

M54 to M6 Link Road

TR010054

Volume 8

8.5 Formal Request for Scheme Changes

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

M54 to M6 Link Road
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8.5 Formal Request for Scheme Changes

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Table of contents

Chapter	Pages
1 Introduction	1
1.1 Overview	1
1.2 Need for the Changes	2
1.3 Compulsory Acquisition.....	2
1.4 Environmental Statement.....	2
1.5 Materiality of the Changes.....	2
2 Description of Changes and Rationale.....	4
2.1 Introduction	4
2.2 Change 1: Realignment of the eastbound slip road from the M54 at Junction 1 towards Featherstone	4
2.3 Change 2: Reduction in the footprint of the link road.....	5
2.4 Change 3: Amendment of vertical alignment of Link Road approach to M6 Junction 11 6	6
2.5 Change 4: M54 Junction 1 change to bridge structure.....	7
2.6 Change 5: Relocation of Hilton Lane Overbridge and change to Public Right of Way	9
2.7 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm.....	9
2.8 Change 7: Changes to the Environmental Masterplan.....	10
2.9 Policy Support for Design Changes.....	13
3 Schedule of Revised Application Documents	15
4 Impact of changes on the Environmental Statement	20
5 Consultation	22
5.1 Overview	22
5.2 Consultation Methodology	22
5.3 Consultation Materials.....	23
5.4 Response to Consultation	23
6 Programme for Scheme Changes.....	27
6.1 Overview and update	27
7 Materiality of Changes	28
7.1 Introduction	28

7.2	Advice Note 16: How to request a change which may be material, Planning Inspectorate, March 2018	28
7.3	Guidance on Changes to Development Consent Orders, DCLG, December 2015 (DCLG Guidance)	28
7.4	Assessment of the Materiality of Scheme Changes in Context of Guidance	29
7.5	Summary	32
8	Summary and Conclusions	33
	Appendix A: Plans showing scheme changes 1-6.....	34
	Appendix B: Plan showing changes to the Environmental Masterplan [TR010054/APP/6.2]	35

1 Introduction

1.1 Overview

- 1.1.1 The M54 to M6 Link Road ('the Scheme') Development Consent Order (DCO) application was submitted by Highways England ('the Applicant') on 30 January 2020. The application was accepted for Examination on 28 February 2020. The Examination will start on 21 October 2020, as set out within the Rule 6 letter **[PD-013]** dated 20 August 2020.
- 1.1.2 During the Pre-Examination period the Applicant has continued engagement with stakeholders, undertaken technical and survey work, developed more detail on construction methods and carried out buildability reviews of the design. This work has led to the identification of seven design changes that the Applicant believes will improve the Scheme. The Applicant formally requests that these seven changes are accepted by the Examining Authority (ExA) and that the Scheme is examined as amended by these changes.
- 1.1.3 Advice Note 16: How to request a change which may be material¹ (AN16) recommends that where changes are required, they are made as early as possible in the Examination period. In line with this advice, the Applicant has submitted the formal request for scheme changes in advance of the start of Examination. AN16 sets out six steps to be followed when making a change that could be material (see Figure 1 on page 4 of AN16).
- 1.1.4 Step 1 is to notify the ExA of the intention to make the changes. The ExA was formally notified of these changes on 28 July 2020, with a document provided outlining the proposed changes and the proposed approach to consultation (8.3 Notification of Proposed Scheme Changes **[AS-043/8.3]**, henceforth referred to as the Notification document).
- 1.1.5 Step 2 is for the ExA to provide advice on the procedural implications of the proposed changes and the consultation the Applicant may need to undertake. The ExA issued its response to the Notification document on 12 August 2020 providing this advice **[PD-011]**. The Applicant has had due regard to the guidance provided in that response when taking the changes forward.
- 1.1.6 Step 3 is non-statutory consultation on the proposed changes. Consultation on the proposed changes was undertaken between 24 August 2020 and 23:59 on 21 September 2020. A Consultation Statement (new document 8.7) is provided with this formal request for Scheme changes providing detail on the consultation process, responses received and how the Applicant has considered these responses when deciding how to proceed. A brief summary of the consultation process and the outcome is provided in section 5 of this report.
- 1.1.7 Step 4 is the formal request to make the changes, which is the purpose of this report.

¹ Advice Note 16: How to request a change which may be material, Planning Inspectorate, March 2018.

1.1.8 Step 5 is the period when the ExA makes a Procedural Decision on whether or not to examine the changed application and, if so, how it should be examined.

1.1.9 Step 6 is where the Examination proceeds either with the changed application or with the original application.

1.2 Need for the Changes

1.2.1 The Applicant views the changes as design evolution or refinement, which deliver improvements to the design and reduce Scheme impacts, but do not change the purpose or objectives of the original Scheme. The description of the Scheme remains as presented in the Introduction to the Application [APP-001/1.1] and does not change from that submitted on 30 January 2020.

1.2.2 The changes result in a more efficient design that will be simpler to construct and will deliver construction efficiencies. Bringing forward the changes now rather than through the discharge of requirements or amendments after consent allows for open consideration of the changes during the Examination. A full description of the changes and the rationale for each change is presented in section 2 of this report.

1.2.3 The Applicant confirms that the changes do not relate to any technical deficiencies associated with the Scheme submitted for Examination and, as a result, the ExA should have no concerns regarding the veracity of the application submitted in January 2020.

1.3 Compulsory Acquisition

1.3.1 The changes will not necessitate the compulsory acquisition of “additional land” as defined in The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations), the temporary possession of any additional land or any additional rights over land. The changes do remove the need for compulsory acquisition over some areas of land and other plots are now only required temporarily rather than permanently. The changes cumulatively reduce the impact on landowners and the CA Regulations are therefore not engaged.

1.4 Environmental Statement

1.4.1 A full review of the Environmental Statement (ES) has been carried out to assess whether the changes would result in new or different significant effects or affect the conclusions of any chapters in the ES. This assessment is presented in the Environmental Statement Addendum: Proposed Scheme Changes (October 2020) (hereafter referred to as the ES Addendum) (new document 8.6). A summary of this assessment and its implications for the change request is provided in section 4 of this report.

1.5 Materiality of the Changes

1.5.1 The decision on whether the changes are considered material is a matter for the ExA to determine rather than the Applicant. However, the Applicant has considered the materiality of the changes individually and cumulatively in section 7 of this report. The Applicant's view is that the changes are non-material.

- 1.5.2 The Applicant has nevertheless erred on the side of caution and continued to follow the process for making a material change to the application as recommended in AN16. This approach has been taken to ensure local people and key stakeholders are consulted on the changes and because the changes may be considered to be material by the ExA.

2 Description of Changes and Rationale

2.1 Introduction

- 2.1.1 A description of the seven Scheme changes was presented in the Notification document submitted on 28 July 2020 **[AS-043]**. Changes 1-6 remain as described in the Notification document, although the descriptions have been refined to add detail and clarity following comments received during the consultation period. Changes are also described by area of the Scheme, rather than by change, in section 2 of the ES Addendum.
- 2.1.2 The Applicant has continued to refine the Environmental Masterplan (change 7) following the submission of the Notification document to the ExA, with further changes to the Masterplan incorporated into the version consulted upon in August/September 2020. Minor amendments have also been made since the consultation period to take account of comments provided during ongoing engagement, particularly the removal of plots of retained woodland from the Masterplan near Lower Pool. The description of change 7 in this section has been revised to reflect all refinements presented.
- 2.1.3 A high-level summary of the changes is set out in Table 2.1, with detail provided in the remainder of this section. Appendix A contains a plan showing the location of changes 1 - 6 within the Scheme and a plan comparing the current and previous Scheme alignment. Appendix B contains a plan with annotations highlighting changes to the Environmental Masterplan that form part of change 7.

Table 2.1: Overview of the proposed Scheme changes

Change Number	Change Description	Works affected packages
1	Realignment of the eastbound slip road from the M54 at Junction 1 towards Featherstone, moving it further from Featherstone village.	6
2	Reduction in width of link road central reserve	2, 4, 21, 22, 23, 25 & 26
3	Amendment of vertical alignment of Link Road approach to M6 Junction 11	25, 26 & 48
4	M54 Junction 1 change to proposed bridge structure	2, 4, 5, 7, 8, 9, 10 & 61
5	Relocation of Hilton Bridge overbridge and change to Public Right of Way	27, 62 & 63
6	Change to alignment to reduce the impact on Tower House Farm	12 & 57
7	Changes to the Environmental Masterplan	80, 81, 85 & 86

2.2 Change 1: Realignment of the eastbound slip road from the M54 at Junction 1 towards Featherstone

- 2.2.1 The Scheme includes the replacement of the M54 Junction 1 to provide free-flow links between the M54 and the new link road. Access to existing local roads will be via a new dumb-bell junction, north east of the current M54 Junction 1.

- 2.2.2 This change proposes a minor realignment of the eastbound exit slip road to Featherstone, reducing the length of the slip road to the dumb-bell junction. This will bring the road closer to the junction and reduce the overall size of the junction.
- 2.2.3 The change has arisen as a result of continued design refinement which has identified improvements to the Scheme that would reduce environmental impacts.
- 2.2.4 The benefits and impacts of this change are:
- The eastbound exit slip road at the M54 Junction 1 will be approximately 10 m further from the village of Featherstone.
 - Less existing embankment and woodland planting will be removed, with 400 m² less woodland loss.
 - Local ecological, landscape and visual benefits associated with removing less of the existing woodland.
 - Reduction in the maximum height of the retaining wall associated with work packages 1, 2 and 6 from 5 m to approximately 2.5 m. This would reduce the amount of material required to construct the Scheme and would reduce visual intrusion for road users.

2.3 Change 2: Reduction in the footprint of the link road

- 2.3.1 The Applicant has received feedback throughout the development of the Scheme requesting that habitat loss be minimised, particularly at the Lower Pool Site of Biological Importance (SBI). The Applicant is continually looking for opportunities to achieve this as it works on the final design of the Scheme for construction.
- 2.3.2 This proposed change would reduce the overall width of the link road by reducing the width of the central reserve from 4.5 m to 3 m along the length of the new link road and reducing the width of the verge area by putting the surface water channel in the verge rather than adjacent to it. There would be no reduction to the width of traffic lanes or hard strips.
- 2.3.3 Narrowing the central reserve would avoid the need for a narrow strip of grassed area that would require frequent grass cutting or a widened paved area that could be misused by broken down vehicles for stopping in an emergency. The Applicant's view is that the change would eliminate hazards and be preferable from a safety perspective.
- 2.3.4 This change would reduce the width of the road by 4.2 m over its entire length; between 3.2 m and 4.4 m over a length of approximately 200 m for the northbound slip; and between 4.1 m and 7.0 m over 500 m for the southbound slip.
- 2.3.5 This means that the footprint of the Scheme will be reduced, reducing the impact on the private access that runs to the east of Featherstone junction (from the eastern roundabout northwards). In consequence of the change, it is also proposed to move the position of Work No. 21 to tie into the existing track, reducing the impact on the landowner. This change would move the alignment of Work No. 21 outside of the LoD.

2.3.6 This change reduces the impact of the Scheme on Lower Pool Site of Biological Importance (SBI). However, as habitat loss at Lower Pool SBI is increased by other changes, predominantly clearance around utility pipelines (see change 7), this change does not result in an overall reduction of habitat loss at the SBI compared to the unchanged Scheme. There was an incorrect statement in the consultation documents stating that 1 hectare less land would be affected at Lower Pool SBI.

2.3.7 The benefits and impacts of this change would be:

- Reducing the habitat loss along the new link road corridor, including at Lower Pool SBI (as above, this is an impact of this change not the changes when considered cumulatively).
- A reduction in hard standing, with a corresponding reduction in run-off and drainage and attenuation requirements.
- Small increase in the distance between the edge of the carriageway and the properties nearest to the link road.
- Reduced impact on the landowner through retention of more of the existing private access track.

2.4 Change 3: Amendment of vertical alignment of Link Road approach to M6 Junction 11

2.4.1 This change was identified as part of the continued design refinement processes and would reduce the impact of the Scheme on the ancient woodland located to the south east of M6 J11.

2.4.2 This change would reduce the height of the approach to M6 Junction 11 by approximately 0.7 m where the road passes through an area of woodland near Latherford Brook. This change would increase the gradient of the approach to the Junction. However, the gradient would be within the recommended design for dual carriageway standard, with a maximum 2% gradient at the stop line to reduce the risk of vehicle roll back. Therefore no safety impact is anticipated as a result of this change. A minor change has also been incorporated to the diversion route of Saredon 8 Public Right of Way as a result of changes to the embankment.

2.4.3 The benefits and impacts of this change would be:

- Minor reduction in visual amenity and landscape character impacts as a result of reduced loss of existing vegetation and decreased visibility of the embankment.
- Removal of direct loss of ancient woodland at Brookfield Farm SBI. The loss of ancient woodland at Brookfield Farm would now be 0.029 ha and only due to construction works carried out within 15 m of the ancient woodland rather than works within the woodland itself.
- Reduction in fill volume due to the reduced height of the embankment would reduce requirement for materials to construct the Scheme and associated construction traffic.

2.5 Change 4: M54 Junction 1 change to bridge structure

- 2.5.1 To provide free-flow links between the M54 and the new link road, the Scheme included construction of a new bridge to carry the roads through the redesigned M54 Junction 1. The original Scheme would have taken a period of approximately two years to build the bridge in sections at its final location. This would need complex and long-term traffic management for over two years on the M54, over several phases, including contraflows, narrow lanes and lane closures as well as several overnight closures with night-time working. The proposed change utilises an innovative construction solution negating the need for two years of traffic management. It involves constructing the bridge as two simpler structures in a nearby site compound to the north-east of the junction and moving them into position when ready. To do this safely, the change would require the closure of the M54 over Junction 1 and some of the slip roads for up to three weeks. Building the bridge as two simpler structures also enables the movement of the road alignment by 20 m, which will reduce the size of Junction 1.
- 2.5.2 Whilst the new junction will move slightly and look slightly different because it will create two bridges rather than one, it would work in the same way as the design submitted as part of the DCO application. The Applicant proposes to work with key stakeholders, such as local authorities, freight industries and developers of other major schemes to develop the Construction Traffic Management Plan (CTMP), agree diversion routes and minimise the impact of the closure on local communities. The timing of the closure can also be managed to take place when traffic flows are expected to be lighter.
- 2.5.3 Whilst there will be more disruption from the short-term closure, it would be of significantly shorter duration. This is an important consideration given that concerns have been raised by host authorities about the cumulative impact of traffic management resulting from the construction of several major schemes in the area over similar time periods. These other schemes include, but are not limited to, the extension of the i54, ROF Featherstone, the West Midlands Strategic Freight Interchange and traffic associated with the Birmingham 2022 Commonwealth Games. In particular, the DCO for the West Midlands Strategic Freight Interchange was made on 4 May 2020, with construction due to start in 2020/2021 and continue for approximately 15 years.
- 2.5.4 A planned closure of short duration is likely to be more easily accommodated by persons using the M54 than long-term disruption because with advance notice it is often possible to reorganise deliveries, construction programmes and travel to avoid a three week period, but it is not possible to avoid travel for a period of over two years. For example, it may be possible for other Schemes to avoid significant deliveries or major works over a planned three-week period. The Applicant may also be able to agree solutions with freight companies to avoid the area during the closure. The impact on local people can also be minimised through close working and advance notice to discourage travel over this period, which in turn, will reduce the amount of traffic re-routing onto more minor roads.

2.5.5 Requirement 10 of the draft DCO **[APP-018/3.12]** states that:

‘10.—(1) No part of the authorised development is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the relevant local highway authority on matters related to its function.

(2) The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).’

2.5.6 Requirement 10 therefore ensures that a CTMP is produced, that the relevant planning and local highway authorities are consulted upon its content and that it is scrutinised and approved by the Secretary of State. The Applicant does not consider that further requirements are needed, but is committed to continuing discussions on managing the road closure between now and the closure itself, likely to be in Summer 2023 if the change is accepted.

2.5.7 The planned diversion route during the junction route closure would involve traffic leaving the M54 at Junction 2, travelling north on the A449, then east of the A5 and south along the M6. A plan showing the Applicant’s initial view of how the closure might operate and the diversion route was provided on page 8 of the Consultation Brochure (provided in Appendix C of the Consultation Statement (new document 8.7)). However, in line with comments received from local highway authorities and Parish Councils, the Applicant would like to retain flexibility over the closure approach at this stage so it can be developed in more detail in consultation with key stakeholders. Therefore, the plan of the closure should be treated as indicative at this stage.

2.5.8 Finally, the proposed change would result in construction activities taking place in new locations. In particular, activities associated with the construction of the structures would be within a casting yard to the north-east of M54 Junction 1 not previously used for this purpose.

2.5.9 The benefits and impacts of this proposed change are:

- Reduction in the construction programme of approximately 6 months, with the Scheme opening to traffic earlier.
- Reduced period of disruption during construction for local people, including reductions in the period local people are affected by construction noise.
- Likely increase in traffic and associated noise and air pollution during the closure period, due to traffic re-routing onto surrounding local roads. There would also be an increase in construction traffic and construction noise during the three-week closure due to the 24/7 working. These impacts will be short-term for up to three weeks.
- Significant reduction in the period that traffic management is in place on the M54.

² This part of the draft DCO remains unchanged as a result of the Scheme changes, with the wording retained in the version submitted with this document.

- A shorter construction period addresses concerns raised by stakeholders over the amount and impact of other major works in the local area, such as the construction of the West Midlands Interchange.

2.6 Change 5: Relocation of Hilton Lane Overbridge and change to Public Right of Way

- 2.6.1 Near Hilton Lane, the new link road will be below existing ground level and Hilton Lane will cross the link road via a new bridge. Following further work to review the Scheme construction methods, it is proposed to build the Hilton Lane bridge to the north of its current proposed location. This change would enable the retention of more of the existing route of the Public Right of Way (PRoW) [Shareshill 5] across nearby land rather than routing it alongside the link road as is currently proposed in the DCO application.
- 2.6.2 The current application proposes moving Hilton Lane approximately 2 m to the south, so a 2 m wide footway could be provided as an alternative route to the PRoW, which is cut-off by the new link.
- 2.6.3 The proposed change would keep the PRoW so it follows more of the existing route, before travelling south towards Hilton Lane, across the new bridge, then diverting north to tie into its existing alignment to the west of the new link, where it would continue westwards and link into Hilton Lane.
- 2.6.4 The benefits and impacts of the proposed change are:
- Avoiding the removal of mature vegetation to the south of Hilton Lane for a length of approximately 200 metres.
 - Avoiding the need for the closure of Hilton Lane while the carriageway is relocated for provision of the footway and the bridge. Instead there would only be very short closures when the road is connected to the bridge.
 - Reducing construction noise impacts for Hilton Lane residents.
 - Reducing hard standing by approximately 650m² due to retaining the existing cross section of Hilton Lane.
 - Avoiding the need for a temporary diversion of the PRoW and retaining more of the existing route.
 - Existing properties would remain the same distance from the carriageway of Hilton Lane as they are in 2020. This is as opposed to the original Scheme submitted in January 2020 which would have involved the carriageway moving 2 m further away from properties.

2.7 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm

- 2.7.1 This change is proposed to alter the alignment of the slip road between the M54 Junction 1 eastern dumbbell roundabout and the M54 eastbound to the west of the position shown in the original application. This change aims to address concerns raised by the landowner at Tower House Farm that the Scheme will adversely impact access to the site.

2.7.2 The benefits and impacts of this change would be:

- Reducing the impact on vehicle movements into/out of Tower House Farm, particularly the impact on the American motorhome business.
- Moving the alignment further from the properties at Tower House Farm.

2.8 Change 7: Changes to the Environmental Masterplan

2.8.1 The Applicant has continued to refine the Environmental Masterplan for the Scheme to:

- Reduce the mitigation required for Great Crested Newts.
- Reduce the size of construction compounds.
- Identify opportunities for further ecological enhancements.
- Increasing vegetation clearance around utility corridors.
- Incorporate additional minor amendments to the masterplan.
- Adjust the Environmental Masterplan to account for the cumulative impact of changes 1-6 in this report.

2.8.2 A plan with annotations highlighting the proposed changes to the Environmental Masterplan is provided in Appendix B of this report. Further detail on each of these changes is provided below, with the references in brackets referring to the changes as numbered on the plan in Appendix B.

Reduction in Mitigation for Great Crested Newts (EM2 & EM6)

2.8.3 During the ecology surveys carried out in 2019 there were some areas where it was not possible to secure access within the seasonal survey windows. This included a number of waterbodies that the Applicant wished to survey for Great Crested Newts (GCN). The Environmental Masterplan [APP-057 to APP-063/6.2] and Natural England's Letter of No Impediment [APP-177/6.3] submitted with the DCO application was therefore based on a precautionary approach to mitigation for GCN where the species was assumed to be present in waterbodies that it had not been possible to survey in advance of the application submission.

2.8.4 Where landowners have since granted access, waterbodies not surveyed previously have been surveyed in the 2020 survey season. A full report of these surveys is provided in Appendix 8.15 of the ES provided with this report. The results show an absence of GCN in some waterbodies affected by the Scheme (namely waterbodies 25, 26, 29, 65). Waterbodies 25, 26 and 29 are located adjacent to the A460 south of Hilton and waterbody 65 is located directly south west of M6 Junction 11. All waterbodies which will be lost as a result of the Scheme have now been surveyed for GCN.

2.8.5 The confirmation of the likely absence of GCN has reduced the mitigation required for the species. This has led to the removal of the need for GCN mitigation to the south of Dark Lane (removal of three proposed ponds, proposed wetland and species rich grassland) and to the south west of M6 Junction 11 (removal of a proposed pond). There are now no ponds to be created as part of the Scheme solely

for the purpose of mitigation for the impacts on GCN. The Scheme will still affect terrestrial habitat for GCN and a Natural England licence for the species is still required. The reduction in mitigation presented in the revised Environmental Masterplan (new Figures 2.1-2.7 of the ES) has been discussed with Natural England, who has confirmed that no new draft Letter of No Impediment is required. Further detail on this will be provided in a revised Statement of Common Ground with Natural England at Deadline 1.

Reduction in the Size of Construction Compounds (EM1 & EM7)

- 2.8.6 The Applicant has examined the planned construction methods, processes and programme to consider whether it would be possible to decrease the size of construction compounds without compromising the construction of the Scheme. Further work has identified the potential to reduce the size of the proposed construction compound to the north west of M6 Junction 11 and the compound between the A460 and the new link road close to M54 Junction 1. The reduction in the size of the compounds would reduce the impact on existing habitats and for the northern compound, would move the construction activities away from properties located to the west.

Identifying Opportunities for Further Ecological Enhancements (EM4)

- 2.8.7 The Applicant has reviewed the land required for permanent acquisition for the construction of the link road and looked for ways to increase the ecological value of these areas. This has led to the introduction of new hedgerows to the east of the proposed new link road.

Increasing vegetation clearance around utilities (EM9)

- 2.8.8 Utilities companies have confirmed that tree planting cannot take place within 6 m of utility pipelines. This has resulted in the removal of some existing and proposed tree planting in areas around the southern section of the new link road. There is also a utility corridor to be diverted through Lower Pool including a foul water, potable water and telecommunications infrastructure. Unfortunately, the increased clearance around these pipelines increases the habitat removal within the Lower Pool SBI.

Minor amendments (EM8, EM11, EM12 & EM13)

- 2.8.9 A minor correction has been made to the Masterplan at Lower Pool to remove tree planting that had been shown over a stream.
- 2.8.10 A reduction in woodland screening has been made adjacent to the slip road south-west of Tower House Farm to allow the landowner to retain this land post construction whilst still providing visual screening of views towards the Scheme.
- 2.8.11 The individual trees in the area for the southern site compound have also been repositioned in the plan to match the OS 1st edition 25 inch map (1900-1902). This is a repositioning only of proposed new individual trees that were shown in the previous Masterplan. Scattered individual trees were specified to be planted within this plot to create a similar appearance to the wider area of Hilton Park historic

landscape and would reinforce the parkland character. The Applicant has amended the design to match the location of the trees to those shown on historic mapping.

- 2.8.12 Increased planting for the purpose of ancient woodland compensation has been included to the south west of M6 Junction 11. This additional planting is proposed because the methodology for assessing the impact of nitrogen deposition on ancient woodland changed with the revision to the Design Manual for Roads and Bridges in 2019. The change means that the same changes to pollutant levels now results in greater predicted effects. See ES Addendum (reference 8.6) and ES Chapter 8: Biodiversity (Version 3) (to supersede **[AS-25/6.1]**) for further information on the rationale for this change.

Cumulative Effect of all Changes on Environmental Mitigation (changes as above and EM3, EM5 & EM10)

- 2.8.13 The impact of the Scheme on existing habitats has been reduced by the majority of changes outlined in this report, resulting in a significant net reduction in the requirement for mitigation planting. In addition to the changes to environmental mitigation outlined above, this has led to the removal of proposed species-rich grassland formerly proposed to the south east of M6 Junction 11 (plot 6/25 on the Land Plans, document 2.2).
- 2.8.14 Natural England was concerned about this proposed planting because it was proposed on Best and Most Versatile (BMV) agricultural land. The removal of this proposed habitat reduces the impact of the Scheme on BMV land. The north western section of plot 6/25 is still required temporarily for the construction of the Scheme but is not now required permanently. The south eastern part of this land parcel is no longer required for the Scheme.
- 2.8.15 Part of the woodland planting formerly proposed to the south of Hilton Lane and the east of the A460 (plot 5/2 in the previous Land Plans **[AS-007/2.2]**) has also been removed from the Environmental Masterplan as it is no longer required due a reduction in the impact on habitats overall. The part no longer to be acquired permanently has been re-numbered as plot 5/25 in the revised Land Plans. The new plot 5/25 will no longer be required permanently but will still be required temporarily for a borrow pit and construction purposes. The unaffected portion of plot 5/2 will still be acquired permanently for woodland planting, as well as being required temporarily for the borrow pit and construction purposes.
- 2.8.16 Two small areas of retained woodland have been removed from the Environmental Masterplan at the Shrubbery and Lower Pool (plot 5/4 in the Land Plans). The landowners of this parcel requested that these plots be removed. The Applicant took this into account when deciding how to amend the Masterplan.
- 2.8.17 A revised biodiversity metric calculation has been carried out and is presented in Appendix 8.2: Biodiversity Metric Calculation (Version 3). The revised metric has been carried out to address comments raised by Staffordshire Wildlife Trust in their Relevant Representation and in response to Written Question 1.3.9 issued by the ExA on 20 July 2020. The revised metric follows the methodology in The Biodiversity Metric 2.0 (Natural England, 2019). The updated calculations show that when

accounting for all the Scheme changes total biodiversity units would be marginally higher than reported in the application submitted on 30 January 2020. The Scheme would now deliver an area based gain of 2.21% of units, a linear based gain of 26.27% and a 2.23% gain of river based units. The Scheme will therefore deliver no net loss for area based habitats and rivers, and a net gain in linear (hedgerow) habitats. For clarity, this improvement is achieved despite the reduction in environmental mitigation areas described above.

2.9 Policy Support for Design Changes

- 2.9.1 The National Planning Policy Statement for National Networks (NPSNN) paragraph 5.23 states that *'the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests'*. Changes 1, 2, 3 and 5 take advantage of opportunities to further conserve biodiversity by reducing the impact of the Scheme on habitats, including the Lower Pool SBI and ancient woodland. Change 7 incorporates changes that maximise opportunities to enhance biodiversity through the introduction of additional hedgerows to provide more linear habitat. No tree removal is now required within ancient woodland as part of the Scheme, although there remains construction within 15 m of ancient woodland. The loss of ancient woodland resulting from construction within the 15 m 'buffer zone' is compensated for as part of the Scheme.
- 2.9.2 Unfortunately, there has been separate requirement to increase clearance in the Lower Pool SBI as a result of requirements for clearance around utility diversions and a correction to the previous Masterplan. These updates mean that overall the changes do not reduce the impact on the SBI. However, the reductions resulting from the design changes have meant that overall the clearance at the SBI is not significantly higher than previously projected, despite the clearance required for utilities.
- 2.9.3 NPSNN paragraph 5.36 states that applicants should, during construction, ensure that activities will be confined to the minimum areas required for the works, ensure risk of disturbance or damage to species or habitats is minimised during construction and create habitats of value such as habitat improvement on the network verge. The Applicant has refined the construction compound areas in line with this policy, also resulting in a further reduction in the impact of the Scheme on habitats, as shown in the revised Environmental Masterplan.
- 2.9.4 NPSNN paragraph 5.202 recognises that the consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development. NPSNN paragraph 5.204 goes on to state that applicants should consult the relevant highway authority and the local planning authority on the assessment of transport impacts. The Applicant has considered the construction traffic impacts associated with different construction methods for M54 Junction 1 and change 4. The Applicant consulted the two host local highway authorities (Staffordshire County Council and City of Wolverhampton Council) and the local planning authorities (which also includes South Staffordshire Council) on this proposed change, which would reduce the duration of disruption on the network. All

three local authorities are supportive of the change. The approach is in line with that recommended in paragraphs 5.202 and 5.204.

- 2.9.5 NPSNN paragraph 5.194 states that: *‘The project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission’*. The Scheme changes lead to additional significant noise effects, primarily during the junction closure, but reduce significant noise effects along the Hilton Lane during construction. The changes are therefore considered compliant with this policy.
- 2.9.6 NPSNN paragraph 5.168 states that: *‘Applicants should take into account the economic and other benefits of the best and most versatile agricultural land... Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.’* The Scheme changes follow this approach by recognising the opportunity to reduce the impact of the Scheme on BMV land and removing this land from the Scheme.

3 Schedule of Revised Application Documents

- 3.1.1 In order to assist the ExA in the consideration of the changes, Table 1 sets out the application documents that have been updated to accompany this change request. In some cases, documents have also been updated to incorporate additional information raised in Relevant Representations, Written Questions or as part of work to update documents in line with new guidance. The table highlights this where this is the case.
- 3.1.2 The Guide to the Application (to supersede **[AS-044/1.5]**) submitted with this report provides the full schedule of documents submitted by the Applicant, with superseded documents shaded grey and marked with a strike through the text. Given that the decision to accept or reject the scheme changes lies with the ExA, the previous versions of documents submitted remain live until a decision is reached on whether the Scheme will be examined with the changes. Therefore, to clearly differentiate between the version before and after the Scheme changes, the version incorporating Scheme changes in the Guide is labelled with 'Scheme changes version' in blue text.

Table 3.1: Documents provided to accompany this formal change request

Doc no.	Doc title	Changes made since previous version (if applicable)
N/A	Covering letter	N/A
1.5	Guide to the Application (to supersede [AS-005/1.5])	Updated to show new versions of documents and incorporate comments from the ExA presented in Written Question 1.0.17 requesting further clarity on plan numbering (see Tables 2 to 12 in the Guide to the Application).
2.2	Land Plans (to supersede [AS-007/2.2])	<p>Updated to show areas where land is no longer to be acquired or is to be acquired on a temporary rather than permanent basis. Changes are as a result of changes to the alignment around Tower House Farm (change 6) and the Environmental Masterplan (change 7).</p> <p>Changes are made to plots as follows:</p> <ul style="list-style-type: none"> 4/14a & 4/14b: Plots have been merged. The area formerly comprising 4/14b is now required on a temporary basis rather than permanently (change 6). 4/14c: Plot has increased in size to include parts of 4/14f and 4/14h. The parts of 4/14f and 4/14h now included in 4/14c are now required on a temporary basis rather than permanently (change 6). 4/20c: Reduced permanent land acquisition (change 7). Part of this area is now not required for the Scheme on a permanent or temporary basis. 5/2: Reduced permanent land acquisition (change 7). The area removed from 5/2 now forms plot 5/25, which is required temporarily rather than permanently. 5/4: Reduced permanent land acquisition at Lower Pool and The Shrubbery (change 7).

Doc no.	Doc title	Changes made since previous version (if applicable)
		<ul style="list-style-type: none"> 5/26 and 5/27: land no longer required (change 7). 6/25: Environmental mitigation is no longer required on this plot (change 7), so the plot size has been reduced and the remaining area is now only required temporarily. 6/26: Size of the area to be permanently acquired has been reduced.
2.4	Works Plans (to supersede [AS-009/2.4])	<ul style="list-style-type: none"> Minor changes to plans as a result of Scheme changes. Works Package 1 subdivided to identify advance directional signage associated with the new link road along the M54. Update to works package 2, 4, 5, 6, 7, 8, 9, 10, 12, 21, 22, 23, 25, 26, 27, 45, 48, 57, 61, 62, 63, 80, 81 & 86 to reflect the updated scheme design. Removal of works package 85.
2.5	General Arrangement Plans (to supersede [AS-010/2.5]).	Minor changes to plans as a result of Scheme changes. Appendix A of this Scheme changes report shows how the alignment has changed.
2.7	Streets, Rights of Way and Access Plans (to supersede [AS-012/2.7]).	Changes are made to Streets, Rights of Way and Access Plans as follows: <ul style="list-style-type: none"> Minor changes to plans as a result of Scheme changes Diversion of Public Right of Way Shareshill 5 updated Minor change to Saredon 8 diversion
2.8	Traffic Regulation Measures Plan (to supersede [AS-013/2.8]).	Changes are made to Traffic Regulation Measures Plans as follows: <ul style="list-style-type: none"> Minor changes to plans as a result of Scheme changes End of Motorway Regulations point updated on northbound free flow link road Existing weight limit regulations added Existing regulations of Wolverhampton Road indicated
2.9	Classification of Roads Plans (to supersede [AS-014/2.8]).	Changes are made to Classification of Roads Plans as follows: <ul style="list-style-type: none"> Minor changes to plans as a result of Scheme changes End of Motorway Regulations point updated on northbound free flow link road Classification of existing A460 clarified as Proposed (C) Class Road
2.10	Engineering Section Drawings (to supersede [APP-015/2.10]).	Changes are made to Engineering Section Drawings as follows: <ul style="list-style-type: none"> Minor changes to plans as a result of Scheme changes Existing ground line type updated Structures B01, B05 and B07 updated Structure B02 drawing added
2.11	Outline Drainage Works (to supersede [AS-015/2.11]).	Minor changes to plans as a result of Scheme changes.
3.1	Draft DCO (to supersede [APP-018/3.1]).	Update to:

Doc no.	Doc title	Changes made since previous version (if applicable)
		<ul style="list-style-type: none"> Remove definitions and provisions relating to Crown land following confirmation from the Coal Authority that its land is not Crown land for the purposes of section 227(3) of the Planning Act 2008. Update the works descriptions in Schedule 1 to reflect changes to Works Plans Insertion of an additional exception at requirement 4 (Construction and handover environmental management plans) to accommodate the proposed closure of the M54 for up to 3 weeks; Minor consequential changes to some distances in Schedule 3 Part 5 (Speed limits) arising from the revised works descriptions; Minor consequential changes to the description of the substituted route for the Shareshill 5 Footpath at Schedule 4 Part 3 (public rights of way to be stopped up and for which a substitute is to be provided); Update Schedule 5 (Land of which Temporary Possession may be taken) to reflect changes to the Land Plans Revisions to Schedule 7 (Land of which temporary possession may be taken) to reflect the proposed changes and revised Land Plans; Revisions to Schedule 8 Part 2 (Trees subject to tree preservation orders) to reflect the proposed changes; and Update Schedule 10 (Certified Documents) to reflect changes to draft documents
3.2	Explanatory Memorandum (to supersede [APP-019/3.2])	Change to remove the reference to Crown Land following the deletion of Article 20 sub-article (3) from the Development Consent Order.
4.1	Statement of Reasons (to supersede [AS-016/4.1]).	Update to: <ul style="list-style-type: none"> Works descriptions to reflect scheme changes and subsequent land plan changes Remove Crown Land plans Include confirmation of National Trust agreement Status of negotiations in Annex B Correction of errata in Annex A and B
4.3	Book of Reference to supersede [AS-018/4.3] .	Update to: <ul style="list-style-type: none"> Land referencing to reflect scheme changes and subsequent land plan changes Remove Crown Land Correct address errata and details provided since last iteration.
6.1	Chapter 8: Biodiversity	Update to:

Doc no.	Doc title	Changes made since previous version (if applicable)
	(Version 3) to supersede [AS-025/6.1] .	<ul style="list-style-type: none"> Take account of the design changes as set out in this report and review of the proposed mitigation measures Baseline information for GCN based on 2020 survey results as reported in new Appendix 8.15: Great Crested Newt 2020. Include alterations to the mitigation measures in line with design changes, new baseline information and ongoing consultation with stakeholders. The nitrogen deposition assessment (operational) and mitigation in line with that reported in [AS-059/8.2] to provide a complete updated chapter. The chapter as a result of the revised Appendix 8.2: Biodiversity Metric Calculation, on the Biodiversity Metric Calculation to follow the revised methodology.
	ES Chapter 11: Noise and Vibration (Version 3) (to supersede [APP-050/6.1]).	Assessment of the design changes as set out in this report and review of the proposed mitigation measures.
6.2	Figures 2.1-2.7 Environmental Masterplan (Version 2) (to supersede [APP-057 to 063/6.2]).	Update to Environmental Masterplan as explained in section 2.8 of this report and illustrated in the plan provided in Appendix B.
	Figure 2.9 Construction Works (Version 2) (to supersede [APP-065/6.2]).	Revised to show slight alterations to the location of soil storage areas. The location of satellite compounds has been added to this plan.
	Figure 8.35 Great Crested Newt 2020 baseline figure	New figure to show the 2020 GCN survey results.
	Noise Plans 6.2 (Version 3) (to supersede [AS-054 to AS-058/6.2]): <ul style="list-style-type: none"> 11.1 Noise Location Plan 11.2 Noise Affected Routes 11.3 Long Term Change in Traffic Noise Levels 11.4 Short Term Change in Traffic Noise Levels 11.5 Long Term Change in Traffic Noise Levels 	Updated to include the design changes and results of updated operational noise assessment as reported in Chapter 11: Noise and Vibration (Version 3).
6.3	Appendix 7.1: Arboricultural Impact Assessment (Version 2) (to supersede [APP-174/6.3]).	Updated to take into account the design changes.
	Appendix 8.2: Biodiversity metric calculation (Version 3) (to	Updated following the design changes including updates to the environmental masterplans and recalculated in line with Biodiversity Metric 2.0.

Doc no.	Doc title	Changes made since previous version (if applicable)
	supersede [AS-031/6.3] .	
	Appendix 8.15: Great Crested Newt Survey Results 2020 (new Appendix).	Results of the 2020 GCN surveys
	Appendix 8.16: Ancient Hedgerow Assessment (new Appendix).	Assessment on Ancient Hedgerows provided to ensure consideration of impacts of the scheme on potentially ancient hedgerows. This was produced in response to the Relevant Representations submitted by Staffordshire Wildlife Trust.
	Appendix 11.3: Construction Phase Noise Predictions Monitoring (Version 3) (to supersede [AS-049/6.3]).	Updated in line with latest noise assessment results
	Appendix 11.4: Noise Modelling Details (Version 3) (to supersede [AS-051/6.3]).	Minor amendments to the data referenced as being used in the noise model.
6.8	TPO Impact/ Removal Plans	Amendments to figure references to match those in the amended Arboricultural Impact Assessment.
6.11	Outline Environmental Management Plan (Version 3) (to supersede [APP-218/6.11]).	<p>Updates to REAC tables in line with design changes as set out in this report.</p> <p>Amendments to the OEMP in line with comments from Natural England on soil storage and restoration.</p> <p>Minor amendments to Table 4.1: Consents and permissions</p> <p>Minor amendments to address written questions:</p> <ul style="list-style-type: none"> WQ 1.0.10: Clarity added on the approval process WQ 1.0.15: Addressing comments on provision of a table which includes all mitigation measures relied on in the ES and the mechanism by which that mitigation is secured for the DCO.
7.4	Transport Assessment Report (to supersede [AS-038/7.4]).	Updated to reflect changes to the Public Right of Way at Hilton Lane (change 5).
7.5	Outline Traffic Management Plan (to supersede [APP-223/7.5]).	Updated to provide more detail on construction traffic and amend the management plan due to the change in approach to construction of M54 Junction 1 as a result of change 4.
8.6	Environmental Statement Addendum: Proposed Scheme Changes October 2020 (new document).	Provides an assessment of the seven design changes in terms of their potential to result in new or different significant effects or to change the conclusions of the ES.
8.7	Consultation Statement (new document).	A statement providing information on the consultation undertaken on the Scheme changes including the methodology, responses received and the Applicant's responses.

4 Impact of changes on the Environmental Statement

- 4.1.1 The seven changes proposed were considered individually by specialists to consider the extent to which the change is likely to lead to new or different significant environmental effects assessed in each of the ES chapters [**APP-040 to APP-046, APP-048 to APP-056 and AS-025**]. This assessment informed the decision on which changes are to be taken forward. The results of this assessment were presented in a table on pages 11 and 12 of the consultation brochure produced to consult upon the changes (see Appendix C of the Consultation Statement (document 8.7)).
- 4.1.2 A more detailed assessment was then carried out to assess the changes cumulatively by ES topic, with the results of this assessment provided in the ES Addendum (document 8.6). The conclusions of the ES Addendum are summarised below.
- 4.1.3 The ES Addendum concludes that the changes would result in minor alterations to the detail in the assessments, in most cases reducing the impact of the Scheme or increasing the benefits. However, these changes are mostly too minor to result in a change to the reported predicted significant effects. Indeed, the changes would not remove or provide additional significant effects for the chapters on Air Quality; Cultural Heritage; Landscape and Visual; Biodiversity; Geology and Soils; Materials, Assets and Waste; Population and Human Health; Road Drainage and the Water Environment; or Climate.
- 4.1.4 For Noise and Vibration, the Scheme changes would alter the temporary significant effects experienced during the construction period, namely:
- Removal of some significant construction noise effects at three of the selected representative receptors on Hilton Lane. This is primarily due to the reduction in construction works on Hilton Lane.
 - New significant adverse construction noise effects at six of the selected representative receptors primarily during the three week closure of M54 Junction 1.
 - New significant adverse traffic noise impacts due to re-routing of traffic during the three week closure of the M54 at Junction 1.
 - Reducing the number of residential properties potentially experiencing significant construction vibration annoyance effects due to works involving vibratory rollers from 77 to 58.
- 4.1.5 The new Noise and Vibration chapter also reports the number of properties experiencing significant beneficial traffic noise effects would increase from 32 to 37. However, this is due to use of more accurate topographical data rather than the Scheme changes.
- 4.1.6 The changes above do not alter the conclusions of the ES: Chapter 11 Noise and Vibration.

- 4.1.7 For Cumulative Effects, the scheme changes would result in additional receptors (south-east and east side of Featherstone mainly on the A460 Cannock Road) experiencing a previously reported construction stage temporary moderate adverse combined effect. There would also be an alteration in the significance of a construction stage combined effect experienced by residential receptors and additional receptors experiencing a previously reported construction stage temporary moderate adverse combined effect. For receptors on Park Road (additional) and Dark Lane (closest properties to the Scheme works), from a temporary moderate to a temporary large adverse combined effect (significant) on receptors of high value as a result of noise, vibration (Dark Lane only) and visual impacts. These combined impacts would be experienced during the period where the M54 Junction 1 is closed for three weeks.

5 Consultation

5.1 Overview

- 5.1.1 The Applicant outlined the proposed approach to consultation in the Notification document submitted to the ExA on 28 July 2020 **[AS-043/8.3]**. The Applicant requested that the ExA advise on the need, scale and nature of the consultation and on the adequacy of the Applicant's proposed approach to consultation.
- 5.1.2 The ExA responded on 12 August 2020 stating that:
- 'in order to ensure fairness, appropriate and proportionate non-statutory consultation should be carried out before the change request is submitted'.*
- 5.1.3 The Applicant consulted on the seven proposed changes from Monday 24 August to Monday 21 September 2020. The purpose of the consultation was to provide an opportunity for prescribed bodies, landowners and persons with interest in the land, Interested Parties registered with the Planning Inspectorate and the local community to share their views on the proposed Scheme changes.
- 5.1.4 A full account of the consultation carried out, the responses received and how these were taken into account in decision making is provided in the Consultation Statement (new document 8.7). A summary is provided below.

5.2 Consultation Methodology

- 5.2.1 The ExA confirmed in the letter of 12 August 2020 that they agreed that the Applicant:
- 'must engage all those persons identified in the Planning Act 2008 under section 42 (a) to (d) who would be affected by the proposed changes (giving a minimum of 28 days) including any section 42 persons not originally consulted on the application but who may now be affected by the proposed changes. The Applicant also proposes, and the ExA agrees, that the public should be consulted through a leafleting scheme and publication in appropriate newspapers.'*
- 5.2.2 The Applicant sent prescribed bodies, local authorities, landowners and persons with an interest in the land letters notifying them of the proposed changes and informing them of where further information could be located. All consultees previously consulted under Section 42 (a to d) and under the Section 56 process were included. This included consultees who may not necessarily be affected by the proposed changes, but in this instance the Applicant decided not to narrow down this list.
- 5.2.3 In addition, the Applicant undertook a letter drop which notified all residences and businesses within the Consultation Zone (pre-agreed via the Statement of Community Consultation) which included some 5,597 addresses. Each letter advised the occupants of the proposed changes and where to find further information. The Applicant also added to this list additional hauliers along the M54 corridor and those located in the north of Wolverhampton. National freight organisations were also added due to the proposed temporary closure of M54 Junction 1.

- 5.2.4 The Planning Inspectorate issued an e-mail on 24 August 2020 to those parties who had registered for email updates in relation to the project notifying them of the consultation.
- 5.2.5 The Applicant publicised the consultation in the Times, the London Gazette and the West Midlands Express and Star on 24 August 2020 (with a local notice also appearing for a second time on 11 September).
- 5.2.6 Consultees were sent letters/ e-mails outlining the proposed changes and providing a link to the Highways England webpage which provided further information. Hard copies of materials were available on request and a phone number provided for anyone who had issues with electronic access to documents.
- 5.2.7 The method of consultation and groups to be consulted was agreed with host authorities in advance, with all agreeing that the proposed approach was adequate. Presentations were also given virtually to host authorities on the Scheme changes to enable greater understanding and get early feedback. Virtual and face to face meetings were also held with a number of landowners (where possible) and Hilton Parish Council, Featherstone & Brinsford Parish Council and Shareshill Parish Council.
- 5.2.8 Restrictions related to Covid-19 meant that no consultation events were possible and no deposit points safely available. It also meant only very limited meetings were held face to face. However, given that information was available in hard copy and frequently provided, Highways England is of the view that it is unlikely that the lack of face to face consultation would have prejudiced any parties from being involved in the consultation.

5.3 Consultation Materials

- 5.3.1 The letters and emails issued to consultees directed them to the project web page (<https://highwaysengland.co.uk/projects/m54-to-m6-link-road/>) where the below consultation documents were made available:
- Proposed Changes Consultation brochure
 - Environmental Masterplan
 - Environmental Masterplan accompanying table
 - Video of the proposed construction of M54 Junction 1
 - Scheme Changes Technical Drawing 1
 - Scheme Changes Technical Drawing 2
 - Response Form (available as online version or for printing)

5.4 Response to Consultation

- 5.4.1 The Applicant received a total of 38 responses to the consultation. The responses to the consultation were generally positive, with most respondents agreeing with the changes proposed. This chapter provides a summary of main points, with more detailed, full analysis provided in the Consultation Statement (document 8.7). All

three host authorities responded stating that they are supportive of the Scheme changes.

5.4.2 Seventeen respondents filled in the response form, which structured responses by changes. Table 1 summarises these results.

Table 5.1: Consultation responses provided in the form

Change	Yes	No	Don't know
Change 1 - Realignment of the eastbound slip road from the M54 at Junction 1 towards Featherstone, moving it further from Featherstone village.	14	2	1
Change 2 - Reducing the width of the link road's central reservation and placing the drainage in the verge, rather than next to it.	12	4	1
Change 3 - Increase to the steepness of the section of the link road approaching M6 Junction 11.	9	4	4
Change 4 - Change to bridge design and construction method at M54 Junction 1	16	1	0
Change 5 - Relocation of the new bridge over the proposed link road at Hilton Lane and change to route of nearby Public Right of Way.	10	2	5
Change 6 – Change in alignment of slip road at the revised M54 Junction 1 leading on to M54 eastbound.	14	1	2
Change 7 – Changes to the Environmental Masterplan	12	4	1

5.4.3 The most popular changes were changes 1, 4 and 6. Very few comments were received on changes 1 and 6, with those received noting that the change was minor and beneficial. One respondent thought the reduction in the impact on the landholding affected by change 6 did not go far enough and further measures should be taken to reduce the impact.

5.4.4 On change 4, respondents commented that local people and host authorities should be involved in planning for the M54 Junction 1 closure, including considering how to minimise the impact of the closure through careful management of diversion routes and publicity. The Applicant fully agrees with these comments and is planning how best to manage this engagement. National Trust raised a concern about the impact of change 4 on access to Moseley Old Hall. The Applicant recognises this concern and will engage further with National Trust to identify how best to minimise the impact during the closure of M54 Junction 1.

5.4.5 Change 2 comments were generally positive, but a minority of comments expressed concern that the change could make the drainage less effective or narrow the lanes for traffic. The change would not affect the performance of the drainage or narrow the lanes, with the lanes staying the same size as previously. The 'narrowing' in the area is as a result of a reduction in width of the central reservation and the verge rather than of the carriageway. This has been clarified in the description of changes provided in section 2 of this report.

5.4.6 Analysis of consultation responses suggests that the main reason for the lower popularity of change 3 was a concern over the extent of the increase in 'steepness' and the potential impact on safety. The increase in gradient was not provided in

consultation materials and it is considered possible that a lack of detail contributed to the response. The gradient would be within the recommended design for dual carriageway standard, with a maximum 2% gradient at the stop line to reduce the risk of vehicle roll back. Therefore no safety impact is anticipated as a result of this change. Additional text has been added to clarify this in the description of Scheme changes in section 2 of this report.

- 5.4.7 Comments received for change 5 were predominantly not related to the Scheme change per se, for example requesting that the PRoW be upgraded to a bridleway and/ or that improvements should be made to Hilton Lane alongside the Scheme.
- 5.4.8 The most detailed comments were received on change 7. The changes to the Environmental Masterplan result in a reduction in land take for three affected landowners, who all requested copies of revised Land Plans to show how the changes affected their land parcels. Revised Land Plans were issued to these landowners on 14 and 15 September.
- 5.4.9 Comments on the changes to the Masterplan broadly fall into three categories:
1. Respondents concerned about the reduction in environmental mitigation planting, suggesting that the areas should be retained for purposes such as the delivery of biodiversity net gain.
 2. Landowners who feel that the reduction in mitigation does not go far enough and too much land is still being acquired for environmental purposes.
 3. Objections related to matters illustrated on the Environmental Masterplan unrelated to the Scheme changes (e.g. need for more bridleways).
- 5.4.10 On the first point, the Applicant has ensured that the changes to the Environmental Masterplan do not compromise the mitigation for the Scheme. The Scheme will still deliver all essential mitigation, resulting in no net loss in biodiversity. Whilst the Applicant recognises the benefits of delivering biodiversity net gain, in the absence of a clear policy requirement for it, it is challenging to justify the compulsory purchase of land for this purpose. Therefore, where there has been a reduction in the impact on existing habitats, there has generally been a reduction in the mitigation to be provided.
- 5.4.11 On the second point, there are a number of detailed comments provided by a small number of affected landowners raising queries on the methodology for calculating habitat loss, mitigation requirements, mitigation design and other related points. Two amendments have been made to the Environmental Masterplan and Land Plans for land parcel 5/4 as a result of comments received from the landowner.
- 5.4.12 The Applicant recognises the need to carry out further work to respond to the more detailed queries and will continue to engage with landowners and their representatives to resolve issues. Meetings are being held for this purpose and Statements of Common Ground (SoCG) being progressed. However, the majority of the points raised are not objections to the Scheme changes per se, but the assertion that this reduction does not go far enough through a detailed critique of the applicant's ES. Whilst these points are important to address, they are not related to the Scheme changes so will not be addressed here. The Applicant has engaged

in discussions relating to these issues prior to and following submission of the DCO application. The Applicant considers that the Scheme has been developed in cognisance of the conflicting stakeholder requirements and that there is a compelling case for the Scheme as presented originally and as proposed in this document.

- 5.4.13 On point 3, these issues will be responded to in the Consultation Statement and, if appropriate, relevant SoCG.
- 5.4.14 Overall, the proposed changes were positively received and no issues were raised that would lead the Applicant to conclude that the changes would not improve the Scheme or that they should not be taken forward. It is considered that the documents provided with this formal request for Scheme changes document provides much of the detail to satisfy concerns and requests raised during the consultation period.
- 5.4.15 As a result of ongoing engagement and consultation, the Applicant has removed two areas of land from plot 4/20c from the Environmental Masterplan at the request of the landowner. These two areas were previously labelled as 'retained woodland' and are no longer required to be acquired on a permanent or a temporary basis. This is an additional change made since the consultation period in August/September 2020 so was not described in consultation documents.

6 Programme for Scheme Changes

6.1 Overview and update

- 6.1.1 AN16 notes that any changes should be brought forward as early as possible in the Examination period. A letter from the ExA dated 20 July 2020 stated that any changes should be undertaken *'comprehensively rather than incrementally'*. In line with this advice, the Applicant in requesting all seven changes together prior to the start of the Examination.
- 6.1.2 An indicative programme was provided to the ExA in the Notification document. The ExA confirmed in its letter of 12 August 2020 that: *'On the assumption that the documentation and change requests are submitted in line with the timetable identified, then the ExA does not anticipate that this will have any effect on the overall timetable for the examination'*. Figure 6.1 provides the programme for Scheme changes, showing that the programme remains on course. Completed tasks and their duration are shown in green.

Figure 6.1: Indicative programme for implementing changes to the Scheme

Week beginning		27/07/2020	03/08/2020	10/08/2020	17/08/2020	24/08/2020	31/08/2020	07/09/2020	14/09/2020	21/09/2020	28/09/2020	05/10/2020	12/10/2020	19/10/2020	26/10/2020	02/11/2020	09/11/2020
Task	AN16 Step																
Notification of changes	1																
Inspectorate to advise on approach to consultation	2																
Informal consultation & consultation materials	N/A																
Notice in papers	N/A																
Consultation period (28d)	3																
Consultation Statement	N/A																
Updated documents DCO	N/A																
Formal request for changes	4																
28-day acceptance period	5																
Decision on whether to accept changes	5																

7 Materiality of Changes

7.1 Introduction

7.1.1 The decision on whether the changes are 'material' is to be made by the ExA. The Applicant has taken the precautionary approach and followed the process that would be required if the changes were considered to be material. However, the Applicant has reviewed the guidance available and is of the opinion that the changes are unlikely to be material.

7.1.2 There is no definition of a material change in the Planning Act 2008 or the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. However, there is guidance provided in AN16 and guidance produced by the Department of Communities and Local Government (DCLG). This guidance and its application to the proposed changes is reviewed below.

7.2 Advice Note 16: How to request a change which may be material, Planning Inspectorate, March 2018

7.2.1 AN16 provides advice on making changes to a DCO during the pre-Examination and Examination phases where those changes are considered to be material.

7.2.2 Paragraph 2.1 states that whilst there is no legal definition of 'material', the appropriate considerations are: 'whether the change is substantial or whether the development now being proposed is not in substance that which was originally applied for.'

7.2.3 AN16 makes clear that whether a change is 'material' or not is a '*question of planning judgment*' which may be based on criteria including:

- whether the change would generate new or different likely significant environment effect(s); and
- whether (and if so the extent to which) a change request involves an extension to the order land, particularly where this would require additional compulsory acquisition powers e.g. for new plots of land and/or interests.

7.3 Guidance on Changes to Development Consent Orders, DCLG, December 2015 (DCLG Guidance)

7.3.1 The DCLG Guidance was written to provide guidance on the processes available to change DCOs after consent, rather than during the Pre-Examination period. However, given that the DCLG Guidance provides more detailed advice on when changes may be material, the Applicant has had regard to it.

7.3.2 The DCLG Guidance does not attempt to prescribe whether particular types of change would be material or non-material. However, it does suggest that changes are more likely to be treated as material if they (paragraphs 12-16):

- Require an updated ES to take account of new, or materially different, likely significant effects on the environment. The guidance suggests that this includes significant effects that are positive.
- Require a Habitats Regulations Assessment.
- Require a new or additional licence for European Protected Species.
- Authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised previously.
- Would have an impact on local people and businesses sufficient to indicate that the change should be considered as material. The guidance states that '*... examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.*'

7.4 Assessment of the Materiality of Scheme Changes in Context of Guidance

Are the changes substantial or do they alter the development such that it is not in substance what was originally applied for?

- 7.4.1 The Applicant is of the view that none of the proposed changes are substantial. Nor do the proposed changes alter the development such that it is no longer in substance that which was originally applied for. The Scheme description as provided in the Introduction to the Application [APP-001/1.1] remains unchanged from that submitted on 30 January 2020.
- 7.4.2 Indeed, with changes 1, 2, 3, 5 and 6 it has been challenging to explain clearly how the changes affected the highway alignment as the current and proposed alignments are so similar.
- 7.4.3 The change to the alignment associated with change 4 is similarly minor. The junction structures move outside the Limits of Deviation, but given the direction of the movement and the location of the structures within the motorway junction, it is not considered a significant change to the Scheme. The change would also require the closure of M54 Junction 1 for up to three weeks. The Applicant will work with key stakeholders and the local community to determine how best to manage this closure and minimise the impacts.
- 7.4.4 Notwithstanding the above, the Applicant notes that construction traffic management was not described in detail in the DCO application submitted on 30 January 2020 and therefore the extent to which the closure 'changes' the Scheme is limited. An OTMP was provided with the application, but the detail was intended to be developed in a CTMP produced to discharge requirement 10 of the draft DCO [APP-018/3.1], rather than prior to consent. Whilst there are changes to the ES as a result of the changes in approach to traffic management and construction activities, these are not considered sufficient to justify considering the change to be a substantial change to the Scheme as submitted on 30 January 2020.
- 7.4.5 The changes to the Environmental Masterplan as a result of Change 7 noticeably change the mitigation planting and reduce the land take associated with the

Scheme. However, the reason for the reduction in planting is that there is a reduction in predicted environmental effects, but not to the extent that there are fewer significant effects. Therefore, the changes do not alter the conclusions of the ES. The mitigation proposed continues to mitigate environmental effects as effectively as previously, with some additional benefits introduced through the planting of additional linear habitats. Whilst the changes are significant for affected landowners because they reduce land take associated with the Scheme, they do not require additional land, additional temporary possession or additional rights. It is therefore not considered that changes to environmental mitigation constitute a substantial change to the Scheme.

- 7.4.6 The changes overall are not considered to be substantial. The changes have been considered cumulatively in the ES Addendum and on reviewing this information, the Applicant does not consider the changes to be 'substantial'. When considering all changes cumulatively, the Scheme also continues to be in substance the same as it was previously.

Would the change generate new or different likely significant environmental effects?

- 7.4.7 The changes to the Scheme would not generate new or different likely significant effects for ten of the twelve topic headings in the ES, with only the noise and cumulative chapters being affected in this way.
- 7.4.8 The Scheme changes would result in a small number of new temporary significant adverse noise effects and, conversely, the removal of a small number of temporary significant adverse effects. This increase has also increased the number of cumulative effects. The new significant adverse noise effects from construction activities are predominantly during the three-week period when the major construction works are underway at M54 Junction 1 and are short in duration. All of the new significant adverse effects are limited to the construction period, with no new significant adverse effects once the Scheme is constructed.
- 7.4.9 The number of residential properties identified as potentially experiencing significant construction vibration annoyance effects due to works involving vibratory rollers is reduced from 77 to 58. This change is beneficial, but also limited to the construction period.
- 7.4.10 Construction noise assessments are detailed and sensitive assessments, with noise levels considered 'significant' when they exceed a specified threshold. This means that very small changes to the Scheme construction and associated noise can change the effect at a property from 'non-significant' to 'significant' or vice versa. In this context, although there are 'new/different' significant environmental effects associated with the Scheme changes, it is not considered that the existence of 'new significant effects' should necessarily suggest that the Scheme changes are material when considered individually or cumulatively. When also taking into account the fact that the new adverse significant effects are limited, temporary and short-term, it is the Applicant's view that these new effects do not justify considering the Scheme changes as material. The Applicant's view in this case has been influenced by the advice in the AN16, which states that the decision on materiality is a matter of

planning judgement, so the application of a particular criterion does not, by itself, mean a change is necessarily material.

Would the change involve an extension to the order land and/ or authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised previously?

- 7.4.11 The changes to this Scheme would not require an extension to the Order land. The changes would not require the compulsory acquisition of any additional land, the temporary possession of any additional land or new rights over land beyond those previously sought.
- 7.4.12 The changes would mean that some parts of plots originally proposed to be permanently acquired are no longer required for the Scheme and other areas proposed to be permanently acquired are now only required on a temporary basis. See Table 3.1 in this document for detail on the changes to the Land Plans.

Is a Habitats Regulations Assessment or new European Protected Species licence required?

- 7.4.13 None of the changes will require a Habitats Regulations Assessment or a new Protected Species licence.

Would it have an impact on local people and businesses sufficient to indicate that the change should be considered as material?

- 7.4.14 The proposed changes would not change the height of any buildings, with the only height change of note being the reduction in the size of an embankment, with a minor positive effect in terms of visual amenity. There would be no change to the significant effects predicted for the natural or historic environment as a result of the changes, although there are minor reductions in habitat removal and a change to the amount of proposed mitigation planting.
- 7.4.15 The majority of changes would have a positive impact on local people and businesses, with a reduced impact on the business at Tower House Farm, the reduction in size of construction compounds (such that the nearest point is further from properties) and a reduction in the overall impact on existing habitats that local people value. A small number of respondents during the consultation period suggested that the reduction in environmental mitigation planting would adversely affect local people. However, the mitigation planting did not perform a required function in terms of visual amenity or landscape character so its removal does not affect the ES in terms of the chapters on Population and Human Health, Biodiversity or Landscape and Visual.
- 7.4.16 Two of the areas of mitigation planting are located on sites used for car boot sales and during previous consultation exercises there have been suggestions that local people would prefer planting to the current uses. However, the cessation of the use of the sites as car boot sales cannot be considered to be a positive effect of the Scheme, particularly given its impact on local businesses. Similarly, the removal of planting such that existing uses can continue is not considered to be an adverse effect of the change.

- 7.4.17 In terms of traffic, the changes will not affect traffic following the construction of the Scheme. The changes will alter traffic during the construction period but will do so in a way that the Applicant, host authorities and other key stakeholders consider to be positive (see Table 5.1). This is due to the reduction in the period in which traffic management measures would be in place on the M54. This is considered to be an improvement, despite the impacts of the three-week M54 Junction 1 closure. The short duration of the traffic impacts means that whilst the impact on local people of the closure is recognised, these impacts are not considered sufficient to justify determining that the changes are material.

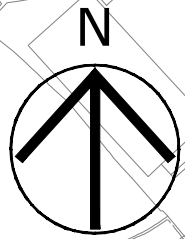
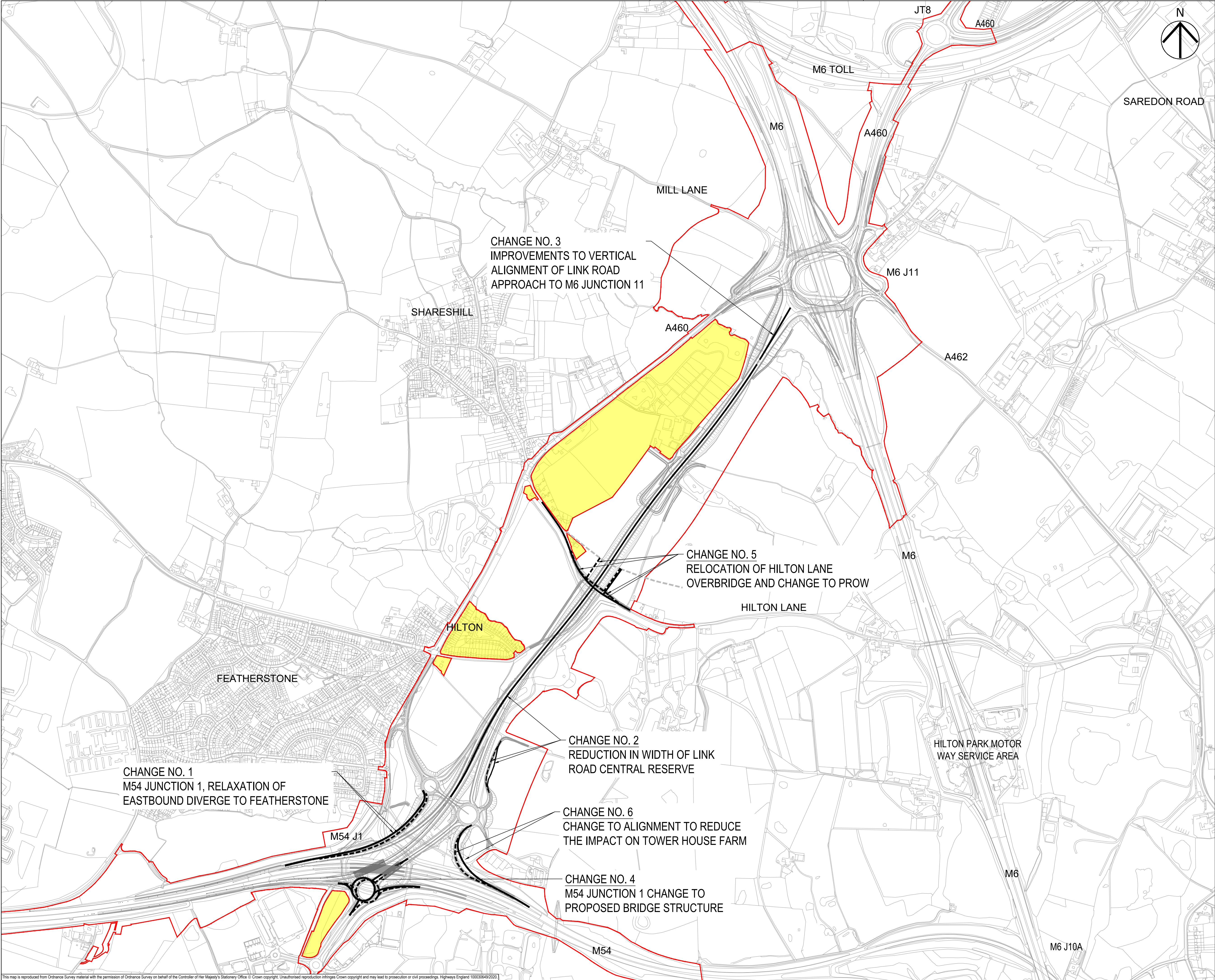
7.5 Summary

- 7.5.1 The Applicant is of the view that the changes are not material when considered individually or cumulatively. This is the Applicant's view having regard to AN16, the Guidance, legal advice, responses to the non-statutory consultation and the conclusions of the technical work. It is recognised that the final decision on materiality of the change rests with the ExA.

8 Summary and Conclusions

- 8.1.1 The Applicant formally requests seven changes to the Scheme. The Applicant notified the ExA of its intention to make the changes on 28 July 2020 **[AS-043]**. As part of that notification it set out an indicative programme, which the ExA agreed (via its letter of 12 August 2020 **[PD-011]**) would not result in any adverse effect on the Examination timetable.
- 8.1.2 This programme allowed for the completion of necessary technical work to consider potential environmental effects resulting from the proposed changes to be appropriately assessed. It also allowed for a non-statutory consultation period, which commenced on 24 August 2020 and closed on 21 September 2020. The responses were predominantly positive, recognising the changes as improvements to the Scheme.
- 8.1.3 The Applicant has considered the feedback from all consultation responses received alongside the additional technical work outlined in this report. The technical work concluded that the proposed changes will not result in any change to significant effects when compared to those previously reported within the ES, with the exception of minor changes to the significant effects reported in the Noise and Vibration and Cumulative Effects chapters. The only new or different adverse significant effects would be for a limited number of receptors and mostly limited to the period when the M54 Junction 1 is closed.
- 8.1.4 The Applicant acknowledges that there is no legal definition of '*material*' and that the decision on materiality is one for the ExA. However, having considered all the material produced to accompany this formal request for Scheme changes, the Applicant is of the view that the changes are not material.
- 8.1.5 The Applicant formally requests that the Scheme changes are accepted and the Examination proceed on the basis of the changed application. In the event that the changes are not accepted, the Applicant would seek to proceed with the application as submitted on 30 January 2020.
- 8.1.6 Changes 1-6 are not interdependent and could be implemented on their own or in combination. Should a selection of changes be accepted there would be a need to update submitted documentation to account for the change but this information could be provided. Given that the decision on whether to accept the changes would be expected in early November, it is anticipated that any updates could be done with sufficient time in the programme remaining to consider those changes without amendment to the Examination timetable. Change 7 includes changes that are enabled by the reduction in environmental impacts resulting from changes 1-6. Therefore, should only some of changes 1-6 be accepted, change 7 would also need to be revisited.
- 8.1.7 The Applicant looks forward to the ExA's decision in due course.

Appendix A: Plans showing scheme changes 1-6



- NOTES
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- KEY
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 - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
 - CURRENT DESIGN
 - PROPOSED DESIGN CHANGES
 - EXISTING PUBLIC RIGHT OF WAY

FIRST ISSUE	AM	24/07/20	P01
Revision Details	By	RR	Date
	Check		Suffix

Purpose of issue
SUITABLE FOR INFORMATION

Client
Highways England
Floor 5
Two Colmore Square
88 Colmore Circus
Birmingham
B4 6BN



Development Consent Order Number
TR010054

Project Title
M54 to M6 Link Road

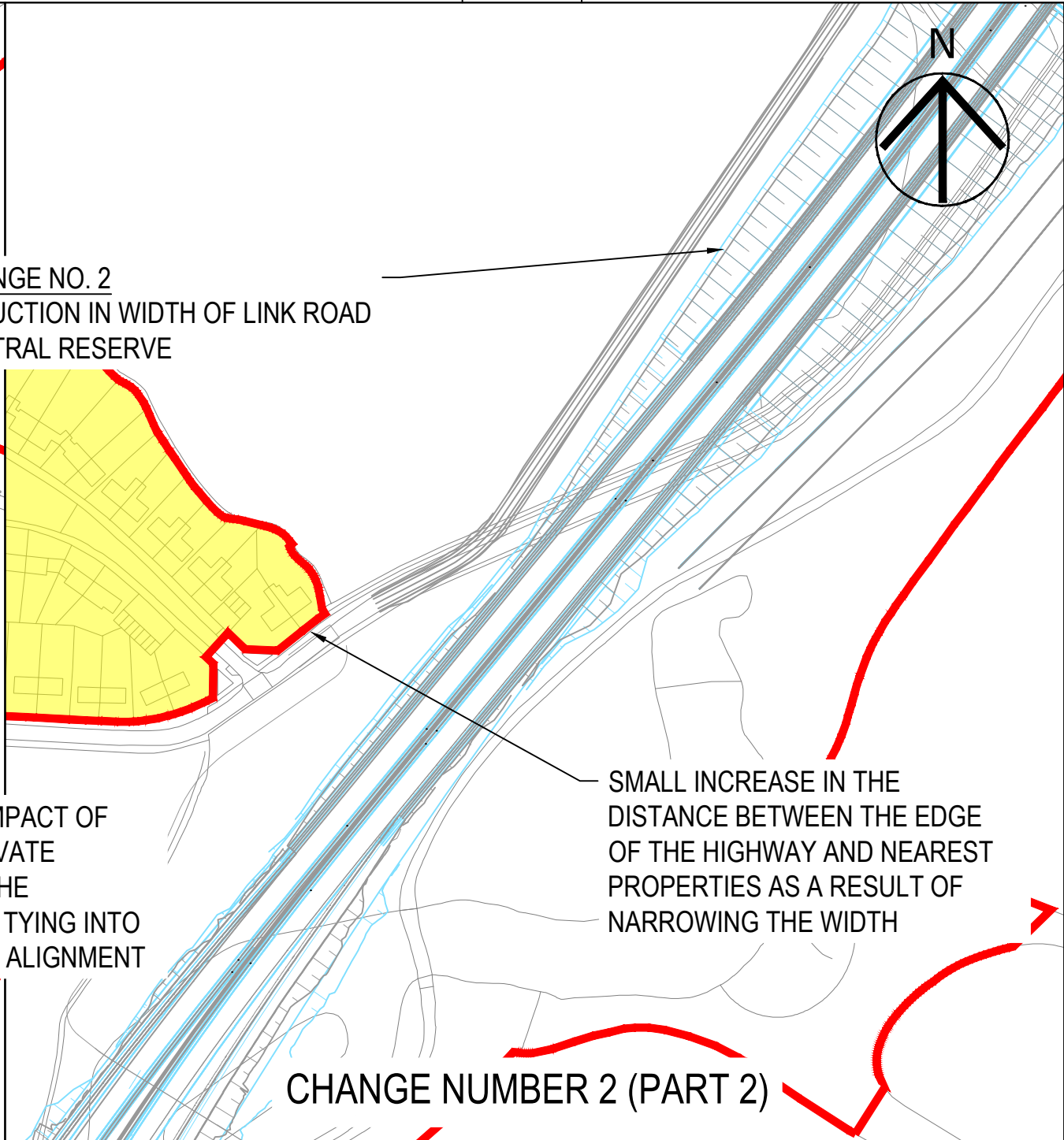
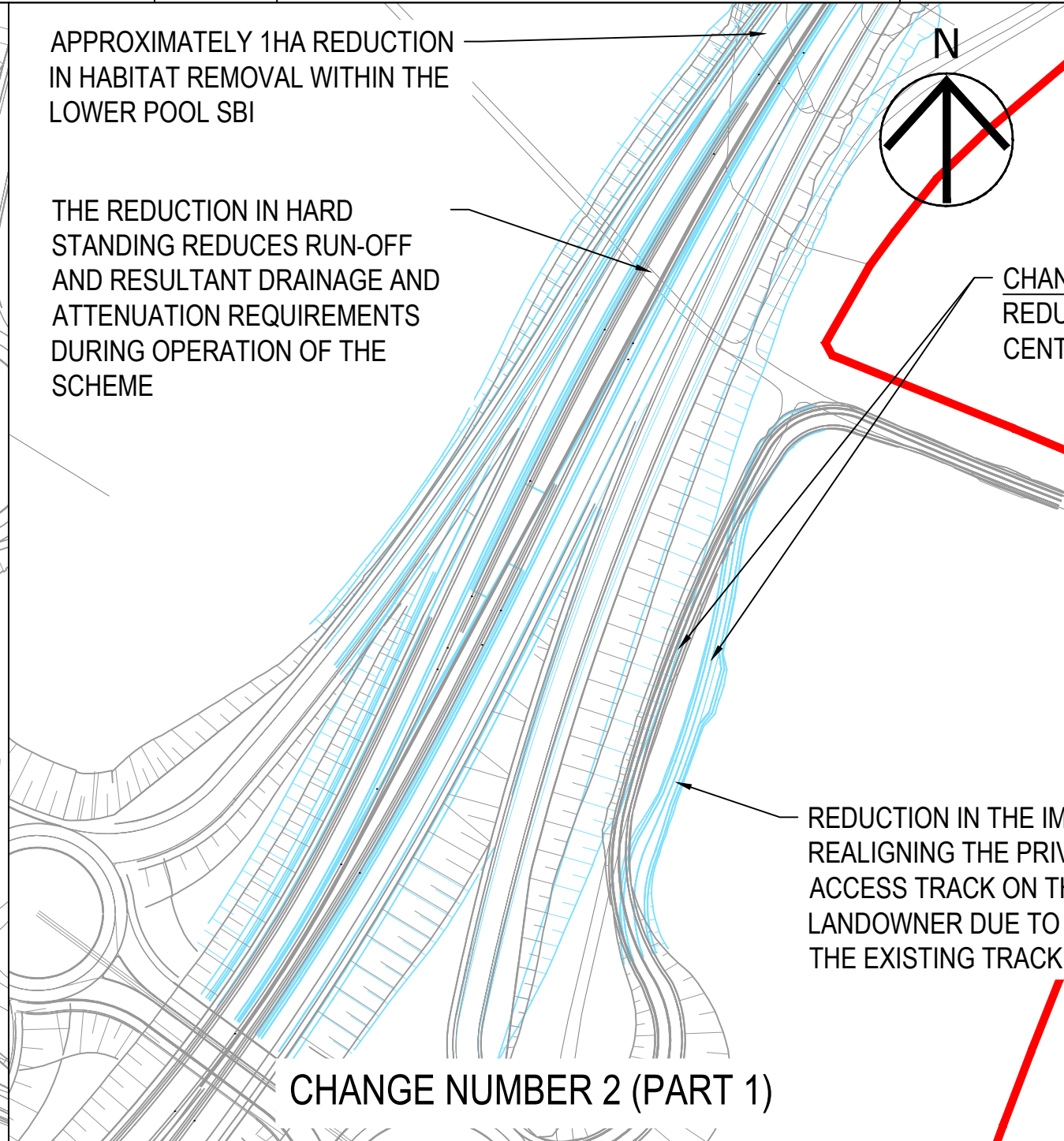
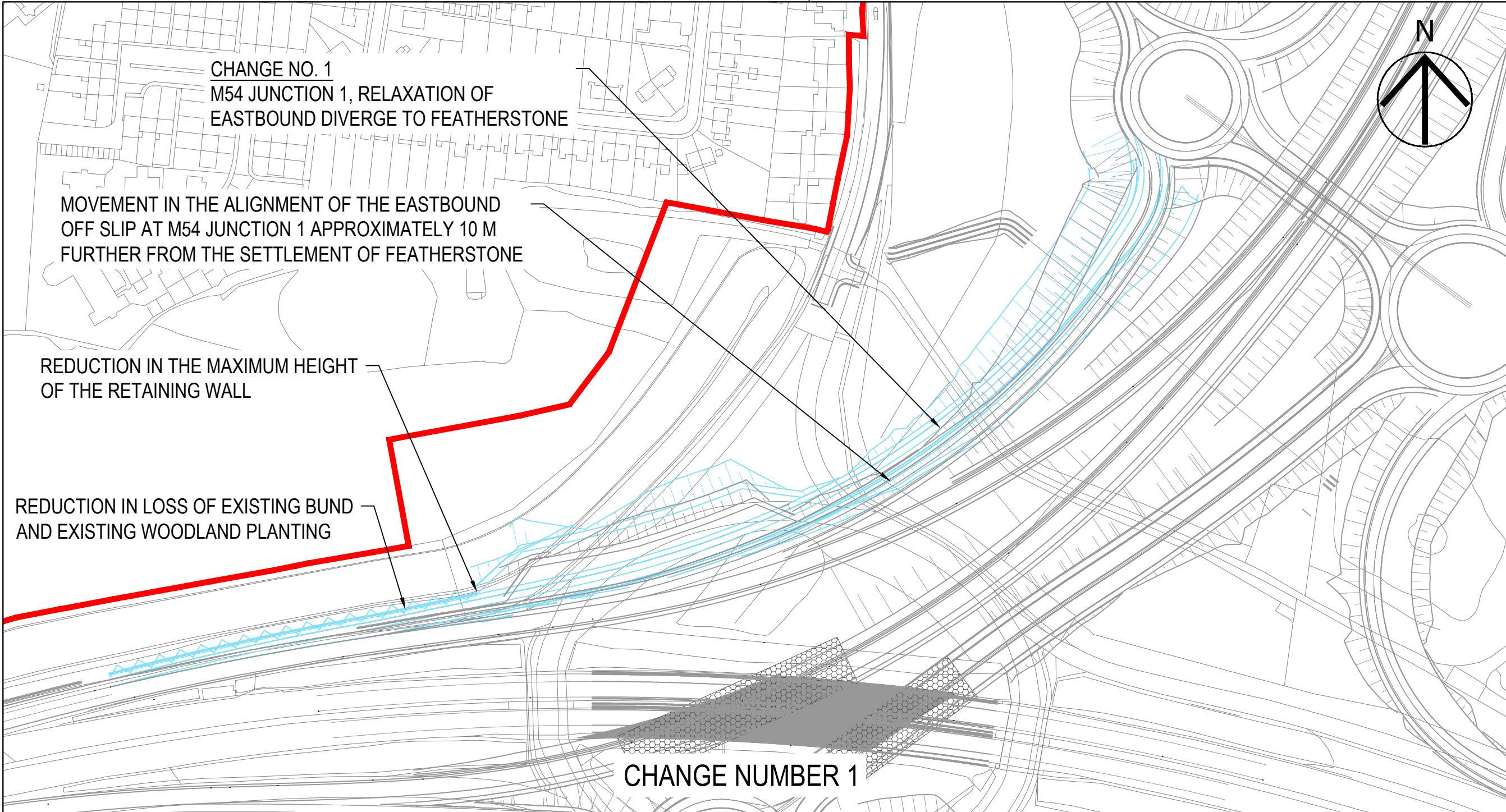
Development Consent Order Drawing Number
TR010054

Drawing Title
**SCHEME CHANGES
DRAWING FOR
THE INSPECTORATE
SHEET 1**

Designed	Drawn	Checked	Approved	Date
---	AM	JH	RR	24/07/20
Internal Project No. 60536736	Suitability S2			
Scale @ A1 NTSH/NTSV	Zone Highways General			

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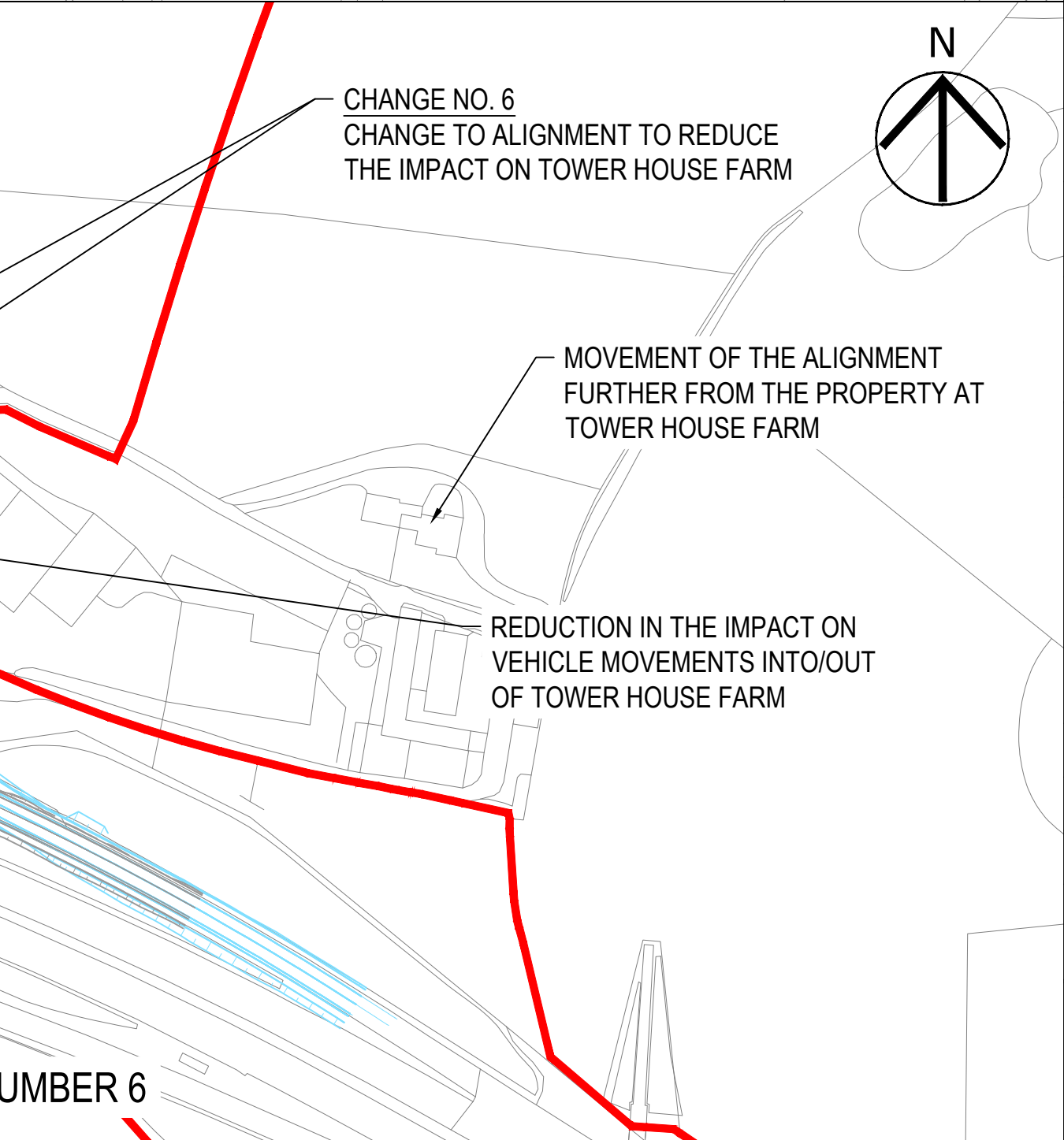
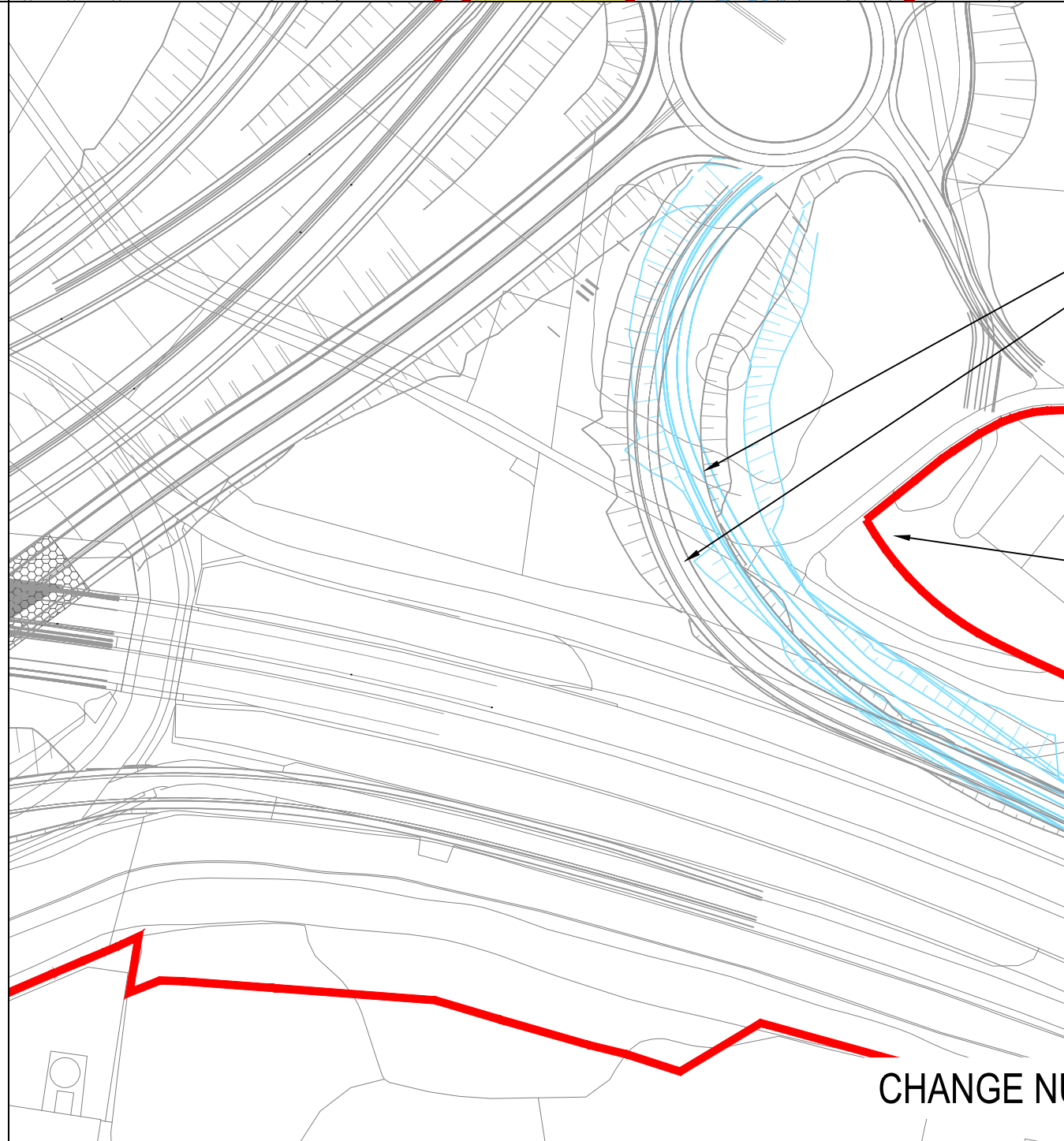
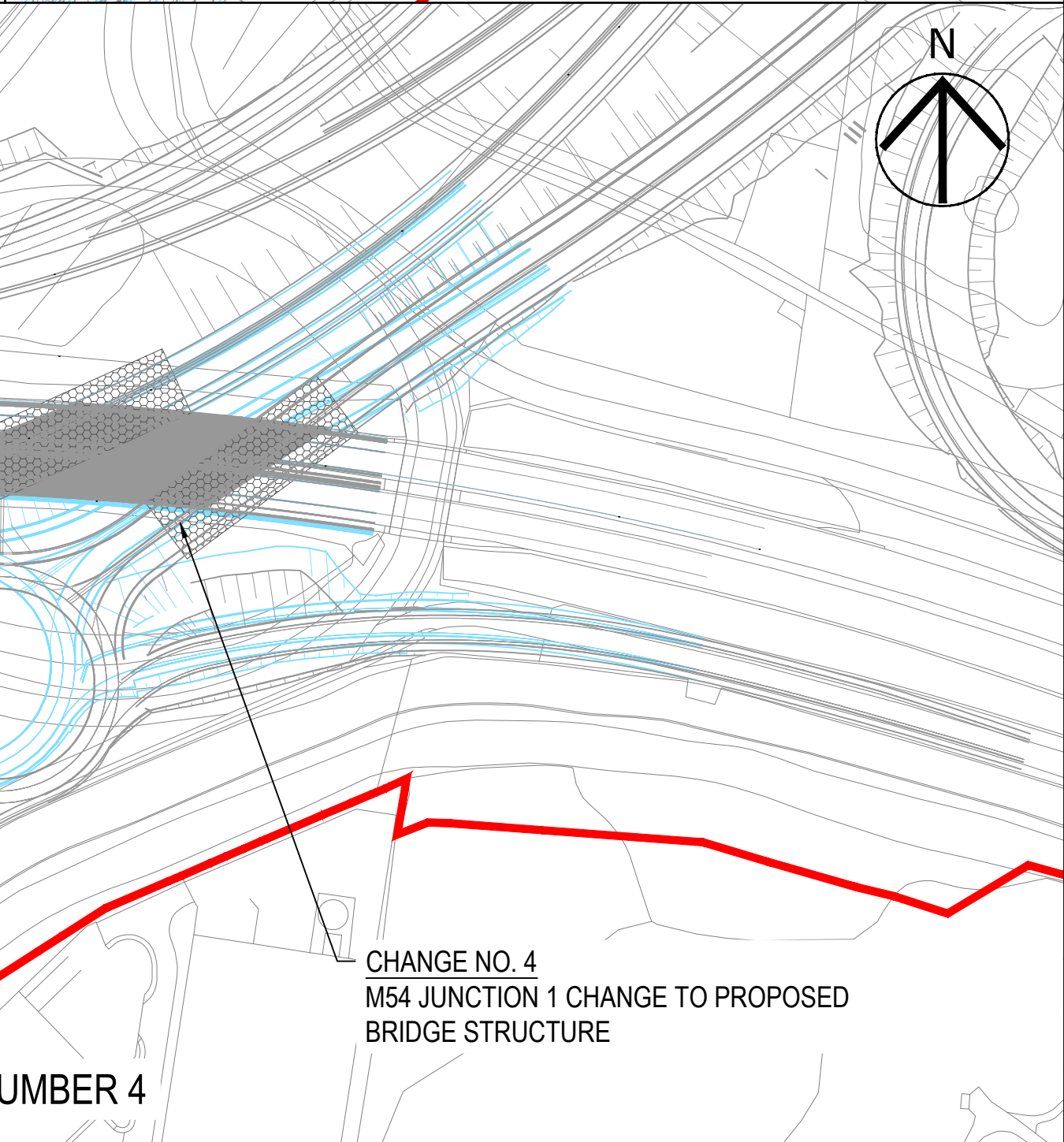
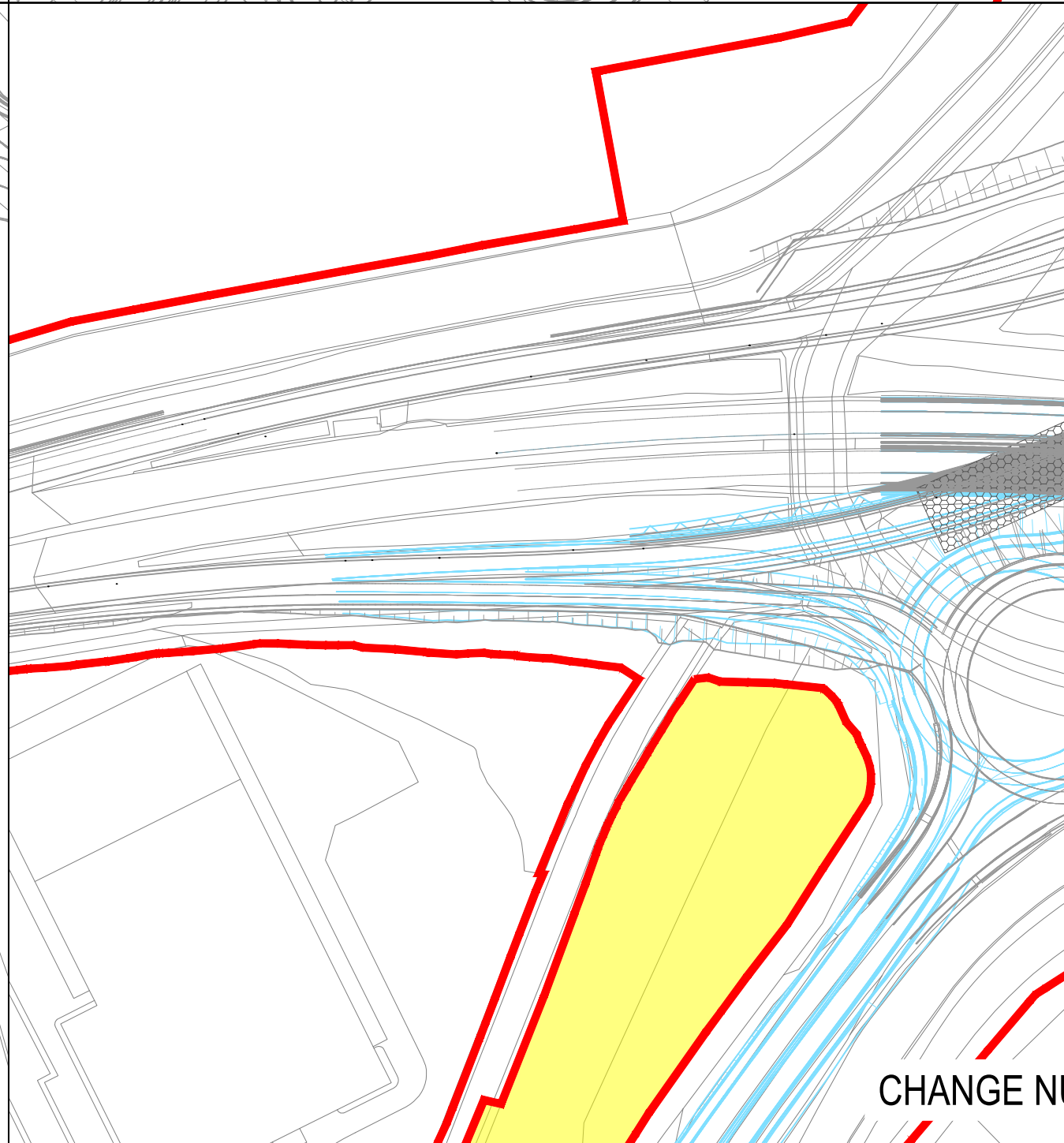
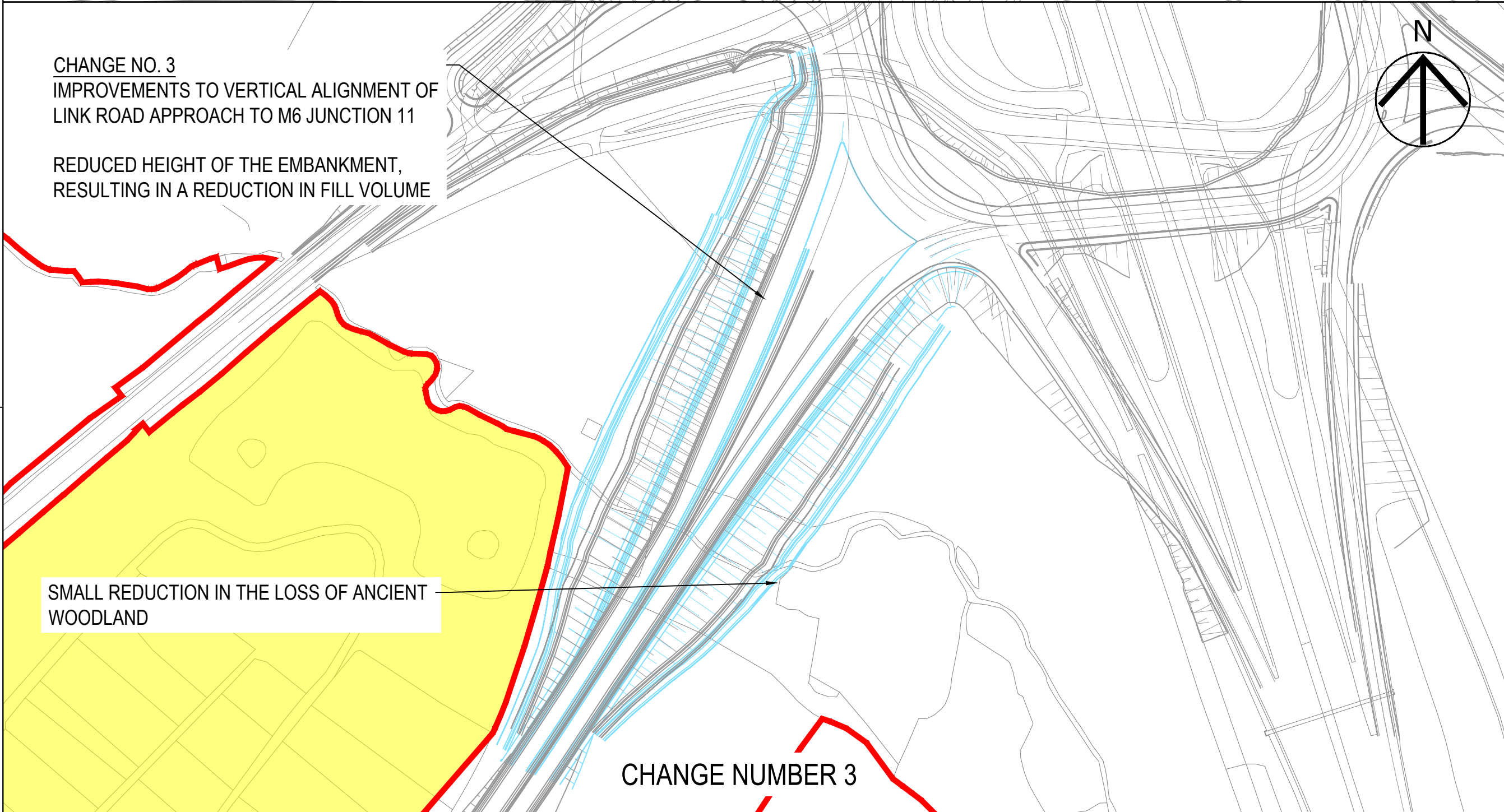


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FIRST ISSUE

AM	24/07/20	P01
By	RR	Date
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Purpose of issue

SUITABLE FOR INFORMATION

Client
Highways England
Floor 5
Two Colmore Square
38 Colmore Circus
Birmingham
B4 6BN

Development Consent Order Number
TR010054

Project Title
M54 to M6 Link Road

Development Consent Order Drawing Number
TR010054

Drawing Title
**SCHEME CHANGES
DRAWING FOR
THE INSPECTORATE
SHEET 2**

Designed	Drawn	Checked	Approved	Date
---	AM	JH	RR	24/07/20

Internal Project No. 60536736	Suitability S2
Scale @ A1 1:2000H/1:2000V	Zone Highways General

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Appendix B: Plan showing changes to the Environmental Masterplan [TR010054/APP/6.2]

