> October 2019 and marked 'Private and Confidential'. However, it does not address the concerns I have raised. In short:</p> <ul style="list-style-type: none"> <li>- The letter advises that I should engage a professional advisor but does not confirm that Highways England will meet the cost.</li> <li>- The letter confirms that works will be undertaken but does not provide any information or plan showing the extent of those works.</li> <li>- It is disappointing to say the least that Highways England are still unable to confirm how my property is affected by their scheme.</li> <li>- The letter does not confirm how the main access and the rear access to my property will be treated.</li> <li>- Instead of agreeing any fencing or boundary treatment to my property directly with Highways England it will need to be agreed with the Principal Contractor.</li> <li>- Although the works in front of my property have not changed a great deal since January 2018 Highways England have still not completed the Land Registry checks (but advise that they will be completed by 2<sup>nd</sup> November 2019) and therefore cannot confirm what land will revert to my ownership under the ad medium filum rule. No information has been provided prior to Deadline 8.</li> <li>- I would prefer to have control, and therefore ownership, of as much of the land outside the current boundary to my property up to the realigned Catherine de Barnes Lane to ensure it is properly maintained.</li> <li>- Highways England are proposing to use a CPO to take land that reverts to my ownership under the ad medium filum rule without any discussion or agreement.</li> <li>- Highways England are continuing to apply a broad-brush approach to remedy the concerns of those affected by their scheme rather than addressing individual needs.</li> <li>- The letter does not confirm the extent of any hedging or fencing to my new boundary.</li> <li>- My property is a residential property and therefore the hedge planting should be suitable for a residential property rather than what one would expect to find around a field.</li> <li>- Planting to my boundary is proposed to be native hedge planting which does not appear to include any evergreen content. It is difficult to see how it will provide year-round visual screening to my property.</li> <li>- Hedge planting to the boundary of my property should provide immediate visual screening using established, mature plants. Any proposal to use 1m high plants that will take 5+ years to produce a sparse 2m hedge must be dismissed.</li> <li>- The letter advises that more details on potential species for hedges are given in table 6.7 of the Outline Biodiversity Management Plan, submitted to the Examination at Deadline 7. Table 6.7 does provide details of native hedge planting but does not contain any information on 'domestic' hedging.</li> </ul>		

- Item 3.3.15 of HE document 'Outline Biodiversity Management Plan' states that "Woodland, woodland edge, individual and grouped trees, scrub and shrubs will be established by the PC across the Scheme for the purposes of landscape integration, visual screening and as mitigation / compensation for habitats and vegetation lost". If that is the objective then hopefully they will advise on how a seasonal hedge will provide year-round visual screening to my property.
- The letter does not contain any information on what visual screening will be provided between my property and the Mainline Link road / Slip Road from Barber's Coppice.
- Any fencing or boundary treatment to my property will be behind an area of 'environmental mitigation' but no details on what that means or the extent of the planting have been provided.
- If the 'environmental mitigation' outside my property consists solely of native hedge planting it will provide seasonal cover only.
- The land between the centre line of the existing Catherine de Barnes Lane (which I assume will be my new boundary under ad medium filum) and the realigned Catherine de Barnes Lane will be 25m wide but Highways England are unable to confirm if it will all be planted out. Needless to say, leaving large areas of grass verge is not an ideal solution in this location.
- Proposed boundary treatments do not include any options for noise mitigation, particularly around the proposed 'Barber's Coppice Roundabout'.
- No details on fencing specification such as dimensions, material, finish, etc. have been provided. One would expect the specification to provide a minimum lifespan of 30 years, not require painting (other than preservative treatment) and given our existing timber fencing is Oak any new fencing should ideally match.

I would also add that on 29<sup>th</sup> October 2019 I suggested a meeting was arranged at the earliest possible convenience to move matters forward. Highways England have yet to respond.

Hampton in Arden Parish Council also sent a request on 21<sup>st</sup> October 2019 for a meeting to be arranged. Highways England have yet to respond.

Note: Item 2.2.22 of HE Document '8.84 Written Submission of Oral Case for ISH on dDCO on 23 October 2019' states the following:

*"PO'R discussed his concerns regarding the impact of taxi parking at his property and requested further information about the measures the Applicant could take to mitigate the effect of this. NE noted that the detail of measures could not be given at this stage. However, the Applicant would provide PO'R with a letter setting out the parameters of potential landscaping and treatment around PO'R's property to help address his concerns".*

As can be seen above, and despite this assurance from Highways England, information "setting out the parameters of potential landscaping and treatment around "my property to mitigate the effect of taxi parking" was not provided in the letter I received on 25<sup>th</sup> October 2019.