

Application by Highways England for M54 to M6 Link Road

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 20 July 2020

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues also published today. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact M54toM6LinkRoad@planninginspectorate.gov.uk and include 'M54 to M6 Link Road ExQ1' in the subject line of your email.

A date for responses will be set following the Preliminary Meeting, but it is likely that this 14 days after the close of this meeting.

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	NMU	<i>Non-Motorised User</i>
Art	<i>Article</i>	NE	<i>Natural England</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	NPPF	<i>National Planning Policy Framework</i>
BoR	<i>Book of Reference</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
BMV	<i>Best and Most Versatile Land</i>	NPSNN	<i>National Policy Statement for National Networks</i>
CA	<i>Compulsory Acquisition</i>	PA2008	<i>Planning Act 2008 (as amended)</i>
CPO	<i>Compulsory purchase order</i>	PRoW	<i>Public Right of Way</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EA	<i>Environment Agency</i>	SI	<i>Statutory Instrument</i>
EM	<i>Explanatory Memorandum</i>	SCC	<i>Staffordshire County Council</i>
ES	<i>Environmental Statement</i>	ShC	<i>Shropshire Council</i>
ExA	<i>Examining authority</i>	SSC	<i>South Staffordshire Council</i>
HBMCE	<i>Historic Buildings and Monuments Commission for England (generally known as Historic England)</i>	SoS	<i>Secretary of State</i>
LIR	<i>Local Impact Report</i>	TP	<i>Temporary Possession</i>
LPA	<i>Local planning authority</i>	WCC	<i>Wolverhampton City Council</i>
		WCH	<i>Walker, Cyclist, Horserider</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained at this [link](#).

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:
1.0	General and Cross-topic Questions	
1.0.1	The Applicant	<p>RIS2</p> <p>a) Could the Applicant please provide us with the latest position in respect of the RIS2 programme in respect of the Proposed Development?</p> <p>b) How does RIS2 affect Highways England Delivery Plans?</p>
1.0.2	SSC	<p>Development Plan</p> <p>a) Could SSC please provide a copy of both the South Staffordshire Core Strategy and the South Staffordshire Site Allocations Document together with the Policies Map for the area, along with any Supplementary Planning Documents which may affect consideration of the Proposed Development.</p> <p>b) Is this plan subject to review?</p> <p>c) If so, at what stage has it reached?</p> <p>d) Does this have any implications for the Proposed Development?</p>
1.0.3	SCC Parish Councils	<p>Neighbourhood Plans</p> <p>a) Could SSC and the Parish Councils please provide details of any designated Neighbourhood planning areas, along with current details of progress towards any such Neighbourhood Plans being made.</p> <p>b) Where documents have been published for consultation, or later, purposes could copies please be provided.</p>
1.0.4	SCC	<p>Development Plan</p> <p>a) Could SCC please provide all minerals and waste plans applicable to the Application site along with any relevant plans necessary for interpretation.</p> <p>b) Are any of these plans subject to review?</p> <p>c) If so, at what stage has it/have they reached?</p> <p>d) Does this have any implications for the Proposed Development?</p>
1.0.6	The Applicant	Legal compliance

ExQ1	Question to:	Question:
		In the Case for the Scheme [APP-220] paragraph 2.2.4 the Applicant asserts that "The other exceptions in sub Sections (4) to (8) of Section 104 [of the PA2008] are not relevant in this case". Could the Applicant please set out why it believes this to be the case.
1.0.7	The Applicant	Design Manual for Roads and Bridges (DMRB) DMRB has recently been re-organised, and some parts updated. Could the Applicant please set out any changes that are necessary as a result of these amendments. This may be easiest to be shown in tabular form.
1.0.8	The Applicant	Equality Impact Assessment a) In Table 1 in the Equality Impact Assessment [APP-214] under 'Ethnicity and Nationality' it is stated: "The population of Featherstone and Shareshill has increased by 1.9% between 2001 and 2011, significantly higher than the national average (7.2%)". Similarly, under 'Car Ownership' it is stated: "15.7% of households in Featherstone and Shareshill have no access to a car or van, which is lower than the wider South Staffordshire at 13.2%". Both of these statements appear inconsistent. Could they be clarified. b) Are there any implications from any changes?
1.0.9	The Applicant	Outline Environmental Management Plan Can any revised version of this document [APP-218] please be provided in 'tracked change' as well as 'clean'?
1.0.10	The Applicant	Outline Environmental Management Plan Paragraph 1.1.12 of the OEMP [APP-218] indicates the main approval is by Highways England. However, footnote 1 makes clear that this is not the case, being for the Secretary of State. While it is appreciated that the mechanism set out in the OEMP is that all matters need to be internally (that is within the overall project team) agreed by Highways England before being submitted to the SoS for approval, the current drafting could be misunderstood by somebody who is not aware of the

ExQ1	Question to:	Question:
		full process. Could the OEMP please be redrafted to ensure clarity.
1.0.11	The Applicant SCC WCC	<p>Outline Environmental Management Plan</p> <p>a) Paragraph 1.1.12 of the OEMP [APP-218] states that once the Proposed Development has been completed some of its components may be maintained by SCC or WCC. It is not explained which components this might be or whether this approach has been agreed with these Councils. Can the Applicant identify the likely relevant components of the Proposed Development and confirm the level of agreement to this approach to-date with SCC and WCC?</p> <p>b) Can the Applicant explain if these components relate to the proposed environmental mitigation?</p> <p>c) If so, could the Applicant explain how?</p> <p>d) Could SCC and WCC provide their response to this approach?</p>
1.0.12	The Applicant SCC SSC EA Natural England Forestry Commission	<p>Outline Environmental Management Plan</p> <p>a) Table 4.1 of the OEMP [APP-218] set out Consents and permissions that may be required as at January 2020. Is this Table up-to-date?</p> <p>b) If not, could it please be amended as necessary.</p> <p>c) Could those bodies referred to in the table, that is Natural England, SCC, the EA, SSDC and The Forestry Commission please advise as to their current understandings of the various situations?</p>
1.0.13	The Applicant	<p>Environmental Masterplan</p> <p>The Environmental Masterplan [APP-057] to [APP-063] is titled 'Draft' and is described as illustrative in the dDCO R5 (Landscaping). On this basis can the Applicant explain its status, its relationship to proposed mitigation measures and how these will be secured through the DCO.</p>
1.0.14	The Applicant	<p>Environmental Masterplan/Works Plans</p> <p>a) Can the Applicant clarify why certain areas of the Proposed Development as represented in the Works Plans red line boundary (within Sheets 1-3, and 6-10</p>

ExQ1	Question to:	Question:
		<p>[APP-057] to [APP-063], which include Works 1, 35, 41, 42, 51, 52, 53, 54, 55, 55A, 55B, and 55C) have not been fully represented in the Environmental Masterplan or in the Construction Works (ES Figure 2.9, [APP-065]) for the ES.</p> <p>b) Can the Applicant explain why these works are not represented on the Environmental Masterplan and the Construction Works plans and confirm that these works have been fully considered as part of the ES.</p>
1.0.15	The Applicant	<p>Environmental Mitigation</p> <p>a) The Environmental Mitigation Schedule (EMS) in ES Appendix 2.1 [APP-157] provides a summary of the proposed 'embedded' operational mitigation measures (Table 2.1). Paragraph 2.5.80 of ES Chapter 2 [APP-041] states that the EMS lists measures that are not included in the OEMP, however it is stated in the EMS that Table 2.1 replicates Table 3.4 of the OEMP, which it appears to do. Can the Applicant explain and clarify the purpose of the EMS and confirm its status?</p> <p>b) As recommended by the Inspectorate's Advisory Note 7 can the Applicant provide a table which includes all mitigation measures relied on in the ES and the mechanism by which that mitigation is secured for the DCO.</p>
1.0.16	The Applicant	<p>Construction Compounds</p> <p>Additional locations have been identified for small scale satellite office and welfare facilities. These would be located close to work areas within the Proposed Development boundary, sited on the roundabout at the M54 Junction 1 and along the mainline of the Proposed Development to service the construction of Hilton Lane bridge and the accommodation bridge east of Brookfield Farm. Satellite compounds would be lit with temporary lighting, with security measures in place. Plant and equipment would be stored at the satellite compound during the works (para 2.6.16 of Chapter 2 of the ES [APP-041]). Can the Applicant indicate where these sites will be located on relevant plans and explain how any likely significant effects have been</p>

ExQ1	Question to:	Question:
		assessed?
1.0.17	The Applicant	<p>The Guide to the Application In the Guide to the Application [AS-037], the Applicant has set out the various versions of the documents. Could future versions of this document please mark superseded documents with striketrough so it is clear which documents are so considered and which are to remain part of the substantive application and accompanying documents. Partial superseding of documents can lead to confusion as to which parts are superseded and which are extant.</p> <p>In relation to drawings, where there are a series which make a whole, for example the Land Plans, the original submission is entitled Revision P01, but the individual drawings have different revisions (that is a mix of P03 and P06). This mixture, and difference to the revision version to the title of the document, could lead to confusion. Could the Applicant please seek a way of resolving this.</p>
1.1.	Green Belt	
1.1.1.	The Applicant	<p>General Can the Applicant please confirm whether it takes the position that the Proposed Development would represent inappropriate development in the Green Belt? This is somewhat ambiguous in Case for the Scheme [APP-220].</p>
1.1.2.	The Applicant	<p>Areas affected</p> <p>a) Paragraph 8.6.1 of the Case for the Scheme [APP-220] discusses the effect on openness and permeance of the Green Belt. Could the Applicant please set out precisely the areas (in hectares and/or square metres) which would be covered by engineering development – i.e. carriageways, highways, PRoWs. This should be done in tabular form setting out the quanta before and after the Proposed Development.</p> <p>b) In addition, could equivalent figures for associated infrastructure, such as</p>

ExQ1	Question to:	Question:
		<p>drainage attenuation ponds, and for 'soft' areas, i.e. agricultural land, grassland and woodland/forestry also be provided.</p> <p>c) Could details of the proposed signage in the Green Belt be set out, in particular locations, heights and widths.</p>
1.1.3.	The Applicant Nigel Simkin Paul Simkin Vodafone Limited	<p>Structures</p> <p>a) Although paragraph 2.6.33 of Chapter 2 of the ES [APP-041] indicates that no other demolitions than the bridges at M6 Junction 11 and a stable/store to the west of that junction, the drawings indicate a building or structure is to be demolished off Dark Lane (see Plot Ref 5/6 on the Land Plans [APP-007]). What is this and what are its dimensions?</p> <p>b) While it would not be the responsibility of the Applicant to replace it, would it be the intention of the landowner or any other party to replace it, either on that site or elsewhere?</p> <p>c) If the proposal is that it is replaced elsewhere, could this be explained, along with what progress, if any, has taken place to identify that alternative location and ensure any necessary consents?</p>
1.1.4.	SSC Interested parties	<p>Woodland Planting</p> <p>In paragraph 8.6.14 of the Case for the Scheme [APP-220] the Applicant indicates that it considers "Where woodland planting is proposed, it is considered that the environmental benefits of the planting outweigh the impact to the openness of the Green Belt in that location." Do other interested parties agree with this analysis and if not, could they explain why they take that view.</p>
1.1.5.	The Applicant	<p>Purpose of Green Belt</p> <p>Paragraph 7.6.23 of Chapter 7 in the ES [APP-046] states that the Green Belt designation is one of landscape value. Could the Applicant please explain this statement with reference to the five purposes for the Green Belt set out in paragraph 134 of the NPPF?</p>

ExQ1	Question to:	Question:
1.2.	Air Quality and Emissions	
1.2.1.	The Applicant	<p>Clarification: In respect of Natural England’s comments in its Relevant Representation [RR-037] can you confirm how the Affected Road Network was identified and the rationale for other roads being included in the model and associated air quality assessment?</p>
1.2.2.	The Applicant	<p>Cumulative air quality effects a) Have the air quality effects been modelled at the M6 Junction 11 if the proposed works were to be at a similar time to construction at M54 junction 1? b) Paragraph 5.4.6 of Chapter 5 of the ES [APP-044] suggests it is not known what traffic management procedures would be put in place elsewhere. Does this include M6 junction 11 and if so, why has it not been modelled?</p>
1.2.3.	The Applicant	<p>South Staffordshire AQMA No.1 What is the current status of the South Staffordshire AQMA No.1 which table 5.5 in AQ chapter of ES [APP-044] suggests may soon be revoked?</p>
1.2.4.	The Applicant	<p>Analysis of Monitoring Data a) Paragraph 5.6.5 of Chapter 5 of the ES [APP-044] states that monitored concentrations can be considered at risk of an exceedance of the annual mean objective value for NO₂, where concentrations are within 10% of the objective value and have given various examples.</p> <p>For each of the following sites, which are within 10% of the 40 µg⁻³ criterion, could the Applicant provide an analysis of the effects of the Proposed Development, which do not appear to have been analysed to date.</p> <ul style="list-style-type: none"> • Table 5.6: Site ID A4 gives a monitored annual mean concentration of 36 µg⁻³. • Table 5.7: Site ID M54M6TL_023_0813, shows a monitored annual mean

ExQ1	Question to:	Question:
		<p>concentration of 38.3 $\mu\text{g m}^{-3}$</p> <p>b) Paragraph 5.6.11 indicates that there are 128 Defra links present in the ARN but 12 would be greater than 40 $\mu\text{g m}^{-3}$ objective. How many of the 128 are $\geq 36 \mu\text{g m}^{-3}$? Where are these (shown on a map)? Could an analysis be undertaken of the effect of the Proposed Development on these?</p>
1.2.5.	The Applicant EA SSC WCC	<p>Base Air Quality Data</p> <p>Paragraph 5.6.12 of Chapter 5 of the ES [APP-044] says that of the 128 Defra links present in the ARN the highest predicted annual mean NO₂ concentration in 2024 will be 28.7 $\mu\text{g m}^{-3}$. Could the Applicant advise where this 28.7 $\mu\text{g m}^{-3}$ figure has been obtained from and could the interested parties confirm that they are content with this analysis?</p>
1.3.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
1.3.1.	SSC SCC	<p>Clarification</p> <p>Could SCC and SSC please explain the relationship between them in relation to the provision of advice relating to biodiversity in the determination of planning applications and applications for development consent?</p>
1.3.2.	The Applicant	<p>Legal Compliance</p> <p>Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 requires the SoS to have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. Could the Applicant please explain how it considers that the proposal would comply with this obligation.</p>
1.3.3.	The Applicant	<p>Clarification</p> <p>Paragraph 8.3.16 of Chapter 8 of the ES [APP-047] identifies impacts on ecological features. Under duration the category has been divided into permanent/temporary. However, temporary may be long-term. Could the Applicant please explain the difference in definition and approach between "permanent" and "long-term" in this</p>

ExQ1	Question to:	Question:
		context?
1.3.4.	The Applicant	<p>Bats Paragraph 8.6.28 of Chapter 8 of the ES [APP-047] indicates two bat roosts within the boundary of the Proposed Development. However, in Figure 8.14 [APP-118] these two trees (T70 and T112) are given different classifications. Could this discrepancy be explained?</p>
1.3.5.	The Applicant	<p>Bats Figure 8.17 [APP-121] seeks to show confirmed bat roosts and aerial tree inspection survey. However, reference to B5 appears to be missing on this drawing. Can this be resolved.</p>
1.3.6.	The Applicant	<p>Bats a) Paragraph 8.6.30 of Chapter 8 of the ES [APP-047] indicates that hibernation surveys of trees had not “yet” been conducted. Given this report was completed in January 2020 have any further surveys been undertaken to validate or otherwise the predictions set out in that paragraph? b) If so, what were the results?</p>
1.3.7.	The Applicant	<p>Biodiversity Net Gain Paragraph 8.13.50 of Chapter 8 of the ES [APP-047] states ‘Therefore, whilst delivering net gains in biodiversity may be desirable, there is no requirement for NSIPs to deliver overall net gains in the NPSNN and no indication that it will be mandatory in the near future. This reduces the weight applied to policies in the NPPF on net gain as relevant and important matters in decision making on NSIPs’ The NPPF does however refer and is a material and important matter. Should Biodiversity Net Gain be a project aim.</p>
1.3.8.	The Applicant	<p>Biodiversity matrix Could the Applicant explain why it has not used the Biodiversity matrix 2.0 which updates and replaces the original Defra biodiversity matrix?</p>

ExQ1	Question to:	Question:
1.3.9.	The Applicant	<p>Biodiversity off-setting</p> <p>In the Biodiversity off-setting metric study (Appendix 8.2 to Chapter 8 of the ES [APP-176]) in paragraph 2.3.1 second bullet it is indicated that proposed habitats would be managed either by HE or by a separate landowner agreement. Under the dDCO [APP-018]) these areas are mostly land to be utilised under TP. How is this longer term management to be secured?</p>
1.3.10.	The Applicant	<p>Biodiversity off-setting</p> <p>The Applicant has indicated in paragraph 4.1.1 of the Biodiversity off-setting metric study (Appendix 8.2 to Chapter 8 of the ES [APP-176]) that there would be a 4.99% net loss in biodiversity units. The Applicant then goes not to indicate that, through Ref 1 that this is considered to be "an overall no net loss of biodiversity". Having looked at the reference in question could the Applicant point out where this is cited?</p>
1.3.11.	The Applicant	<p>Biodiversity off-setting calculation</p> <p>In looking at the Biodiversity off-setting matrix (Appendix 8.2 to Chapter 8 of the ES [APP-176]) there are a number of minor discrepancies between the figures set out in Tables 3.3, 3.4, 3.6 and 3.8 and those in the summaries, Tables 3.9 and 3.10 and thus the summaries in Tables 3.11 and 3.12. Could these be checked. The discrepancies appear to be in the following (although some others are clearly rounding issues):</p> <ul style="list-style-type: none"> • Standing water Good condition (extant) • Broad-leaved Moderate condition plantation (created) • Standing water Moderate condition (extant) • Running Water Good condition <p>If the original figures are included, by the ExA's calculation, show that there would only be 94.93% of the value after the Proposed Development when compared with the before. This falls outside the +/-5% asserted to be of 'no significant effect'. This</p>

ExQ1	Question to:	Question:
		<p>figure, obviously, also omits any consideration of ancient woodland.</p> <p>a) Could the Applicant please check the figures. b) Is the statement in paragraph 8.9.133 of Chapter 8 of the ES [APP-047] therefore justified?</p>
1.3.12.	The Applicant	<p>Habitat creation</p> <p>a) The Applicant's assessment is that the habitat creation will provide mitigation for the development. It can be implied that there will be a time 'gap' between the construction effects and the mitigation becoming effective leading to a, potential, deficit. Is this implication correct? b) What would be effects of this gap in habitat terms? c) Would it be possible to avoid these effects rather than mitigate them by introducing habitat before construction takes place? d) If so, how should this be secured.</p>
1.3.13.	The Applicant	<p>Clarification - Cannock Extension Canal SAC: Can you expand on and clarify the approach taken to assessment and the results informing 'screening out' of the Cannock Extension Canal SAC?</p>
1.3.14.	The Applicant	<p>Effect on SSSIs Can you address the concerns of Natural England with regard to the effect on Stowe Pool and Walk Mill Clay Pit SSSI and on White-clawed crayfish and Chasewater and Southern Staffordshire Coalfield Heaths SSSI? Please provide an update on the latest position.</p>
1.3.15.	The Applicant	<p>Clarification Table 8.3 in Chapter 8 of the ES [APP-047] describes the 'level of impact descriptive criteria' for moderate adverse level of impact/change as '1) Temporary/reversible damage to a biodiversity resource and 2) the extent, magnitude, frequency, and/or timing of an impact negatively affects the integrity or key characteristics of the</p>

ExQ1	Question to:	Question:
		<p>resource'. However, for minor adverse the effects are described as '1) Permanent/irreversible damage to a biodiversity resource; and 2) the extent, magnitude, frequency, and/or timing of an impact does not affect the integrity or key characteristics of the resource'</p> <p>Can the Applicant explain the rationale for assessing permanent and thus non-reversible effects at a lower level than temporary effects?</p>
1.3.16.	The Applicant	<p>Lighting effects on biodiversity</p> <p>The ES assumes that a lighting strategy has not been required for the Proposed Development to assess the effects of lighting on biodiversity (paragraph 2.5.47 of Chapter 2 of the ES [APP-041]). Can the Applicant comment on why a lighting strategy was considered unnecessary with respect to any proposed mitigation measures for protected species and other biodiversity interests as part of the proposed CEMP and HEMP.?</p>
1.3.17.	The Applicant Interested parties	<p>External mitigation</p> <p>Paragraph 8.8.10 of Chapter 8 the ES [APP-047] states 'However, the Scheme would achieve improvements to specific habitats as part of this overall objective and Highways England will seek to achieve further enhancements where possible outside the DCO process.' As this is outside the DCO process what weight do you consider should be afforded to these unsecured and undetailed enhancement measures?</p>
1.3.18.	The Applicant NE	<p>Ancient Woodland</p> <p>a) Ancient Woodland mitigation: It is stated that a replacement woodland habit at a ratio of 7:1 in area would be provided. While this has apparently been agreed with Natural England, could the rationale for this ratio be fully explained?</p> <p>b) Given that the value of ancient woodland is not just for its trees but the whole range of biodiversity found, what measures are proposed to ensure that the range of biodiversity is maintained?</p>

ExQ1	Question to:	Question:
		c) How would this be secured in the DCO?
1.3.19.	The Applicant	<p>Ancient Woodland</p> <p>a) Could the Applicant explain in detail how ancient woodland enhancement measures in proposed Work 76 of the dDCO can act as “compensation” for ancient woodland habitat loss</p> <p>b) Ancient Woodland proposals include compensatory planting and conservation led management of both affected ancient woodlands. Can the Applicant confirm the method to secure this on-going maintenance and for what period it will be secured?</p>
1.3.20.	The Applicant	<p>Ancient Woodland</p> <p>Can the Applicant clarify what they describe as ancient woodland “compensation” measures (para 8.8.3) would be secured along with any mechanisms or commitments for ensuring that ongoing management of replacement woodland through DCO Requirements or other appropriate means.</p>
1.3.21.	The Applicant	<p>Ancient Woodland compensation works</p> <p>Schedule 7 land of which temporary possession may be taken includes Plots 3/7a, 3/7b, 3/7c & 4/2, and such land must be returned to the owner within 1 year of completion. These plots are all required to deliver what the Applicant describes as ancient woodland enhancement measures (Work 76). There does not appear to be a mechanism in place to secure the maintenance of these works. Provide an explanation as to how the retention and maintenance of these measures will be secured.</p>
1.3.22.	The Applicant	<p>Long Term maintenance of compensatory habitats</p> <p>Paragraph 8.9.126 of Chapter 8 of the ES [APP-047] states ‘This would likely require implementation through the provisions of the DCO and via third party agreements’. In reference to retained and newly created habitats and ensuring connectivity. Can the Applicant confirm the provisions proposed to address this and</p>

ExQ1	Question to:	Question:
		if any third part agreements have been or are in the process of being concluded/proposed?
1.3.23.	The Applicant Natural England	Correction Natural England in its Relevant Representation [RR-037] has identified some typographical errors. Can the Applicant please liaise with Natural England to correct these.
1.3.24.	The Applicant	Woodland adjacent to Latherford Brook a) Paragraph 4.1.17 of the Flood Risk Assessment [APP-200] indicates that the flood risk to woodlands adjacent to the Latherford Brook (Watercourse 5) is predicted to be minimal. What analysis has been undertaken of the likely biological implications of the change in the water environment as a result of the Proposed Development? b) Does this have any implications for biodiversity and the overall biodiversity metric? c) If so, what are these?
1.3.25.	The Applicant	Ecological receptors in vicinity of Affected Road Network In Table 11.8 of Chapter 11 of the ES on Noise and Vibration [APP-050], in the first row, it is stated "No ecological receptors have been identified which would be potentially sensitive to vibration in the vicinity of the Scheme". Could the Applicant demonstrate whether the Proposed Development would have an effect through vibration on ecological receptors sensitive to vibration in the vicinity of the Affected Road Network as a result of the Proposed Development.
1.3.26.	Natural England	Habitats Regulations Assessment Can NE confirm if they are satisfied that the correct sites and features have been identified in the Applicant's Habitats Regulations Assessment No Significant Effects Report [APP-216]?
1.3.27.	The Applicant	Habitats Regulations Assessment

ExQ1	Question to:	Question:
	Natural England	a) Can Natural England expand on their comments over the Applicant's approach to in combination effects on European sites. b) Can the Applicant confirm whether discussions on this matter are or will be taking place between them as part of their SoCG.
1.3.28.	The Applicant	Habitats Regulations Assessment Can the Applicant fully explain the approach taken to the air quality assessment and how the Cannock Extension Canal SAC was determined to be screened out as a receptor.
1.3.29.	The Applicant	Habitats Regulations Assessment NE's Relevant Representation [RR-037] Section 5.1 notes the current average nitrogen load for Cannock Chase SAC is 21.2 kg/N/Ha/Year (Source) while that for Cannock Extension Canal SAC is 17.1 kg/N/Ha/Year. NE advise that these current average loads are above and therefore exceed the nitrogen upper critical load thresholds for the SAC habitats. Can the Applicant revise their Habitats Regulations Assessment No Significant Effects Report [APP-216] (HRA NSER) to reflect this and consider how this may affect their conclusions in this report or explain why they consider that the figures in the report are correct.
1.3.30.	The Applicant Natural England	Habitats Regulations Assessment NE state in their Relevant Representation [RR-037] that based on the information presented in the Applicant's Habitats Regulations Assessment No Significant Effects Report [APP-216] they would agree that no likely significant effects (LSE) are anticipated. However, with regard to indirect impacts on air quality, having reviewed the ES documents NE advise that they "cannot yet agree no likely significant effects for Cannock Extension Canal SAC and that further discussions are required". Natural England also state that they remain in dialogue with Highways

ExQ1	Question to:	Question:
		<p>England regarding the assessment of air quality impacts and the need for and scope of mitigation.</p> <p>Can the Applicant confirm the latest position they have reached with respect to the assessment of air quality impacts and any mitigation that may be required, particularly with respect to Cannock Extension Canal SAC.</p>
1.4.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.4.1.	The Applicant	<p>CA and TP Negotiations</p> <p>Can the Applicant please provide an update of the current situation of negotiations with affected landowners and occupiers over potential acquisition by agreement? Please complete Annex A with this information.</p>
1.4.2.	National Trust	<p>Section 130 PA2008</p> <p>Could the National Trust confirm or otherwise whether the four parcels of land held by it and subject to temporary possession provisions for ancient woodland mitigation (Plots 3/7a, 3/7b, 3/7c and 4/2 on the Lands Plan [APP-007]) are held inalienably?</p>
1.4.3.	The Applicant National Trust	<p>Maintenance of land</p> <p>a) In the event that, as set out in paragraph 7.3.4 of the Statement of Reasons [APP-021], the Applicant and National Trust are able to reach agreement as to the temporary use of Plots 3/7a, 3/7b, 3/7c and 4/2 on the Lands Plan [APP-007] for ecological mitigation, could the Applicant please explain how the mitigation works are to be secured?</p> <p>b) Should this occur, could the National Trust confirm what mechanisms it would need to put in place, for example a Planning Obligation under Section 106 of the Town and County Planning Act 1990 (as amended), to ensure that the relevant works would be maintained in perpetuity and how they would be able to commit and maintain the proposition as maintenance is required for that length of time?</p>

ExQ1	Question to:	Question:
1.4.4.	The Applicant	<p>CA and TP</p> <p>a) Paragraph 12.4.3 of Chapter 12 of the ES [APP-051] deals with the temporary use of land for mitigation, but makes the point: “The long-term management strategy for this land has yet to be finalised but the assessment assumes a worst case basis (from a landowner perspective) that the ownership of the land would remain with the acquiring authority with a land management company being retained to manage the land. Where this occurs, the restored land would not be available to the original landowner and the impact on the holdings affected would not be reduced”. In this scenario, is the landowner being effectively deprived of the benefit of the land on a permanent basis?</p> <p>b) Therefore, is TP appropriate?</p> <p>c) Could the Applicant explain why, in this scenario, CA is not being sought.</p> <p>d) Could the Applicant please set out those parcels of land which are so affected?</p>
1.4.5.	The Applicant	<p>Crown Land</p> <p>a) In light of the letter dated 3 June 2020 from the Coal Authority [AS-040] could the Applicant set out what it understands to be the latest position in respect of Crown Land?</p> <p>b) Should the situation have changed since the understanding at the time of the Application, could the Applicant please make any necessary changes to the dDCO and associated documents and explain the rationale for these.</p> <p>c) In Part 4 of the Book of Reference [APP-023] there are a number of plots which do not appear to have a Crown authority associated with them. Could the Applicant please explain why these are identified as Crown Land and make any changes necessary?</p>
1.4.6.	Messrs I and A Simkin	<p>Plot 6/37</p> <p>In their Relevant Representation [RR-033] Messrs I and A Simkin raise objections in</p>

ExQ1	Question to:	Question:
		respect of a number of plots, which will be considered. However, it is not clear whether they are raising an objection in respect of Plot 6/37 on the Land Plans [APP-007]. Could Messrs I and A Simkin please clarify this situation and, if objecting, explain their position.
1.4.7.	The Applicant	<p>Statutory Undertakers</p> <p>a) Can the latest position of the Utilities be updated and in particular with regard to the protective provisions?</p> <p>b) Could the Applicant also set out the current progress on Statements of Common Ground?</p>
1.4.8.	Severn Trent Water Limited	<p>Operational Land</p> <p>a) In paragraph 7.4.2 of the Statement of Reasons [APP-021] the Applicant indicates that it believes that the land it is seeking to acquire would “not required for [Severn Trent Water Limited’s] undertaking” and “would have no serious detriment to [its] undertaking”. Could Severn Trent Water Limited please confirm whether this land is “operational land” and whether it agrees with this statement.</p> <p>b) If not, please could you explain why you not take that view.</p>
1.4.9.	The Applicant	<p>Objection lands</p> <p>a) Plots identified as Land required for mitigation including planting etc is opposed by a number of landowners can the Applicant confirm the detail of why the extent, location, position for each of these parcels of land is needed?</p> <p>b) Some have suggested land swaps or management obligations for the land rather than CA. Have these been explored and, if so, why have they been discounted?</p>
1.5.	Draft Development Consent Order (DCO) [APP-018]	
1.5.1.	The Applicant	<p>Revisions</p> <p>Can any revised version of this document please be provided in ‘tracked change’ as well as ‘clean’?</p>

ExQ1	Question to:	Question:
1.5.2.	The Applicant	General Could the draft Order and Explanatory Memorandum be checked for typographic errors (there are some) and the relationship with the OEMP confirmed in relation to numbering.
1.5.3.	The Applicant	Preamble a) Page 4: The Proposed development is being examined by a two member panel rather than single appointed person. Could this please be amended also with the reference to section 83 of the 2008 Act, which should now be to section 74. b) Could you please check the sections of the 2008 Act under which it is proposed that the Order will be utilising and also those paragraphs of Part 1 of Schedule 5? It may be that this is not comprehensive, for example in relation to Crown Land.
1.5.4.	SCC ShC WCC	Article 2(1) a) Could SCC, ShC and WCC please confirm whether they consider the definition of "maintain" is appropriate in all circumstances and whether it is drawn either too narrowly or too widely. b) Definition of Special Road page 6 requires closing bracket second line.
1.5.5.	The Applicant	Article 2(7) Can the Applicant please explain why the provisions of the Neighbourhood Planning Act 2017, insofar as they relate to temporary possession of land do not apply? The EM provides a double negative.
1.5.6.	The Applicant	Article 3(1) The EM states that this article gives the power to construct the authorised development, which is described in Schedule 1. However, the Article itself does not use the same words. If the intention is to permit the works listed in Schedule 1, could this Schedule be amended to make it more precise.
1.5.7.	The Applicant	Article 3(2)

ExQ1	Question to:	Question:
	SCC SSC ShC WCC NE EA	This article utilises the term "adjacent land", and this term is used elsewhere. However, this is not defined in the dDCO. a) Should it be so defined? b) If so, what should this definition be?
1.5.8.	The Applicant SCC SSC ShC WCC	Article 3(3) This Article caveats various works from the effect of pre-commencement Requirements. However, various Requirements in Schedule 2 require the approval of such schemes (for example R9). a) Could the Applicant please reconcile these provisions? b) Are the Councils content with the intention behind these provisions?
1.5.9.	The Applicant	Article 8(4) This provision allows for a transfer of the benefit to certain third parties. However, the work numbers overlap. a) Could this lead to confusion as to who was to implement which parts of the Works? b) Could and should this be re-drafted to avoid any such confusion?
1.5.10.	The Applicant SCC	Article 11(7) a) Is there any particular reason why the PRoWs to be constructed are unlikely not to be open for use by the opening to traffic of the road? b) Are there different considerations in relation to different PRoWs? c) Should there be a back-stop? d) Are there any PRoWs which should be completed and open prior to the one it is to replace being closed?
1.5.11.	SCC WCC	Article 12(6) a) Do SCC and WCC consider that the 28 day period is appropriate?

ExQ1	Question to:	Question:
		b) If not, what should it be?
1.5.12.	The Applicant	Article 14 The EM states that this Article allows works accesses to public highways to be created and provides an appropriate degree of flexibility. The dDCO is not limited to works accesses. Could the Applicant clarify whether it is intended to limit the power as set out in the EM, and if so, make the necessary alterations? Should this not be the case the EM requires amendment to reflect the Applicant's intention.
1.5.13.	The Applicant	Article 15(1) a) This provision refers to lay-bys. Are there any, or is this superfluous? b) Does 'traffic officer' need to be defined?
1.5.14.	The Applicant EA	Article 17(5) This provision refers to main rivers. The ExA is not aware that there are any main rivers in the Order lands. Therefore, is this provision superfluous?
1.5.15.	The Applicant EA SCC	Article 17(8) Could this provision be simplified in the circumstances of this case (are all the bodies required)?
1.5.16.	The Applicant HBMCE SSC ShC WCC	Article 18 a) Is there a reasonable chance that this provision could apply to works to a listed building? b) If so, are there any particular provisions that should then follow?
1.5.17.	The Applicant	Article 19(1) This confers a wide power in relation to "... any land shown within the Order limits or which may be affected by the authorised development." The EM refers to adjacent land. Could these please be made consistent (see also question 1.5.7 about whether "adjacent land" should be defined)?
1.5.18.	The Applicant	Article 23

ExQ1	Question to:	Question:
		The title "Compulsory acquisition of rights and restrictive covenants" gives the impression it provides for the acquisition of restrictive covenants rather than the imposition of restrictive covenants. Would an alternative title be more appropriate?
1.5.19.	The Applicant Statutory undertakers SCC ShC WCC	Article 23(6) This provision allows the undertaker to create right for third parties. However, this appears to be very widely drawn and does not specify which third parties and thus could apply to any legal person. Could the parties consider whether this should be more tightly drawn to specify a limit and/or purpose for those third parties?
1.5.20.	The Applicant	Article 25(5)(b) Should the inserted paragraph have a number?
1.5.21.	The Applicant	Article 29(1)(d) a) This provision allows construction of Schedule 1 works on land concerned so the description of the intended works. Should it be more precise, see comments below relating to Schedule 1, and in particular Work 1? b) Paragraph 5.84 of the EM refers to 291 instead of 29(1)
1.5.22.	The Applicant SSC	Articles 34 and 36 a) Could the Applicant explain why are there two separate provisions? b) Could they be combined? c) Is Article 36 in the correct part (i.e. Part 7) or would it be better located in Part 6?
1.5.23.	The Applicant	Article 34(1) This Article uses the phrase "... any tree or shrub within or overhanging land within the Order limits" but the EM uses "... any tree or shrub that is near the project". Could these please be made consistent (see also question 1.5.7 about whether "adjacent land" should be defined)?
1.5.24.	The Applicant	Article 34(2) and 36 a) The EM in relation to Article 34(2) seems to suggest a further clause linking to

ExQ1	Question to:	Question:
		<p>the provisions of the Environmental Statement. This does not appear to be in dDCO. Could this be reconciled.</p> <p>b) There is also a similar omission in Article 36. Could this be reconciled.</p> <p>c) Also, there is reference in the EM to Article 37 and it should be Article 36.</p>
1.5.25.	The Applicant Statutory undertakers	<p>Article 37 There appears to be a possible difference between the dDCO and the EM. The dDCO states that section 264(3) refers to cases in which land is to be treated as not being operational land for the purposes of that Act. However, the EM suggests that the land within the order limits is operational land. Can this be clarified.</p>
1.5.26.	The Applicant	<p>Article 40 a) Should the certified drawings and any approvals pursuant to Requirements under Schedule 2 be publicly available? b) If so, how should this be delivered, and for what length of time?</p>
1.5.27.	The Applicant	<p>Potential additional provisions Given there is Crown Land are there any additional provisions required?</p>
1.5.28.	The Applicant	<p>Schedule 1, Work 1 Should the "the installation or alteration of verge mounted advance directional signage along the M54 carriageway and A449" (sheets 1 and 2) be separated rather than forming part of the major element? They don't appear to be incidental to "the improvement of the eastbound carriageway of the M54 Motorway at the Junction 1 diverge (approximately 480 metres in length)" (please compare with Works 55A to 55C which are separate).</p>
1.5.29.	The Applicant	<p>Schedule 1, Work 24 a) It is not clear where the proposed turning head is to be located. Is it just past No 44 Dark Lane? b) Could it be demonstrated how this turning head is to work without excessive reversing or the creation of an unnecessary cul-de-sac?</p>

ExQ1	Question to:	Question:
1.5.30.	The Applicant	Schedule 1, Works 32, 33, 34 and 35 In each case this includes "including the installation or alteration of verge mounted advance directional signage along the M6 carriageway". However, advance directional signage doesn't appear to be identified (see also comments on Work 1). Could this be clarified?
1.5.31.	The Applicant	Schedule 1, Work 38 a) Could it please be confirmed whether there will be a "No right turn" out of this (the exit from the Wolverhampton Road being via Work 40)? b) Should this be shown on a relevant Traffic Regulation Measures drawing?
1.5.32.	The Applicant SCC	Schedule 1, Work 61 a) Could the Applicant please clarify the extent and nature of the separation of the (temporary) bridleway from the carriageway during the construction period? b) Is SCC content with this?
1.5.33.	The Applicant Telecommunication statutory undertakers	Schedule 1, Work 67 This refers, among other matters, to "BT". As this is company specific, should it be better referred to generically as "telecommunications"?
1.5.34.	The Applicant	Schedule 1, Works 83 and 84 Could the Applicant please clarify where the dividing line is between the two sets of works.
1.5.35.	The Applicant	Schedule 2, Interpretation/ General comment "REAC" is defined by reference to the OEMP noted as application document 6.11. Would this be better defined by reference to the definition of "the OEMP" set out in Article 2(1)?
1.5.36.	The Applicant	Schedule 2, General comment on consultation In R5 it is stated: "which has been submitted to and approved in writing by the [SoS], following consultation with the relevant planning authority on matters related to its function". It is not clear whether the consultation is to be undertaken by the

ExQ1	Question to:	Question:
		undertaker prior to the submission to the SoS, or by the SoS following submission by the undertaker. Could this please be clarified? There are a number of occasions where drafting of this type occurs.
1.5.37.	The Applicant	Schedule 2, Comment on consultation The Consultation Report [APP-024] in Table 5.5 indicates that engagement will be undertaken with the British Horse Society during the detailed design stage. This does not appear to be explicit in the draft DCO. Could this be clarified.
1.5.38.	The Applicant	Schedule 2, Requirement 4 Sub-paragraph (c) does not include reference to Bank or Public Holidays although this is mentioned at a number of points in supporting documents. Could this be clarified.
1.5.39.	The Applicant NE	Schedule 2, Requirements 4 and 5 Given the comments of NE in [RR-037] should these provisions be amended so as to ensure all reasonable steps have been taken to reconcile the grades of soils moved within a given phase with effective allocation to agricultural, landscaping and priority habitat end uses?
1.5.40.	The Applicant	Schedule 2, Requirement 6 Paragraph (2) refers to production of a 'written scheme and programme' but (3) requires remediation to be carried out in accordance with the approved scheme. Is this just the written scheme or including the programme? Could the terminology be made more consistent?
1.5.41.	The applicant	Schedule 2, Requirement 11 Would this requirement be more appropriate located either as a clause to R1 (interpretation) or at the end of the Requirements?
1.5.42.	The Applicant	Schedule 2, Requirement 12 It seems that this requirement relates to how the fencing in question is to be installed. Could the reason for this condition be explained in accordance with the

ExQ1	Question to:	Question:
		tests for requirements set out in paragraph 4.9 of the NPSNN?
1.5.43.	The Applicant SCC SSC ShC WCC EA NE Any other interested party	<p>Schedule 2, Requirement 13</p> <p>a) While the explanation for not complying with the consultees request is given to the SoS, how is the consultee to know that the undertaker has rejected its reasoning?</p> <p>b) Would it be sensible that, at the same time as sending to the SoS the application for approval of the detailed design, the undertaker is required to send to any consultee who made representation a copy of the report explaining why it came to the conclusion that it so did? This would allow the consultee, if it felt that the consultation exercise had been deficient, or there was some matter which the Applicant had not fully appreciated, to make simultaneous representations to the SoS which the SoS would take into account in making the final decision.</p>
1.5.44.	The Applicant	<p>General Arrangement Drawings</p> <p>a) The junction of Cannock Road and The Avenue is shown to be a mini-roundabout on the General Arrangement drawings [APP-010]. However, the Case for the Scheme at paragraph 4.4.14 [APP-220] indicates that this is to be a "new priority T junction". Could this be clarified and, if a T junction, which flow would be the priority?</p> <p>b) If the proposal is for a roundabout, given that roundabouts are most effective where traffic flows on the individual arms are, approximately, equal would that be the correct junction design given that the cul-de-sac remainder of Cannock Road to the south will only serve ten properties?</p> <p>c) Are there any implications of this to the assessment of environmental effects or any other element of the Proposed Development?</p>
1.5.45.	The Applicant	<p>Engineering Drawings</p> <p>a) Could the Applicant please change the colour of the existing ground level shown on all of the Engineering Drawings so that it can be seen more easily.</p>

ExQ1	Question to:	Question:						
		b) Could the Applicant check the following on the Engineering drawings: <table border="1" data-bbox="891 424 1610 632"> <thead> <tr> <th data-bbox="891 424 1256 491">Drawing</th> <th data-bbox="1256 424 1610 491">Chainage/Offset</th> </tr> </thead> <tbody> <tr> <td data-bbox="891 491 1256 558">Work No. 3, 4 and 26</td> <td data-bbox="1256 491 1610 558">1+340 to 1+380</td> </tr> <tr> <td data-bbox="891 558 1256 632">Section A-A</td> <td data-bbox="1256 558 1610 632">-179.013 to -85.956</td> </tr> </tbody> </table>	Drawing	Chainage/Offset	Work No. 3, 4 and 26	1+340 to 1+380	Section A-A	-179.013 to -85.956
Drawing	Chainage/Offset							
Work No. 3, 4 and 26	1+340 to 1+380							
Section A-A	-179.013 to -85.956							
1.5.46.	The Applicant	Schedule 3, Part 5 The left hand column is entitled: "Road name, number and length". However, not all have length. Could this be clarified and/or amended?						
1.5.47.	The Applicant	Schedule 4, Part 6 The last two rows have the same text for columns (1) and (2). Would alternative drafting be clearer?						
1.5.48.	The Applicant	Schedule 6 In the substitution for Schedule 2A of the 1965 Act there is reference to article 26 of the Compulsory Purchase (Vesting Declarations) Act 1981. Is this correct?						
1.5.49.	The Applicant	Schedule 7, Titles Given that several of the entries apply to more than one sheet, are the titles correct?						
1.5.50.	The Applicant NE SSC	Schedule 7, Plots 3/7a, 3/7b and 3/7c a) Given that the mitigation is required in perpetuity, why is temporary possession proposed? b) What is there to prevent the mitigation being removed – there is no imposition of rights to require long-term retention and maintenance. Is this the appropriate approach?						
1.5.51.	The Applicant	Schedule 7, as set out in following Table						

ExQ1		Question to:	Question:																		
	SCC		<table border="1"> <thead> <tr> <th><i>Plot reference Number shown on Land Plans</i></th> <th><i>Purpose for temporary possess may be taken</i></th> <th><i>Relevant part of authorised development</i></th> </tr> </thead> <tbody> <tr> <td>4/1e and 4/9a</td> <td>Required for alignment of the existing A460 into the M54 Junction 1 south roundabout</td> <td>Work No. 7 as shown on sheet 4 of the works plans</td> </tr> <tr> <td>4/1i</td> <td>Required for the stopping up of the existing A460 and construction of a turning head facility</td> <td>Work No. 11 as shown on sheet 4 of the works plans</td> </tr> <tr> <td>4/22</td> <td>Required for the modification of an existing junction and removal of a right turn prohibition into Dark Lane</td> <td>Work No. 73 as shown on sheets 4 and 5 of the works plans</td> </tr> <tr> <td>5/1</td> <td>Required for the modification of an existing junction and removal of a right turn prohibition into Dark Lane</td> <td>Work No. 73 as shown on sheets 4 and 5 of the works plans</td> </tr> <tr> <td>6/17h, 6/17i, 6/17j, 6/17k, 6/17m, 6/32a and 6/36</td> <td>Required for the realignment and widening by a single lane of the A460 southbound and northbound</td> <td>Work No. 39 as shown on sheet 6 of the works plans</td> </tr> </tbody> </table> <p>In each case, the land is to be used as highway in perpetuity thereby depriving, effectively the landowner of beneficial use of the land. Is the use of TP powers appropriate in each and every case?</p>	<i>Plot reference Number shown on Land Plans</i>	<i>Purpose for temporary possess may be taken</i>	<i>Relevant part of authorised development</i>	4/1e and 4/9a	Required for alignment of the existing A460 into the M54 Junction 1 south roundabout	Work No. 7 as shown on sheet 4 of the works plans	4/1i	Required for the stopping up of the existing A460 and construction of a turning head facility	Work No. 11 as shown on sheet 4 of the works plans	4/22	Required for the modification of an existing junction and removal of a right turn prohibition into Dark Lane	Work No. 73 as shown on sheets 4 and 5 of the works plans	5/1	Required for the modification of an existing junction and removal of a right turn prohibition into Dark Lane	Work No. 73 as shown on sheets 4 and 5 of the works plans	6/17h, 6/17i, 6/17j, 6/17k, 6/17m, 6/32a and 6/36	Required for the realignment and widening by a single lane of the A460 southbound and northbound	Work No. 39 as shown on sheet 6 of the works plans
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1.5.52.	Severn Trent PLC Cadent Gas Limited Western Power Distribution (West Midlands) PLC Openreach Limited	Schedule 9 For each of the statutory undertakers, could they please confirm that they are content with the provisions set out in the draft DCO in relation to their apparatus, the latest situation in relation to resolving these matters, and if not, please explain fully your reasoning?																			

ExQ1	Question to:	Question:
	Virgin Media Limited Vodafone Limited South Staffordshire Water PLC Zayo Infrastructure (UK) Limited	
1.5.53.	The Applicant	Schedule 10 'Record of Environmental Actions and Commitments' is identified as a document to be certified but has no document number. It is a document attached to the 'Outline Environmental Management Plan' (OEMP) which is another document to be certified. Is it to be separated as an independent document is that clear in the OEMP, will it be given a reference no?
1.6.	Cultural Heritage	
1.6.1.	The Applicant	Legislative Requirements/General matters a) Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 requires the SoS to have regard to various matters in respect of heritage in coming to their decision. Could the Applicant please explain how it considers that the proposal would comply with this obligation? b) When assessing the effects reference is made to 'NPPF terms' whilst it is accepted that this is shorthand, and these are in effect included in the NPSNN relevant paragraphs, should this not be acknowledged/referenced given the requirement to have regard to the NPSNN?
1.6.2.	SSC SCC	Organisational relationship Could SC and SSC please explain the relationship between them in relation to the provision of cultural heritage services in the determination of planning applications and applications for development consent
1.6.3.	SSC	Heritage assets

ExQ1	Question to:	Question:
		<p>a) Does SSC consider that the Table 6.1B set out in Appendix 6.1 to Chapter 6 of the ES [APP-045] is a comprehensive list of Listed buildings, locally listed buildings and non-designated historic assets affected by the Proposed Development?</p> <p>b) If not, could any exceptions be provided, along with which category they fall into, along with a brief explanation of why SSC considers that the heritage asset may be so affected?</p>
1.6.4.	The Applicant	<p>Methodology It is stated in Section 4.3 of ES Chapter 4: Methodology [APP-043] that, depending on the topic, the baseline is considered in the technical chapters for an opening year of 2024 and a future assessment year of 2039. The 2039 future baseline is not addressed in the cultural heritage assessment and no commentary is provided to explain why it has not been considered. Can the Applicant provide either an explanation for the omission or an assessment of the 2039 baseline?</p>
1.6.5.	The Applicant	<p>Assessment of Effects The likely significance of effects on the cultural heritage receptors identified in Section 6.9 of ES Chapter 9 [APP-048] prior to the implementation of the proposed essential mitigation is not presented in the ES. Can the Applicant provide the assessment scores for such receptors so that the efficacy of the proposed mitigation can be understood?</p>
1.6.6.	The Applicant HBMCE SCC SSC	<p>Heritage Assessment effects The Planning Practice Guidance (Reference ID: 18a-018-20190723) indicates that within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated. In light of this, are there any nuances that parties would like to make as to the extent of harm that they consider would be occasioned to any heritage asset or their settings.</p>

ExQ1	Question to:	Question:
1.6.7.	The Applicant	<p>Ground Investigation It is stated in Chapter 7 [APP-046] that ground investigations (GI) were undertaken in July 2019 to establish the existing geological and soils environment and identify any areas of previous disturbance, and that the information relating to these investigations is presented in ES Chapter 9: Geology and Soils [APP-048] and Appendix 6.2: 'Ground Investigation Archaeological Monitoring Report' . However, ES Appendix 6.2 is titled 'Archaeological Monitoring and Recording Report' [APP-170]. A document entitled 'Ground Investigation Report' is contained in ES Appendix 9.1 [APP-187 to APP-191]. Can the Applicant identify and clarify the correct title of the referenced document?</p>
1.6.8.	The Applicant Interested parties	<p>Geophysical surveys a) Paragraph 6.6.36 of Chapter 6 of the ES [APP-045] indicates that three areas originally identified for geophysical survey were not surveyed due to livestock being present. Is the Applicant seeking to undertake the surveys? b) Are the interested parties satisfied that sufficient information exists to allow a proper consideration of the matter without any further survey work?</p>
1.6.9.	The Applicant	<p>Drawing clarity Paragraph 6.6.71 of Chapter 6 of the ES [APP-045] indicates two potential buildings referenced B37. A farm building and an outbuilding to the Vicarage in Shareshill. Looking at Appendix 6.1 [APP-169] it would appear that the latter reference is correct. Could the former reference please be checked?</p>
1.6.10.	The Applicant HBMCE SSC SCC	<p>Archaeology/Trial Trenching a) Paragraph 6.2.23 of the ES [APP-045] indicates that trial trenching "should be undertaken after the submission of the DCO". It is not clear whether this has now happened, or it programmed for the future. If it has happened could the Applicant please provide the results? b) If it is for the future, could this precisely be identified when in the process this is</p>

ExQ1	Question to:	Question:
		<p>to take place and how would it be secured?</p> <p>c) If it is for the future, how can the SoS assess the particular significance of any heritage asset that may be affected (NPSNN, paragraph 5.128) if there is no available evidence on this.</p> <p>d) If it is for the future, could HBMCE, SSC and SCC confirm whether they are content with this approach.</p>
1.6.11.	The Applicant	<p>Archaeology/ Trial Trenching Paragraph 3.3.1 of the AMS [within APP-218] states that the number and layout of the archaeological evaluation trenches will be developed to appropriately evaluate the land 'within the footprint of the Scheme'. It is unclear to what area this refers and whether it encompasses all the land within the study area. Can the Applicant clarify the extent of the area within which trenching would be undertaken?</p>
1.6.12.	The Applicant	<p>Archaeology/ Trial Trenching Item PW-CH1 in Table 3.2 of the REAC [within APP-218] states that evaluation trenching would be undertaken prior to the start of construction, as agreed with the County Archaeologist, and should be undertaken early in the programme to allow the development and implementation of mitigation measures (which would be identified in the AMP). Can the Applicant identify the location within the application documents of evidence of the agreement reached in this regard?</p>
1.6.13.	The Applicant SCC	<p>Hilton Park</p> <p>a) Paragraph 6.6.82 of Chapter 6 of the ES [APP-045] refers to former areas of the Hilton Hall park being covered by gravel pits. Are these areas subject to restoration, either under planning conditions or ROMP provisions of the Environment Act 1995 (as amended)?</p> <p>b) If so, what restoration, if any, is proposed for these areas?</p> <p>c) Do these provisions have any implications for the consideration of this matter?</p>
1.6.14.	The Applicant	Clarification

ExQ1	Question to:	Question:
		Paragraph 6.9.42 of Chapter 6 of the ES [APP-045] refers to Tables 6.7 and 6.8 – these tables do not exist. It is assumed that these are references to Table 6.4 and 6.5 respectively. Could this be clarified?
1.6.15.	The Applicant	<p>Hilton Hall, Hilton Park and associated heritage assets</p> <p>a) Could an 'in combination' assessment be carried out in relation to Hilton Hall and its associated heritage assets (that is The Conservatory, Gatepiers, Portobello Tower, Coach house and stable block and Hilton Park)?</p> <p>b) Could the Applicant please set out this in terms of the associated heritage value, magnitude of impact and thus significance of residual effect? This should be undertaken both for construction and operational effects and should be justified.</p> <p>c) Para 6.9.9 of Chapter 6 the ES [APP-045] refers to it being unlikely that there would be any views from Hilton Hall to the scheme at Ground Floor level due to established vegetation. The photographs referenced as evidence were taken in summer are winter views available. Why 'unlikely' and not more definitive? What other evidence has been adduced to reach this conclusion?</p> <p>d) Para 6.9.11 of Chapter 6 the ES [APP-045] suggests the scheme would be 'mostly screened' with only a few glimpses during winter months and refers back to the photographs taken in summer. What views (glimpsed) of the scheme would be available and where would these be from? Are there any photomontages/representations of where elements of the scheme may be visible?</p> <p>e) Why is Hilton Park ascribed a medium value, Para 6.9.40 of Chapter 6 of the ES [APP-045], given it is an undesignated heritage asset? Where is the justification and assessment that leads to this conclusion?</p> <p>f) In respect of Hilton Park the assessment of effect identifies an effect in a particular part of the Park with key elements of the landscape partially lost but given the extent of the parkland does this equate to a moderate effect on the</p>

ExQ1	Question to:	Question:
		<p>whole of the asset?</p> <p>g) The Courts, in <i>Steer v Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council</i> [2018] EWCA Civ 1697 have indicated that the word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual, and could include, but is not limited to, economic, social and historical relationships, and considerations of noise and smell. Paragraph 8.11.19 of the Case for the Scheme [APP-220] notes the change in noise level at Hilton Hall and Conservatory, but it is not clear whether matters other than visual have been taken into account in assessing the effects. Could the Applicant please clarify the analysis to date, and if necessary, consider other matters as appropriate.</p>
1.6.16.	The Applicant	<p>Hilton Hall, Hilton Park and associated heritage assets</p> <p>Paragraphs 6.9.8 to 6.9.25 of Chapter 6 of the ES [APP-045] make an assessment of the effects of the Proposed Development on these heritage assets. This is summarised in paragraph 8.11.12 of the Case for the Scheme [APP-220]. However, the views identified in this latter paragraph are all from the heritage asset. Can a similar analysis be undertaken of views from the Proposed Development <u>to</u> the assets, along with an analysis from any public vantage points where both the heritage asset and the Proposed Development can be appreciated together.</p>
1.6.17.	HBMCE SSC	<p>Hilton Hall</p> <p>a) Appendix 6.5 to Chapter 6 of the ES [APP-045] provides further information on Hilton Hall and its parkland. Although not explicitly stated as such this describes its significance. Do the parties consider that it adequately and appropriately sets out its significance?</p> <p>b) Are there any considerations that have been omitted and should thus be further considered?</p>
1.6.18.	The Applicant	Moseley Old Hall

ExQ1	Question to:	Question:
		Paragraph 8.11.17 of the ES [APP-056] concludes that there would be no impact on the significance of Moseley Hall. It is not clear whether this includes consideration on the effects on the setting of Moseley Hall. Could this be clarified and assessment on the setting be made if necessary.
1.6.19.	The Applicant	<p>Moseley Old Hall and associated heritage assets</p> <p>a) Could an 'in combination' assessment be carried out in relation to Moseley Old Hall and its associated heritage assets (that is Moseley Old Hall Cottage and their grounds)?</p> <p>b) Could the Applicant please set out this in terms of the associated heritage value, magnitude of impact and thus significance of residual effect? This should be undertaken both for construction and operational effects and should be justified.</p> <p>c) As with Hilton Park, could the Applicant please demonstrate that effects other than visual have been assessed in terms of the overall effect on these assets.</p>
1.6.20.	The Applicant SSC	<p>Heritage Assets in Shareshill and Little Saredon</p> <p>a) In paragraph 6.9.48 of Chapter 6 of the ES [APP-045] reference is made to operational effects on heritage assets in Shareshill and Little Saredon. Given it is stated "traffic movement associated with the Scheme may be visible from historic buildings located in Shareshill and Little Saredon" there is a reasonable prospect that there would be construction effects also visible. Is this assumption likely to be correct?</p> <p>b) Could an assessment be undertaken of construction effects to these heritage assets? Such an approach should be justified</p>
1.6.21.	The Applicant	<p>Mitigation and Monitoring</p> <p>Within the Register of Environmental Actions and Commitments (REAC) contained in the Outline Environmental Management Plan (OEMP) [APP-218] it is stated against a number of the measures proposed in respect of cultural heritage that they would be implemented through dDCO Requirement 51 (R51) (and R45 for D - CH1) [APP-</p>

ExQ1	Question to:	Question:
		018]. However, there are no such requirements in the dDCO, which currently contains only 13 requirements. Can the Applicant correctly identify the relevant dDCO requirements that would control these measures.
1.6.22.	The Applicant	<p>Mitigation and Monitoring</p> <p>Paragraph 6.8.6 of Chapter 6 [APP-045] states that delivery of the archaeological mitigation strategy during construction would be within the 'Scheme boundary', which is described in ES Chapter 2 [APP-041] as 'the boundary of the main works'. It is depicted on ES Figure 2.8 [APP-064] as corresponding to the Order Limits with the exception of separate parcels of land beyond the main works boundary required to update existing highway signs. This does not address the potential need for mitigation of effects on archaeological features which could be affected by construction works that are outside this boundary but within the defined cultural heritage study area. Can the Applicant explain how it intends to mitigate such effects?</p>
1.6.23.	The Applicant	<p>Mitigation and Monitoring</p> <p>A number of cultural heritage actions/commitments included in the Register of Environmental Actions and Commitments (REAC) assume that the Archaeological Management Plan (AMP) and Archaeological Mitigation Strategy (AMS) would be certified documents in the DCO, however neither of these are included in the list of documents to be certified contained in Schedule 10 of the dDCO, and the application documents do not include a draft AMP. Apart from the reference to the AMS in dDCO Requirement 4 (Construction Environmental Management Plan) there is no other reference in the dDCO to the AMS, and no requirement in the dDCO that provides that the AMS must be based on the AMP. Can the Applicant explain where it is secured within the dDCO or any other application document that the measures contained within the AMP are to be carried out through the implementation of the AMS?</p>

ExQ1	Question to:	Question:
1.6.24.	The Applicant	<p>Mitigation and Monitoring</p> <p>It is stated in the AMS [within APP-218] that all archaeological investigations would be carried out in accordance with the strategy contained within it (and with a Written Scheme of Investigation (WSI) for each phase of work). However, as the AMS is not currently a certified document in the dDCO it is not clear that this commitment is adequately secured. Please can the Applicant explain how the measures contained within the AMP and AMS are secured. Can the Applicant explain the hierarchy of these plans and their relationship in more detail?</p>
1.6.25.	The Applicant	<p>Mitigation and Monitoring</p> <p>Many of the cultural heritage-related actions/commitments set out in the REAC flow from the AMS, in addition to the AMP. As the approved AMP would be based on the AMS the purpose and need for the AMS post-consent is unclear.</p> <p>a) Can the Applicant explain what the function of the AMS would be, and its relationship to the AMP once the AMP had been approved?</p> <p>b) Can the Applicant explain the hierarchy of these plans in more detail, how they will be secured and delivered through the DCO?</p>
1.7.	Landscape and Visual	
1.7.1.	SSC SCC	<p>Clarification</p> <p>Could SC and SSC please explain the relationship between them in relation to the provision of advice relating to landscape and visual effects in the determination of planning applications and applications for development consent?</p>
1.7.2.	The Applicant	<p>Assessment criteria</p> <p>Table 7.2 in Chapter 7 of the ES [APP-046] sets out typical criteria for landscape and visual sensitivity. In the column for description (visual) high sensitivity is given for views by users of nationally important PRoW/recreational trails. However, no categorisation is given for views by users of other PRoWs. Could this please be explained, along with an assessment of the effects on these users.</p>

ExQ1	Question to:	Question:
1.7.3.	The Applicant	<p>Baseline – Clarification</p> <p>Although it is explained within ES Chapter 7 that the study area was based on the extent of the Zones of Theoretical Visibility (ZTVs) that were established and a buffer of 1km from the application site boundary, the extent of the resulting study area is not specified and Figures 7.1A – C delineate both a study area and a buffer zone (in addition to the ZTVs). Can the Applicant confirm the extent of the study area and clarify what is depicted on the figures?</p>
1.7.4.	The Applicant	<p>National Character Areas</p> <p>Could the Applicant please provide a plan, preferably to an Ordnance Survey base, showing the extent of the National Character Areas in the vicinity of the Proposed Development.</p>
1.7.5.	The Applicant	<p>Forest of Mercia Community Forest</p> <p>Paragraph 7.6.24 of Chapter 7 the ES [APP-046] indicates that the study area lies within the Forest of Mercia Community Forest. Could the Applicant please explain how the landscaping strategy for the Proposed Development takes this designation into account?</p>
1.7.6.	SCC SSC NE Interested parties	<p>General Approach:</p> <p>Is the assessment undertaken against a baseline conclusion that the receiving landscape is of low landscape value – is this reasonable and agreed position by all parties?</p>
1.7.7.	SSC SCC Interested Parties	<p>Representative viewpoints</p> <p>a) The Applicant has set out a series of viewpoints in Figures 7.5 to 7.25 [APP-088 to APP-108] which it sees as representative. Do the parties consider that any additional viewpoints, not covered by the representative viewpoints, should be considered?</p> <p>b) If so, please provide details of the additional viewpoint(s), preferably on an Ordnance Survey base, explain why that viewpoint has not been already</p>

ExQ1	Question to:	Question:
		represented by one of the existing viewpoints and why it is important. It may be that rather than produce photographs the ExA may be able to visit the viewpoint as part of one of the Site Inspections.
1.7.8.	SCC SSC	<p>Vegetation Growth rates</p> <p>a) Do the parties agree that the vegetation growth rates set out in paragraph 7.4.6 of Chapter 7 of the ES [APP-046] are reasonable?</p> <p>b) If not, what growth rates should be used. Please justify your answer along with evidence to support such a view.</p>
1.7.9.	Cadent Gas Limited	<p>Landscape planting</p> <p>In its Relevant Representation [RR-010] Cadent Gas Limited indicates concerns about planting in the vicinity of proposed gas infrastructure (proposed works 68, 75 and 79). Could Cadent Gas Limited explain in detail what wayleaves (in terms of width) it would require, in each case, to allow for maintenance of diverted pipelines, and whether this would be sought over the whole length of the pipeline?</p>
1.7.10.	The Applicant SSC	<p>Valued landscape</p> <p>a) Is the HLA a 'Valued landscape' in the context of the NPPF?</p> <p>b) If yes, then in the landscape section it needs to be clearly brought out and demonstrated how the affect is brought into the overall conclusion and how this sits with the baseline assessment that the area is of low landscape value.</p>
1.7.11.	The Applicant	<p>Visual effects of construction compounds</p> <p>What design measures have been employed to reduce effects of construction compounds?</p>
1.7.12.	The Applicant	<p>Construction lighting</p> <p>a) What is 'sympathetic' lighting during construction?</p> <p>b) Are there to be limitations on heights, provision of cowls and baffles and levels intensity?</p> <p>c) What about tension with health and safety?</p>

ExQ1	Question to:	Question:
		d) How is this to be secured?
1.7.13.	The Applicant	<p>Operational lighting The ES assumes that a lighting strategy has not been required for the Proposed Development to assess the effects of lighting on the landscape and visual and biodiversity (para 2.5.47 of Chapter 2 of the ES [APP-041]. The ES states that the approach to construction described in Section 2.5 of the ES is indicative and subject to change during detailed design but is representative of the likely approach to be adopted for the Proposed Development. Can the Applicant confirm that the worst case has been considered in the assessment of construction effects, and that alternative construction methods would not result in likely significant effects that are different from those which have already been assessed.</p>
1.7.14.	The Applicant	<p>Effect on residents off A460 How can there be significant long term effects on receptors of users and residents located on A460 Cannock Road, Featherstone but not significant short term effects? Not identified in list on Page 19 of the Non-Technical Summary of the ES [APP-211].</p>
1.7.15.	The Applicant	<p>Clarification Table 7.1 in the ES 5.157 refers to Figures 2.1 to 2.1 in the third column can the correct range be inserted please.</p>
1.7.16.	The Applicant	<p>Landscape value a) Table 7.7 Factors in determining landscape value of Chapter 7 of the ES [APP-046]. Can you provide further justification and explanation as to why scenic quality is 'low' when there are significant areas of remnant parkland (an HLA) Woodland TPO and individual TPO's across the site albeit that there are also significant detractors? b) Why is this not medium?</p>
1.7.17.	The Applicant SSC	<p>Landscape value In Table 7.7 Factors in determining landscape value of Chapter 7 of the ES</p>

ExQ1	Question to:	Question:
	SCC	[APP-046] 'Conservation Interests' again identified as 'low' however there are grade I listed buildings Grade II* listed buildings and numerous Grade II listed buildings as well as a local designated HLA why does this not elevate the value above 'low'?
1.7.18.	The Applicant	Assessment of Effects – prior to mitigation The likely significance of any effects on individual landscape and visual receptors prior to mitigation is not identified. Can the Applicant provide this assessment in order to understand the efficacy of proposed mitigation?
1.7.19.	The Applicant	Clarification Within ES Chapter 7 Tables 7.9 – 7.15, 'moderate' has been used a number of times to describe the sensitivity of a receptor, which is not consistent with the methodology described in Section 7.3 and ES Chapter 4. Can the Applicant confirm whether moderate in this context has the same meaning as 'medium'?
1.7.20.	The Applicant	Clarification Table 7.10 of Chapter 7 of the ES [APP-046] dealing with effects on the settled Plateau Farmlands LCT first box final line on page 7-39 refers to 'Settled Plateau Farmlands LCA' why is there a change in term from the 'Settled Plateau Farmlands LCT'?
1.7.21.	The Applicant	Clarification In Table 7.10 of Chapter 7 of the ES [APP-046] dealing with sensitivity of receptor to specific change for construction can the Applicant explain the phrase 'perceived low landscape value' and insert the appropriate reference as to where this conclusion has been drawn? The medium susceptibility is explained in the previous box.
1.7.22.	The Applicant	Clarification Table 7.11 of Chapter 7 of the ES [APP-046] first box last sentence refers to 'Settled Heathlands LCA' why is there a change in term from the 'Settled Heathlands LCT'?
1.7.23.	The Applicant	Clarification

ExQ1	Question to:	Question:
		In Table 7.11 of Chapter 7 of the ES [APP-046] at sensitivity of receptor to specific Change for construction you state the 'LCT has a low landscape value' please insert the appropriate reference as to where this conclusion has been drawn? The medium susceptibility is explained in the previous box.
1.7.24.	The Applicant	<p>Clarification</p> <p>The study area identified in ES Chapter 15 Table 15.1 for the landscape and visual effects of the Proposed Development is 1km from its centreline and up to 2km from its centreline for the cumulative Zone of Influence (ZOI). However, in ES Chapter 7 the study area is identified as 1km from the application site boundary. Can the Applicant clarify the basis of the cumulative ZOI and why they consider this to be representative of the extent of likely impacts and the potential likely significant effects?</p>
1.7.25.	The Applicant	<p>Photographs</p> <p>Viewpoints 16A and 16B as set out in ES Figure 7.1A [APP-082] are said to be from the top floor and roof of Hilton Hall (see Table 7.8 of Chapter 7 of the ES [APP-046]). However, the photographs in Figures 7.20A and B [APP-103], 7.21A and B [APP-104] all appear to be closer to the ground. Could this please be clarified.</p>
1.7.26.	The Applicant	<p>Photomontage</p> <p>a) Figure 7.19D [APP-102] is given as a proposed photomontage. Could the precise location of the photograph be shown, since it appears to be further to the northwest of the photography position of Figures 7.19A to C [APP-102].</p> <p>b) Further, the base vegetation is shown in winter foliage. The proposed vegetation is shown as solid, either being evergreen or incorrectly rendered. Could the Applicant please clarify whether the proposed planting shown is to be evergreen. If not, could the photomontage be redone showing winter vegetation rendering.</p>
1.7.27.	The Applicant	<p>Photomontage</p> <p>The base photograph for the photomontage in Figure 7.22C [APP-105] appears to</p>

ExQ1	Question to:	Question:
		be taken in winter months. However, the proposed vegetation is shown as solid, either being evergreen or incorrectly rendered. Could the Applicant please clarify whether the proposed planting shown is to be evergreen. If not, could the photomontage be redone showing winter vegetation rendering.
1.7.28.	The Applicant	<p>Future baseline Paragraph 7.6.43 of Chapter 7 of the ES [APP-046] aims to predicts the baseline conditions for 2039. A DCO has been granted for the West Midlands Interchange to the west and south of Junction 12 of the M6 and can reasonably be assumed to be constructed by 2039.</p> <p>Given that the energy to waste plant at Four Ashes can be seen in certain views (and can be seen in representative view VP17 in Figures 7.22A to C [APP-105]) could the effects of the West Midlands Interchange on the future baseline please be explicitly considered.</p>
1.7.29.	The Applicant	<p>Environmental Masterplan Paragraph 7.8.7 of Chapter 7 of the ES [APP-046] indicates that individual trees (plot type LE5.1) will be planted in various locations. These include within reinstated hedgerows at the northern construction compound (west of Junction 11 of the M6) and within proposed hedgerows running parallel to farm access tracks between Hilton Park and Junction 1 of the M54. However, these do not appear to be shown on the Environmental Masterplans [APP-057 to APP-063], but other, similar, examples, appear to be shown. Could this please be clarified?</p>
1.7.30.	The Applicant	<p>Register of Environmental Actions and Commitments Within the Register of Environmental Actions and Commitments (REAC) contained in the Outline Environmental Management Plan (OEMP) it is stated for a number of the landscape and visual measures that they would be implemented through dDCO Requirements 45 or 47, however there are no such requirements in the dDCO,</p>

ExQ1	Question to:	Question:
		which currently contains only 13 requirements. It is also unclear in respect of item MW-LAN3 in REAC Table 3.3 to which dDCO provision 'DCO Requirement X' is intended to refer. Can the Applicant correctly identify the relevant dDCO requirements that secure mitigation relied upon in the ES.
1.7.31.	The Applicant	Landscape and Environmental Management Plan The LEMP is described as a 'Landscape and Environmental Management Plan' in ES Chapter 7 [APP-046] whereas it is described as a 'Landscape and Ecological Management Plan' in ES Chapter 8: Biodiversity [APP-047] and a 'Landscape and Ecology Management Plan' in dDCO Requirement 4(2)(d). Can the Applicant clarify the correct title of this document?
1.7.32.	The Applicant	Landscape Mitigation Measures dDCO Requirement 5 (Landscaping) requires the production of a landscaping scheme that reflects the mitigation measures set out within the REAC; it does not make any reference to the LEMP. Can the Applicant explain the relationship between the landscaping scheme secured in the DCO and the LEMP and how mitigation measures will be secured through these?
1.7.33.	The Applicant	Arboricultural Mitigation It is explained in ES Chapter 7 [APP-046] that the implementation and maintenance of the landscape design, including any works to existing or new trees, would be undertaken in accordance with an Arboricultural Mitigation Strategy, which would be produced during the detailed design stage of the Proposed Development, ie post-consent. dDCO Requirement 4(2)(d) provides that the CEMP must include a Arboricultural Mitigation Strategy, however there is no provision included in the dDCO for the landscape design to accord with the Arboricultural Mitigation Strategy. Can the Applicant explain how this would be secured?
1.7.34.	The Applicant	Arboricultural Mitigation It is noted that the application documents do not include a draft of the

ExQ1	Question to:	Question:
		Arboricultural Mitigation Strategy and limited information is provided in the ES or the REAC on what it would contain. Can the Applicant please submit a draft version of the Arboricultural Mitigation Strategy to the Examination?
1.7.35.	The Applicant	<p>Additional Mitigation</p> <p>The assessment of effects concluded that after the implementation of the essential mitigation the Proposed Development would give rise to a number of significant residual landscape and visual effects during construction and operation. It is not stated in the ES if consideration was given to whether any additional mitigation could be implemented to further reduce or avoid the identified landscape and visual residual effects. Can the Applicant identify any additional mitigation measures that could be implemented or provide justification for not doing so.</p>
1.8.	Noise and Vibration	
1.8.1.	The Applicant	<p>Updates to DMRB</p> <p>a) In paragraph 11.3.4 of Chapter 11 of the ES [APP-050] the Applicant indicates that a sensitivity test will be undertaken to determine whether the methodology outlined in DMRB LA 111, which has superseded the reference documentation referred to in paragraph 11.3.3, would change the result of the assessment of Noise and Vibration. Could the Applicant please confirm whether this sensitivity test has been undertaken?</p> <p>b) If so, could the Applicant provide the document for consideration highlighting any changes by specific reference? That is setting out the assessment criteria in the earlier documentation, that under current consideration, and thus any change.</p> <p>c) If it yet to be completed indicate when it will be available. This should be provided to allow for full consideration by all parties.</p>
1.8.2.	The Applicant	<p>Clarification</p> <p>a) Figures 11.4 [APP-146] and 11.5 [APP-147] set out to show for illustrative</p>

ExQ1	Question to:	Question:
		<p>purposes the short-term (opening year) and long-term (design year) noise difference contour plots. The discussion in paragraph 11.9.24 and paragraphs 11.9.25 and 11.9.26 of Chapter 11 of the ES [APP-050] set out the effects on those properties where significant adverse effects are identified. It is not clear whether the contour plots show noise levels with or without the design mitigation such as the 2.5m noise barrier to the south of Brookfield Farm. Could the Applicant please confirm whether these Figures include or not include such mitigation?</p> <p>b) If they do not include such mitigation could the Applicant please provide additional Figures showing this?</p>
1.8.3.	The Applicant	<p>Effects on Offices and Commercial premises Can the Applicant provide justification for the statement in Table 11.8 of ES Chapter 11 [APP-050] that effects on offices and commercial premises were scoped out of the noise and vibration assessment on the basis that they are not potentially sensitive receptors.</p>
1.8.4.	The Applicant SSC	<p>Wind direction Appendix 11.2 to the ES [APP-195], along with Figure A11.2.2, set out the wind direction during the monitoring period. During this period there was very little wind from the south-west quadrant, which is, of course, the prevailing wind direction in the UK. Does the lack of data of wind from this direction have any implications for the consideration of noise and vibration effects?</p>
1.8.5.	The Applicant	<p>Assessment criteria (daytime) a) The Applicant has set out the SOAEL threshold at 68dB L_{A10, 18 hr} based on the daytime trigger level in the Noise Insulation Regulations (see paragraph 11.3.41 of Chapter 11 of the ES [APP-050]). However, the World Health Organisation Environmental Noise Guidance (ENG) (paragraph 11.3.42) strongly recommends that noise from road traffic should be reduced below 53dB L_{den}. Could the</p>

ExQ1	Question to:	Question:
		<p>Applicant please explain why it considers the WHO ENG guidance should not be used for the setting of the SOAEL figure?</p> <p>b) What would be the implications if the WHO ENG figure was to be used?</p> <p>c) It is stated that the 68dB $L_{A10, 18 \text{ hr}}$ figure corresponds to the 35dB $L_{A10, 16 \text{ hr}}$ internally courtesy of the mitigation of a closed single glazed window. However, with Climate Change it may not desirable or possible to rely on windows being closed. What would be the effect on internal noise levels if the analysis was undertaken on the basis of the 68dB $L_{A10, 18 \text{ hr}}$ figure but with said windows being open?</p>
1.8.6.	The Applicant	<p>Assessment criteria (night time) For night-time noise the SOAEL is set at 55 dB $L_{\text{night, outside}}$ (paragraph 11.3.43 of Chapter 11 of the ES [APP-050]) based again on the attenuation of a closed single glazed window. As with daytime SOAEL, what would be the effect if the analysis was undertaken on the basis of the said windows being open?</p>
1.8.7.	The Applicant	<p>Assessment Paragraph of Chapter 11 of the ES [APP-050] states in general, construction noise or vibration levels at, or above, the SOAEL would be considered significant, and levels below the SOAEL as not significant, although it then goes on to state "this initial decision on the significance of an effect is then combined with professional judgement". It is not clear whether any "decision" on significance is altered by professional judgement, or whether the decision that the effect is 'significant' remains the same but the degree of significance may then alter. Could the Applicant please clarify this.</p>
1.8.8.	The Applicant	<p>Clarification Table 11.2 in Chapter 11 of the ES [APP-050] indicates threshold levels when rounded to nearest 5dB. Given that a 3dB change is perceived as being noticeable, particularly for night levels this could be significant.</p>

ExQ1	Question to:	Question:
		<p>For example, Category A gives a 45dB. This is to allow for the 15dB reduction by construction (see BS8233:2014 – Guidance on sound insulation and noise reduction for buildings) to attenuate the noise level to 30dB to avoid night-time disturbance given WHO guidance. However, if the actual figure is higher this would mean that the internal received results would be above 30dB.</p> <p>Could the Applicant please look again at this utilising a 3dB rounding to see whether this changes any assessments.</p>
1.8.9.	The Applicants	<p>Construction effects Paragraph 11.3.27 of Chapter 11 of the ES, first bullet, [APP-050] the duration of the impact is assessed. This gives criteria for when consecutive impacts may be considered significant. Does this analysis take any account of how long in any period the noise or vibration is taking place? In other words, if the noise or vibration effect was taking place continuously for 10 hours for 10 days would this have more of an effect than for 5 minutes for each of 10 days? If so, could it be demonstrated how this has been considered.</p>
1.8.10.	The Applicant	<p>Construction effects The assessment of construction vibration effects provided in Section 11.9 of Chapter 11 [APP-050] makes reference only to residential properties. Can the Applicant confirm that no omission has been made and that significant effects were not predicted for any other receptor types?</p>
1.8.11.	The Applicant	<p>Construction effects In respect of effects arising from construction traffic it is stated in paragraph 11.9.15 of ES Chapter 11 [APP-050] that it is assumed that the traffic management scheme for the construction works would provide sufficient capacity to prevent significant re-routing onto alternative routes. Can the Applicant explain the basis for</p>

ExQ1	Question to:	Question:
		this assumption?
1.8.12.	The Applicant	<p>Operational effects Table 11.15 in ES Chapter 11 [APP-050] presents the predicted operational short-term (2024, opening year) change in traffic noise levels between the DM and DS scenarios. Although the night-time threshold is specified within the table, figures are only provided for the daytime and no reference is made to night-time effects in the subsequent explanation below it. No information is provided in respect of evening/weekend effects.</p> <p>Table 11.15 presents predictions for changes in daytime traffic noise levels only and does not include night-time or evening/weekend predictions. Can the Applicant explain the reasons for the omission and describe why significant effects during these times are not anticipated?</p>
1.8.13.	The Applicant	<p>Operational effects In respect of operational traffic noise, it is indicated in Section 9 of ES Chapter 11 [APP-050] that adverse moderate (significant) short-term effects are predicted at only two residential properties, which is consistent with the information presented in Table 11.15. However, it is also subsequently stated that 197 residential properties were predicted to experience traffic noise levels that exceeded the defined SOAEL and represented significant effects.</p> <p>Can the Applicant explain how this figure relates to the information presented in Table 11.15 and its consistency with the Noise Policy Statement for England?</p>
1.8.14.	The Applicant	<p>Operational effects Table 11.16 of Chapter 11 of the ES [APP-050] presents the predicted operational long-term changes in traffic noise levels between the 2024 'Do Minimum' (DM) and the 2039 'Do Something' (DS) scenarios for daytime and night-time but does not</p>

ExQ1	Question to:	Question:
		include evenings/weekends. Can the Applicant explain the reasons for the omission and provide such information as necessary?
1.8.15.	The Applicant	<p>Operational effects</p> <p>Table 11.18 in ES Chapter 11 [APP-050] is described as detailing the number of residential buildings in the 600m study area, for the four scenarios assessed, which would have one or more facades above the daytime or night-time Significant Observed Adverse Effect Level (SOAEL). The relationship of this information to that provided above within Section 9 about the effects on residential properties is unclear, as the amalgamated figures within Table 11.18 do not appear consistent with the separate figures provided above for each type of impact. Can the Applicant clarify this?</p>
1.8.16.	The Applicant	<p>Base assessment</p> <p>a) Paragraph 11.6.12 of Chapter 11 of the ES [APP-050] indicates that it has been assumed that thin surfacing is in place on the M54, M6, M6 Toll and A449. Has this been confirmed?</p> <p>b) If it is not in place how is this secured in the dDCO so as to allow the assessments to be robust?</p>
1.8.17.	The Applicant	<p>Clarification</p> <p>Paragraph 11.8.16 of Chapter 11 of the ES [APP-050] sets out the locations of the noise barriers. In respect of the 1.5 m high reflective noise barrier on the east side of the existing A460 north of M6 Junction 11 in the vicinity of properties on Wolverhampton Road could the southern extent please be clarified. This is not clear on Figure 2.3 [APP-059] due to the number of overlapping items set out on this section of the drawing.</p>
1.8.18.	The Applicant	<p>NNNPS Assessment</p> <p>a) In relation to NPSNN paragraph 5.195 the Applicant has set out why it considers the Proposed Development would meet the three aims of policy. In respect of</p>

ExQ1	Question to:	Question:
		<p>construction activity, in paragraph 11.9.68 of Chapter 11 of the ES [APP-050] the Applicant has referred to factors “including engineering practicality, cost versus benefit etc.”. Could the Applicant please expand upon these, setting out these factors in greater detail explicitly setting out the costs versus benefits.</p> <p>b) In respect of operational activity, paragraph 11.9.75 of Chapter 11 of the ES [APP-050] discounts the introduction of noise mitigation measures such as noise barriers along existing roads which already experience high noise levels, to mitigate the effects of the Proposed Development, or to further increase the benefit from re-routing as not sustainable. Could the Applicant please set out in more detail what mitigation measures were considered and explain why they are not considered to represent sustainable development?</p>
1.8.19.	The Applicant	<p>Noise Barrier to north of M54</p> <p>On Figure 2.6 [APP- 062] there is a gap between the eastern extent of the 1.5 m high reflective noise barrier on the north side of the M54 eastbound off slip on top of the existing earth bund and the proposed eastern extension of this earth bund and the 3 m high reflective noise barrier east of the proposed earth bund on the north side of the M54 extending to the new western dumbbell roundabout. This would allow a noise path through this gap. What consideration has been given to this, and what would be the implications of providing an overlap?</p>
1.8.20.	The Applicant	<p>Noise during construction</p> <p>It is stated in Table 8.1 of the Transport Assessment Report [APP-222] that the M6 will need to be closed at “weekend/overnight” for the demolition of the existing bridges. What assessment has been undertaken of the effect of the diversion of traffic during this period in relation to noise?</p>
1.8.21.	The Applicant	<p>Vibration during construction</p> <p>a) Paragraph 11.9.11 of Chapter 11 of the ES [APP-050] indicates the numbers of properties that are likely to be affected by vibration during construction. This</p>

ExQ1	Question to:	Question:
		<p>gives three numbers depending on the equipment being used, 77, 64 and 9. This paragraph concludes that potential significant construction vibration annoyance effects are identified at approximately 77 residential buildings. However, 77 is the largest number and it is not clear whether the 64 and 9 properties are sub-sets of the 77 or in addition to the 77 because the different types of equipment would be used in different locations. Could this be clarified.</p> <p>b) If it is being stated that there is some sort of 'overlap' between sub-sets, possibly leading to 'in combination' effects, could this be set out; this may be made clear through the use of a table.</p>
1.8.22.	The Applicant	<p>Piling Paragraph 8.10.9 of the Case for the Scheme [APP-220] indicates impact driven piling will not be used for the construction works. How will this be secured?</p>
1.8.23.	The Applicant	<p>Operational noise Paragraph 11.9.73 of Chapter 11 of the [APP-220] indicates a total of 33 dwellings would be taken from below SOAEL to above SOAEL. Could the Applicant please identify where these would be, graphically, and the extent of exceedance.</p>
1.8.24.	The Applicant	<p>Operational noise</p> <p>a) Paragraph 11.9.74 of Chapter 11 of the [APP-220] indicates 339 residential buildings are above the SOAEL both with and without the Scheme in operation, therefore the exceedance of the SOAEL is not due to the Scheme. Could the Applicant please identify graphically where these are.</p> <p>b) Further, could the Applicant please set out the noise level increases/reductions due to the Scheme. This should be set out by increase/reduction in bands of >1 dB, 1 dB to 3 dB, and <3 dB. Those <3 dB may need to be categorised further depending on the numbers. It may therefore be easier to set these out in 3 dB 'bands' at this stage.</p>
1.8.25.	The Applicant	<p>Affected area to south of M54 Jct 1</p>

ExQ1	Question to:	Question:
		Paragraphs 11.9.32 to 11.9.35 of Chapter 11 of the ES [APP-050] assess the increase in noise effects to the south of junction 1 of the M54. Can the Applicant explain what mechanisms are in place to avoid significant adverse impacts on health and quality of life from noise as a result of the new development as set out in paragraph 5.195 of the NPSNN, or explain why it considers that this is not possible in line with the Government's policy for sustainable development. Such an analysis should set out options that were considered and rejected, along with the reasons for that rejection.
1.8.26.	The Applicant	<p>Mitigation measures</p> <p>The essential mitigation measures proposed for operational noise effects set out in ES Chapter 9 appear to be the same as the embedded mitigation measures described in ES Chapter 2. Please can the Applicant set out the differentiation between the proposed embedded and essential mitigation.</p>
1.8.27.	The Applicant	<p>Register of Environmental Actions and Commitments</p> <p>It is stated against items D-N1 to N6 in the Register of Environmental Actions and Commitments [APP-218] that they would be implemented through DCO Requirement 45, however Schedule 2 of the dDCO contains only 13 Requirements. Please can the Applicant identify the correct Requirement.</p>
1.8.28.	The Applicant	<p>Potential additional mitigation</p> <p>Paragraph 11.9.79 of Chapter 11 of the ES [APP-050] indicates that "no areas where additional mitigation would be appropriate, within the context of sustainable development, have been identified i.e. considering engineering practicality, cost, other potential impacts such as landscape and visual impacts, ecological considerations, and consultation responses". Could the Applicant please explain in more detail looking at specific geographic areas what mitigation was considered and why it has been rejected?</p>
1.9.	Geology and Soils	

ExQ1	Question to:	Question:
1.9.1.	The Applicant	<p>Clarification Figure 9.1 of the ES [APP-139] does not show the 'gap' for the West Coast Main Line for the Scheme boundary. Could this please be corrected.</p>
1.9.2.	The Applicant	<p>Best and Most Versatile Land Can the Applicant confirm the latest position with Natural England and BMV in particular progress with the draft statement of common ground? In particular in respect of Natural England's concern regarding the relationship between BMV soils and species rich grassland creation requirement 4 sub-sections (viii) (LEMP) and requirement 5 'Landscaping' may need to be amended and/or supplemented. This may be necessary to ensure all reasonable steps have been taken to reconcile the grades of soils moved within a given phase with effective allocation to agricultural, landscaping and priority habitat end uses.</p>
1.9.3.	NE SCC SSC ShC WCC	<p>Best and Most Versatile Land</p> <p>a) In considering the loss of the BMV agricultural land the Applicant has assessed this against the quanta of the various categories in the National Character Area of the application site. Do the interested parties consider that this is a valid approach, or should some other metric be utilised?</p> <p>b) If another metric is to be used, what should this be and what would be the value judgement of this loss?</p>
1.9.4.	The Applicant SCC	<p>Land Stability</p> <p>a) Table 9.7 in Chapter 9 of the ES [APP-048] indicates a possible encroachment between the scheme and former underground workings associated with Hilton Main Colliery. Could the Applicant produce a plan showing the extent of known workings with the Proposed Development (including associated development) imposed.</p> <p>b) Could an assessment be undertaken of the risks associated with the proximity of these workings in both the construction and operational periods?</p>

ExQ1	Question to:	Question:
1.9.5.	SSC	Land Contamination Does SSC consider it likely that by the construction year baseline there are to any classification of lands under Part 2A of the Environmental Protection Act 1990 (as amended).
1.9.6.	The Applicant	Land Contamination (Asbestos) Paragraph 9.8.8 of Chapter 9 of the ES [APP-048] indicates that asbestos would be dealt with if it were found. However, Table 9.7 in the same document indicates that asbestos was found in Trial Pit TP04. Should the CEMP be amended to include positive measures for dealing with asbestos rather than default arrangements in case such measures are needed?
1.9.7.	The Applicant SSC	Borrow Pit a) Paragraph 13.9.37 of Chapter 13 of the ES [APP-052] indicates that no ground investigation has been carried out of the proposed borrow pit. How, therefore, can it be determined that the material here would be suitable for the proposed purpose? b) Is there any information to confirm that this does not suffer from contamination?
1.9.8.	The Applicant	Soil Disposal Chapter 10 of the ES [APP-049] which provides greater detail on the type and quantity of the materials to be used. Table 10.7 lists potential material use and waste arisings during construction. While some material will be re-used on site, can the Applicant explain how they have assessed the environmental impact and likely effects resulting from the proposed removal and disposal of excavated materials off-site from the construction work?
1.10.	Traffic and Transport	
1.10.1.	The Applicant	The Case for the Scheme: In paragraph 4.5.2 of the Case for the Scheme [APP-220] it is stated that the proposal would reduce traffic along the A5(T)/A449(T) route. Looking at the West

ExQ1	Question to:	Question:
		Midlands Interchange NSIP proposal what are 'without (that) scheme' and the 'in combination' effects?
1.10.2.	The Applicant	Clarification Could paragraph 2.2.3 of the Transport Assessment [APP-222] be looked at, as it not clear what point is trying to be made.
1.10.3.	The Applicant	Outline Traffic Management Plan Appendices E, F and G of the Outline Traffic Management Plan [APP-223] refer to various drawings. Could these either be provided or individually referenced as existing Examination documents using the Examination Library referencing system. If any other drawings are referred to within the Outline Traffic Management Plan, but have not been provided to date, they should be provided.
1.10.4.	SSC SCC ShC WCC	Cumulative effects of new development a) Paragraph 4.3.13 of the Transport Assessment [APP-222] indicates that the traffic model for future years only includes additional sites for over 150 dwellings. Do the Councils consider that utilising this threshold is reasonable, particularly taking into account the allocations and housing trajectories in their local plans? b) If not, could the parties please identify why they do not consider that this is reasonable. c) What, if any, alternative threshold should be utilised, explaining why that is appropriate? d) Could the Councils provide details of those sites which they consider should also be included, along with whether they consider that they are committed, more than likely, reasonably foreseeable or hypothetical, explaining why they consider that they should be included.
1.10.5.	SSC SCC	Cumulative effects of new development a) Do the parties consider that the long list and short list of other developments

ExQ1	Question to:	Question:
	ShC WCC	<p>(applications and allocations) and assessment for potential significant cumulative effects set out in Table 15.1.1 of Appendix 15.1 [APP-210] is appropriate?</p> <p>b) Are there any other applications and allocations that should have been included, and on which list should they have been included?</p> <p>c) Are any applications and allocations identified on the long list that should have been included on the short list?</p> <p>d) Is the Cumulative assessment with other development (applications and allocations) (Stage 4) set out in Table 15.1.2 considered appropriate?</p> <p>e) If not, please explain your reasoning.</p>
1.10.6.	Proprietors of M6 Diesel	<p>Traffic generation of 'M6 Diesel'</p> <p>a) It is indicated in paragraph 4.6.6 of the Transport Assessment Report [APP-222] that at the 'M6 Diesel' fuel filling station the two-way HGV flow is 375 movements per day. Do the proprietors consider that this figure is approximately accurate?</p> <p>b) If not, what figure is correct. Can any alternative figure be justified by evidence please?</p> <p>c) The Applicant indicates that they consider that customers of this facility use the site on the basis for pass-by trips. Does the proprietor have any information on the directions of travel for the customers of this facility or is there any information to show that the site is a destination in its own right.</p> <p>d) Is there information to show that HGVs will continue to use the length of the existing A460, ie from M54 Junction 1 to M6 Junction 11, and vice versa, rather than as is implied by the applicant undertake, effectively a U-turn and return from the original direction of travel.</p>
1.10.7.	The Applicant SCC	<p>Traffic on existing Cannock Road</p> <p>a) The Applicant indicates in paragraph 4.6.7 of the Transport Assessment Report [APP-222] that in the event that traffic flows on the existing A460 were to</p>

ExQ1	Question to:	Question:
		<p>remain high, it would instigate a 'Monitor and Manage' approach. What would this consist of, beyond a generalised "traffic regulation order"?</p> <p>b) How is this to be triggered and secured?</p>
1.10.8.	The Applicant SCC	<p>Junction 11 of M6</p> <p>a) Table 4.7 of the Transport Assessment Report [APP-222] sets out the LinSig Assessment Results for 2039. Given that the DoS figures for 2039 are only marginally below 90% (and at 90% if further rounded), this gives little 'margin for error' for the calculations. Given this lack of margin for error, what analysis of alternative approaches was undertaken to ensure that the design approach is robust?</p> <p>b) What alternative strategies, tactics or interventions would be possible should the DoS in practice exceed 90%?</p> <p>c) How would these be secured if necessary?</p>
1.10.9.	The Applicant	<p>Traffic on A449(T)</p> <p>Mr Daniel Williams in his Relevant Representation [RR-032] makes the case that for the full benefits of the Proposed Development to be realised, the A449 north of M54 Junction 2 should be de-trunked and traffic calming introduced. Could the Applicant give its response to this, and explain, should it take the position that they should not, why such measures are not necessary if the benefits of the Proposed Development are to be realised.</p>
1.10.10.	The Applicant	<p>Clarification on Time Changes</p> <p>a) The calculations in Tables 4.10 to 4.18 of the Transport Assessment Report [APP-222] clearly involve some rounding of figures. Could the Applicant please identify the criteria for this rounding that have been used.</p> <p>b) Could the figures for the following be checked?</p> <ul style="list-style-type: none"> • Route 1 Southbound for 2039 – both PM3 and Overnight. • Route 2 Southbound for all predictions – AM1

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Route 4 East and westbound for all predictions – AM1 <p>c) Is there a particular reason why Table 4.18 is presented in a different way to Tables 4.10 to 4.17? In Tables 4.10 to 4.17 time savings are shown as a negative, while in Table 4.18 they are shown as a positive.</p> <p>d) Could the following figures be checked?</p> <ul style="list-style-type: none"> • EV Eastbound: the 2031 DS figures is given as 19:60, which doesn't exist. • EV Eastbound 2039 DS figure, since all others in their pairs for EV and ON are the same, but this isn't.
1.10.11.	The Applicant	<p>Road Safety Audit</p> <p>a) Have the proposals been the subject of a Road Safety Audit?</p> <p>b) If so, to what stage?</p> <p>c) What were the recommendations of any Audit?</p> <p>d) How, if at all, have the recommendations been incorporated in the submitted Proposed Development?</p> <p>e) If any recommendations have been rejected or not accepted, can a full explanation be given as to why this is the case?</p>
1.10.12.	The Applicant SCC WCC	<p>Effect on NMUs</p> <p>a) It is understood that non-motorised users (NMUs) will not be prevented from using the new link road. Is this correct?</p> <p>b) If this is the case, should they be so prevented (except in an emergency), and how should this be secured?</p> <p>c) Or, should only certain categories of users be prevented?</p> <p>d) In any event, NMUs will not be able to use the slip roads to/from the motorways which does not appear to be the case in Figures 6.1 to 6.7 of the Transport Assessment Report [APP-222]. Could this be clarified.</p>
1.10.13.	The Applicant	<p>Effect on NMUs</p> <p>a) The Traffic & Transport Report in paragraph 6.2.26 [APP-222] says a legacy</p>

ExQ1	Question to:	Question:
		<p>package of improved pedestrian and cycle improvements may also be implemented which would further improve benefits to vulnerable WCH in the area. Is this to be delivered, or only under certain criteria?</p> <p>b) If so, what are the criteria and by who?</p> <p>c) What would the benefits be?</p> <p>d) How is it to be secured through the DCO?</p>
1.10.14.	The Applicant SCC	<p>Bus Stops</p> <p>a) Figure 7.3 of the Transport Assessment Report [APP-222] indicates that there would be two new bus stops on Cannock Road. How are these to be secured?</p> <p>b) Have the relevant Bus companies been engaged in any proposed changes to Bus routing?</p> <p>c) Have they indicated no issue?</p> <p>d) Are the applicants funding the new bus stops that could be provided or funding the replacement of those to be lost?</p>
1.10.15.	The Applicant SCC	<p>Bus Timings</p> <p>Paragraph 7.2.7 of the Transport Assessment Report [APP-222] makes an assessment of effects on journey times to Bus Route 70 as a result of the Proposed Development. Could this assessment be quantified in terms of minutes and seconds?</p>
1.10.16.	The Applicant	<p>Construction effects</p> <p>a) Paragraph 8.4.5 of the Transport Assessment Report [APP-222] indicates that for the purposes of “traffic management the most impactful arrangement at each junction was considered separately and to be independent of the other sections”. How can this be secured?</p> <p>b) Alternatively, what would be the ‘in combination’ effect?</p>
1.10.17.	The Applicant	<p>Clarification</p> <p>There are a significant number of locations in the Outline Traffic Management Plan</p>

ExQ1	Question to:	Question:
		[APP-223] where the legend "Table Error! No text of specified style in document.". Could this be checked and the document reissued?
1.10.18.	The Applicant	Outline Traffic Management Plan [APP-223] In the Table following paragraph 3.1.3 there is reference to night time working restrictions. However, the hours do not coincide with the working hours set out in the table following paragraph 2.3.1 or paragraph (2)(c) of Requirement 4 of Schedule 2 to the dDCO [APP-018], even allowing for the start-up and close-down hours. Could this be clarified?
1.10.19.		General clarification a) Reference is made in the Transport Assessment Report [APP-222] regarding the appointment of contractor which may result in review of construction methods and consultation. Has any progress been made on the appointment of a contractor? b) Is there a proposed timetable for this?
1.11.	Water Environment and Flood risk	
1.11.1.	The Applicant EA	Climate Change a) Paragraph 13.6.84 of Chapter 13 of the ES [APP-052] indicates that the EA is updating the assessment of climate change for flood risk to new developments. Has this work been published? b) If so, what are the implications of this for the Proposed Development.
1.11.2.	EA SCC	Fluvial Flood Risk a) Table 3.1 of the Flood Risk Assessment [APP-200] sets out the summary of fluvial flood risk by watercourse. Do the EA and SCC as LLFA agree with the flood risks set out in this Table? b) If not, what should they be? Please justify your answer.
1.11.3.	The Applicant	Lower Pool a) Given the flood risk from a pool relates to the volume of water stored rather

ExQ1	Question to:	Question:
		<p>than its area, could the Applicant please provide details of volume of the water stored in Lower Pool in the pre- and post-development scenarios?</p> <p>b) Could the Applicant please provide information as to the discharge rates from Lower Pool in the pre- and post-development scenarios?</p>
1.11.4.	EA	<p>Lower Pool In paragraph 13.8.6 of Chapter 13 of the ES [APP-052] the Applicant sets out some of the difficulties to emptying Lower Pool into Watercourse 3. Is the EA satisfied that appropriate mechanisms can be found so that the relevant part of Lower Pool can be emptied?</p>
1.11.5.	The Applicant	<p>Pond morphology and surface water quality a) Paragraph 13.9.100 of Chapter 13 of the ES [APP-052] indicates that two ponds and two partial ponds would be lost. Paragraph 13.9.101 goes on to consider the loss of the ponds and one of the partial ponds. Has the effect of the second partial pond been considered? b) If so, where can this be seen? c) What implications are there of this on the assessment?</p>
1.11.6.	The Applicant	<p>Groundwater Paragraph 13.9.95 of Chapter 13 of the ES [APP-052] indicates that at the time of writing (January 2020) this was no information on the maximum winter groundwater levels. Could the Applicant please confirm whether knowledge has changed, and, if so, what are the implications of this?</p>
1.11.7.	EA SCC	<p>Groundwater Flood Risk Paragraph 3.6.9 of the Flood Risk Assessment [APP-200] in that the results of the borehole for BH12 show groundwater levels higher than the level of construction in close proximity. The Applicant considers that this does not result in a risk to the scheme as Lower Pool, which is nearby, is to be lost. Do the EA and SCC agree with this analysis?</p>

ExQ1	Question to:	Question:
1.11.8.	EA	Borrow Pit Are there any likely impediments to the Applicant obtaining Abstraction Licences and Water Activity Permit for dewatering and discharge of water from the borrow pit from the EA if required?
1.11.9.	The Applicant Severn Trent Water Limited SSC	Foul water Flood Risk a) Paragraph 3.7.2 of the Flood Risk Assessment [APP-200] indicates that there have been three recorded incidents of sewer flooding in the local postcode area. Over what period of time was this? b) In light of this do the parties agree that the risk of sewer flooding is low?
1.11.10.	The Applicant South Staffordshire Water Plc	Potable water Has the risk of flooding from potable water supplies been assessed? If not, could this be undertaken.
1.11.11.	The Applicant	Potable water In its relevant representation [RR-015] South Staffordshire Water Plc raises concerns over a 24-inch potable water main. Could the Applicant please give its response to these concerns.
1.11.12.	The Applicant	Compliance with NPSNN Paragraph 5.103 of the NPSNN indicates that the design of linear infrastructure may mean that linear infrastructure can reduce the risk of flooding for the surrounding area. While the ExA notes that the requirement in paragraph 5.99 of the NPSNN is that flood risk will not be increased, can the Applicant please explain why the design of the proposal has not been undertaken in a way to reduce risk in areas of known flooding by reducing the rate of flow from the site in a peak event, for example on the existing A460 (see paragraphs 4.1.4 to 4.1.7 of the Flood Risk Assessment [APP-200])?
1.11.13.	EA SCC	Greenfield run-off rate a) Can the EA and SCC confirm whether they are content with the 5 l/s/ha for the

ExQ1	Question to:	Question:
		greenfield run-off rate as set out in paragraph 4.4.6 of the Flood Risk Assessment [APP-200]? b) If not, what rate should be utilised? Can this alternative figure be justified?
1.11.14.	EA SCC	Cutting under Hilton Lane Overbridge a) Paragraphs 4.5.4 to 4.5.8 of the Flood Risk Assessment [APP-200] conclude that the risk of groundwater flooding from the cutting is low? Do the EA and SCC concur with this analysis? b) If not, please explain your reasoning.
1.11.15.	The Applicant	Outfalls to rivers Paragraph 13.9.93 of Chapter 13 of the ES [APP-052] discusses the effect of outfalls on river morphology. It indicates that with good design a negligible magnitude of impact is predicted. Could the Applicant please demonstrate how this good design is to be secured?
1.12.	Socio-economic effects	
1.12.1.	SCC	Minerals a) It is understood that the Proposed Development passes through a Mineral Safeguarding Area (MSA) for Sand and Gravel and part of a MSA for Brick Clay. Does SCC consider that these designations have any implications for the consideration of this matter? b) If so, what are these implications?
1.12.2.	SSC	Hilton Cross Strategic Employment Site a) It is stated in paragraph 4.3.3. of the Statement of Reasons [APP-021] that the Order limits include a sliver of land allocated as the Hilton Cross Strategic Employment Site under SSC Core Strategy Policy CP1 and EV1. Could the SSC please confirm whether this would have any material effect on this allocation or its implementation, including any landscape buffers? b) And if so, what would be the effect of this?

ExQ1	Question to:	Question:
1.12.3.	The Applicant SSC SCC	M6 Diesel M6 Diesel are concerned that powers sought under Article 16 of the dDCO could be used to introduce restrictions on the current A460 passing their site and that this could result in significant detriment to their business (if for example HGV's were restricted). Can the Applicant confirm its position in respect of potential restrictions on the A460 and whether the host Authorities and Highway Authorities are in agreement with their position?
1.12.4.	The Applicant	Climate Change Could the Applicant please make any comments it feels appropriate in light of the amendments to the Climate Change Act 2008 made by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.
1.12.5.	The Applicant	Climate Change NPSNN paragraph 4.41 refers to the UK Climate Projections 2009. However, these projections were updated in December 2019 and therefore may be more robust. Could the Applicant please reassess the Proposed Development in light of these latest updates?
1.12.6.	The Applicant	Clarification Table 5.17 in Chapter 5 of the ES [APP-044] sets out the change between the Do-Something and the Do-Nothing scenarios for the vehicle kilometres travelled in the Opening Year. The Full Traffic Dataset figure change is given along with a second number in a bracket. Is this second figure a percentage or some other indicator? Could this please be clarified.
1.12.7.	The Applicant	Clarification In Table 12.3 in Chapter 12 of the ES [APP-051] dealing with magnitude of impact and typical descriptions, the wording for Major and Negligible appears to be the same. Could this be clarified?
1.12.8.	The Applicant	Agricultural Holdings

ExQ1	Question to:	Question:
		<p>a) Paragraph 12.5.1 in Chapter 12 of the ES [APP-051] sets out the Study Area and this includes agricultural holdings within and up to 500m from the Scheme boundary. Does this include the whole of any agricultural holding meeting this criterion, or just that part within that area?</p> <p>b) Table 12.10 sets out in the title "Land from holding (and % of total area)", but the results do not include the percentage figures. Could the Applicant please provide these figures.</p>
1.12.9.	The Applicant	<p>Agricultural Operations In paragraph 12.9.25 in Chapter 12 of the ES [APP-051] it is indicated that the majority of the agricultural land is farmed remotely on a contract basis. The Applicant therefore states that there would be few consequences for the ongoing viability and operations of the agricultural occupiers. Could the Applicant please provide evidence to support this statement since it may be that the contractor(s) are solely employed in maintaining this land, or it would equate to a Full-Time Equivalent post, which would be lost as a consequence of the Proposed Development.</p>
1.12.10.	The Applicant	<p>Agricultural Operations Paragraph 12.9.27 in Chapter 12 of the ES [APP-051] makes the statement that the effects "could be reduced if the owner and/or occupier is able, and chooses, to use compensation payments to replace assets". Could the Applicant please provide evidence to support this statement since this would result in another party having their landholding reduced.</p>
1.12.11.	The Applicant Mr R Rowe Mr N Simkin Mr P Simkin Mr M Commins	<p>Employment a) In paragraphs 12.9.14, 2.9.18 and 12.9.19 of Chapter 12 of the ES [APP-051] the Applicant has assumed that the none of the various fishing lakes or the car boot sales facilities provide permanent employment. By "permanent employment" the ExA assumes that the Applicant means full-time employment.</p>

ExQ1	Question to:	Question:
	Allow Limited	<p>Could the Applicant please confirm whether the ExA's assumption of terminology is correct?</p> <p>b) Could the parties affected confirm whether the Applicant's assumption is correct?</p> <p>c) If not, could the parties affected provide evidence to support the contention along with information as to the employment levels.</p>
1.12.12.	The Applicant SCC ShC WCC	<p>Recycled aggregates</p> <p>a) Paragraph 3.3.68 of Chapter 3 of the ES [APP-042] in it is indicated that a target of 27% of secondary and recycled aggregates had been set, and this is in accordance with Regional Guidelines. Can these Guidelines and the relevant reference be precisely identified?</p> <p>b) Given that the location of the Proposed Development is relatively close to large sources of secondary and recycled aggregate what consideration has been given to setting a higher, realisable, target?</p> <p>c) Could a higher target be reasonably achieved?</p>

ANNEX A¹**M54 TO M6 LINK****LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS
(EXQ1: QUESTIONS [1.4.1])**

Obj No.ⁱ	Name/ Organisation	IP/AP Ref Noⁱⁱ	RR Ref Noⁱⁱⁱ	WR Ref No^{iv}	Other Doc Ref No^v	Interest^{vi}	Permanent/ Temporary^{vii}	Plot(s)	CA?^{viii}	Status of objection

ⁱ Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.

¹ This is also set out in Annex D to the Progress Letter of even date.